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## I

*(Legislative acts)*

## DIRECTIVES

**DIRECTIVE 2013/58/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL****of 11 December 2013****amending Directive 2009/138/EC (Solvency II) as regards the date for its transposition and the date of its application, and the date of repeal of certain Directives (Solvency I)****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

for the regulation and supervision of insurance and reinsurance undertakings of the Union. That system is essential in order to ensure a safe and solid insurance sector that can provide sustainable insurance products and support the real economy by encouraging long-term investments and additional stability.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 53(1) and Article 62 thereof,

Having regard to the proposal from the European Commission,

- (2) Directive 2011/89/EU of the European Parliament and of the Council <sup>(3)</sup> makes certain amendments to Articles 212 to 262 of Directive 2009/138/EC, which are to be applicable from 10 June 2013.

Acting in accordance with the ordinary legislative procedure <sup>(1)</sup>,

Whereas:

- (3) Directive 2012/23/EU of the European Parliament and of the Council <sup>(4)</sup> amends Directive 2009/138/EC by postponing the date for transposition from 31 October 2012 to 30 June 2013, the date of application from 1 November 2012 to 1 January 2014 and the date of

- (1) Directive 2009/138/EC of the European Parliament and of the Council <sup>(2)</sup> provides a modern, risk-based system

<sup>(1)</sup> Position of the European Parliament of 21 November 2013 (not yet published in the Official Journal) and Council decision of 5 December 2013.

<sup>(2)</sup> Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).

<sup>(3)</sup> Directive 2011/89/EU of the European Parliament and of the Council of 16 November 2011 amending Directives 98/78/EC, 2002/87/EC, 2006/48/EC and 2009/138/EC regarding the supplementary supervision of financial entities in a financial conglomerate (OJ L 326, 8.12.2011, p. 113).

<sup>(4)</sup> Directive 2012/23/EU of the European Parliament and of the Council of 12 September 2012 amending Directive 2009/138/EC as regards the date for its transposition and the date of its application, and the date of repeal of certain Directives (OJ L 249, 14.9.2012, p. 1).

repeal of the existing insurance and reinsurance Directives<sup>(1)</sup> (collectively referred to as 'Solvency I') from 1 November 2012 to 1 January 2014.

rules and of relevant adaptations, including further clarification of delegated and implementing act empowerments, provided for by the Omnibus II proposal.

- (4) On 19 January 2011, the Commission adopted a proposal (the 'Omnibus II proposal') to amend, *inter alia*, Directive 2009/138/EC in order to take into account the new supervisory architecture for insurance, namely the setting-up of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) (EIOPA). The Omnibus II proposal also includes provisions to postpone the date for transposition and the date of application of Directive 2009/138/EC, and the date of repeal of Solvency I, and serves as a means to adapt Directive 2009/138/EC to the entry into force of the Treaty on the Functioning of the European Union by converting the provisions empowering the Commission to adopt implementing measures into provisions empowering the Commission to adopt delegated and implementing acts.
- (5) Given the complexity of the Omnibus II proposal, there is a risk that it will not have entered into force before the date for transposition and the date of application of Directive 2009/138/EC. Leaving those dates unchanged would result in Directive 2009/138/EC being implemented before the entry into force of the transitional

- (6) In order to avoid overly burdensome legislative obligations for Member States under Directive 2009/138/EC and later under the new supervisory architecture envisaged by the Omnibus II proposal, it is therefore appropriate to postpone the date for transposition and the date of application of Directive 2009/138/EC, allowing supervisors and insurance and reinsurance undertakings sufficient time to prepare for the application of that new architecture.
- (7) It is evident from the chronological order of events that the postponed date for transposition and date of application of Directive 2009/138/EC should also apply to the amendments thereto which were made by Directive 2011/89/EC.
- (8) For reasons of legal certainty, the date of repeal of Solvency I should be postponed accordingly.
- (9) Given the very short period of time before the relevant dates laid down in Directive 2009/138/EC, this Directive should enter into force without delay.
- (10) Consequently, it is justified to apply the exception for urgent cases provided for in Article 4 of Protocol No 1 on the role of national parliaments in the European Union in this case as regards the transmission to national parliaments of the proposal for this Directive,

<sup>(1)</sup> Council Directive 64/225/EEC of 25 February 1964 on the abolition of restrictions on freedom of establishment and freedom to provide services in respect of reinsurance and retrocession (OJ 56, 4.4.1964, p. 878/64); First Council Directive 73/239/EEC of 24 July 1973 on the coordination of laws, regulations and administrative provisions relating to the taking-up and pursuit of the business of direct insurance other than life assurance (OJ L 228, 16.8.1973, p. 3); Council Directive 73/240/EEC of 24 July 1973 abolishing restrictions on freedom of establishment in the business of direct insurance other than life assurance (OJ L 228, 16.8.1973, p. 20); Council Directive 76/580/EEC of 29 June 1976 amending Directive 73/239/EEC (OJ L 189, 13.7.1976, p. 13); Council Directive 78/473/EEC of 30 May 1978 on the coordination of laws, regulations and administrative provisions relating to Community co-insurance (OJ L 151, 7.6.1978, p. 25); Council Directive 84/641/EEC of 10 December 1984 amending, particularly as regards tourist assistance, the First Directive (73/239/EEC) (OJ L 339, 27.12.1984, p. 21); Council Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance (OJ L 185, 4.7.1987, p. 77); Second Council Directive 88/357/EEC of 22 June 1988 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance and laying down provisions to facilitate the effective exercise of freedom to provide services (OJ L 172, 4.7.1988, p. 1); Council Directive 92/49/EEC of 18 June 1992 on the coordination of laws, regulations and administrative provisions relating to direct insurance other than life assurance (third non-life insurance Directive) (OJ L 228, 11.8.1992, p. 1); Directive 98/78/EC of the European Parliament and of the Council of 27 October 1998 on the supplementary supervision of insurance undertakings in an insurance group (OJ L 330, 5.12.1998, p. 1); Directive 2001/17/EC of the European Parliament and of the Council of 19 March 2001 on the reorganisation and winding-up of insurance undertakings (OJ L 110, 20.4.2001, p. 28); Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance (OJ L 345, 19.12.2002, p. 1); Directive 2005/68/EC of the European Parliament and of the Council of 16 November 2005 on reinsurance (OJ L 323, 9.12.2005, p. 1).

HAVE ADOPTED THIS DIRECTIVE:

#### *Article 1*

Directive 2009/138/EC is amended as follows:

- (1) Article 309(1) is amended as follows:

- (a) in the first subparagraph, the date of '30 June 2013' is replaced by that of '31 March 2015';

(b) in the second subparagraph, the date of '1 January 2014' is replaced by that of '1 January 2016';

(2) in the first paragraph of Article 310, the date of '1 January 2014' is replaced by that of '1 January 2016';

(3) in the second paragraph of Article 311, the date of '1 January 2014' is replaced by that of '1 January 2016'.

*Article 2*

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

*Article 3*

This Directive is addressed to the Member States.

Done at Strasbourg, 11 December 2013.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

V. LEŠKEVIČIUS

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## DECISIONS

## DECISION No 1351/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 December 2013

## on providing macro-financial assistance to the Hashemite Kingdom of Jordan

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure <sup>(1)</sup>,

Whereas:

(1) Relations between the Union and the Hashemite Kingdom of Jordan ('Jordan') are developing within the framework of the European Neighbourhood Policy (ENP). A Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and Jordan, of the other part <sup>(2)</sup> ('the EU-Jordan Association Agreement'), entered into force on 1 May 2002. Bilateral political dialogue and economic cooperation have been further developed within the framework of ENP Action Plans, of which the most recent covers the period 2010-2015. In 2010, the Union granted Jordan 'Advanced Status' partnership, which covers a wide area of cooperation between both parties. In 2013 the EU-Jordan Association Agreement was complemented by a Framework Agreement between the Union and Jordan on the general principles for the participation of Jordan in Union programmes, furthering cooperation between the Union and Jordan.

(2) Jordan's economy has been significantly affected by domestic events related to the events in the Southern Mediterranean since the end of 2010, known as the 'Arab Spring', and by the ongoing regional unrest, in particular in neighbouring Egypt and Syria. In particular, the high inflow of refugees from Syria who have sought refuge in Jordan is having a severe impact on Jordan's

economy. In the context of a much weaker global economic environment, the repeated disruptions to the flow of natural gas from Egypt, which have forced Jordan to replace gas imports from Egypt with more expensive fuels for electricity generation, and the significant financial resources required to provide humanitarian assistance to the refugees from Syria who are present on Jordan's territory, have resulted in important external and budgetary financial gaps.

(3) Since the Arab Spring began, the Union has, on various occasions, declared its commitment to supporting Jordan in its economic and political reform process. That commitment was reaffirmed, in December 2012, in the conclusions of the 10th meeting of the Association Council between the Union and Jordan.

(4) Jordan's geographical position makes it also a strategic country for stability and security in the Middle East, but equally makes the country particularly vulnerable to external shocks, both in political and economic terms. It is therefore important to provide adequate support to Jordan and to further political and economic dialogue between the Union and Jordan.

(5) Jordan has embarked on a series of political reforms, most in particular leading to the adoption by the Jordanian Parliament in September 2011 of over 40 constitutional amendments, representing a significant step towards a fully-fledged democratic system. Political and economic support from the Union to Jordan's reform process is consistent with the Union's policy towards the Southern Mediterranean region, as set out in the context of the ENP.

(6) In line with the Joint Declaration by the European Parliament and the Council adopted together with Decision No 778/2013/EU of the European Parliament and of the Council <sup>(3)</sup>, Union macro-financial assistance should be an exceptional financial instrument of untied and undesignated balance-of-payments support, which aims at restoring a beneficiary's sustainable external finance situation and should underpin the implementation of a policy programme containing strong adjustment and structural reform measures designed to improve the balance of payment position, in particular

<sup>(1)</sup> Position of the European Parliament of 20 November 2013 (not yet published in the Official Journal) and Decision of the Council of 5 December 2013.

<sup>(2)</sup> Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (OJ L 129, 15.5.2002, p. 3).

<sup>(3)</sup> Decision No 778/2013/EU of the European Parliament and of the Council of 12 August 2013 providing further macro-financial assistance to Georgia (OJ L 218, 14.8.2013, p. 15).



over the programme period, and reinforce the implementation of relevant agreements and programmes with the Union.

- (7) In August 2012, the Jordanian authorities and the International Monetary Fund (IMF) agreed on a non-precautionary three-year Stand-By-Arrangement ('IMF programme') of SDR 1 364 million (Special Drawing Rights) in support of Jordan's economic adjustment and reform programme. The objectives of the IMF programme are consistent with the purpose of the Union macro-financial assistance, namely to alleviate short-term balance of payment difficulties, and the implementation of strong adjustment measures is consistent with the aim of Union macro-financial assistance.
- (8) The Union has made available EUR 293 million in grants for the period 2011-13 under its regular cooperation programme in support of Jordan's economic and political reform agenda. In addition, EUR 70 million has been allocated to Jordan in 2012 under the 'Support for partnership, reforms and inclusive growth' (SPRING) programme, and EUR 10 million in Union humanitarian aid to support Syrian refugees.
- (9) In December 2012, in view of the worsening economic situation and outlook, Jordan requested Union macro-financial assistance.
- (10) Given that Jordan is a country covered by the ENP, it should be considered to be eligible to receive Union macro-financial assistance.
- (11) Given that there is still a significant residual external financing gap in Jordan's balance of payments over and above the resources provided by IMF and other multi-lateral institutions, and despite the implementation of strong economic stabilisation and reform programmes by Jordan, and given the vulnerability of Jordan's external financial position to exogenous shocks, which requires an appropriate level of the foreign exchange reserves to be maintained, the Union macro-financial assistance to be provided to Jordan ('the Union's macro-financial assistance') is, under the current exceptional circumstances, considered to be an appropriate response to Jordan's request to support economic stabilisation in conjunction with the IMF programme. The Union's macro-financial assistance would support the economic stabilisation and the structural reform agenda of Jordan, supplementing resources made available under the IMF's financial arrangement.
- (12) The Union's macro-financial assistance should aim to support the restoration of a sustainable external financing situation for Jordan, thereby supporting its economic and social development.
- (13) The determination of the amount of the Union's macro-financial assistance is based on a complete quantitative assessment of Jordan's residual external financing needs, and takes into account its capacity to finance itself with its own resources, in particular the international reserves at its disposal. The Union's macro-financial assistance should complement the programmes and resources provided by the IMF and the World Bank. The determination of the amount of the assistance also takes into account expected financial contributions from multi-lateral donors and the need to ensure fair burden sharing between the Union and other donors, as well as the pre-existing deployment of the Union's other external financing instruments in Jordan and the added value of the overall Union involvement.
- (14) The Commission should ensure that the Union's macro-financial assistance is legally and substantially in line with the key principles, objectives and measures taken within the different areas of external action and other relevant Union policies.
- (15) The Union's macro-financial assistance should support the Union's external policy towards Jordan. Commission services and the European External Action Service should work closely together throughout the macro-financial assistance operation in order to coordinate, and to ensure the consistency of, Union external policy.
- (16) The Union's macro-financial assistance should support Jordan's commitment to values shared with the Union, including democracy, the rule of law, good governance, respect for human rights, sustainable development and poverty reduction, as well as its commitment to the principles of open, rule-based and fair trade.
- (17) A precondition for granting the Union's macro-financial assistance should be that Jordan respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and guarantees respect for human rights. In addition, the specific objectives of the Union's macro-financial assistance should strengthen the efficiency, transparency and accountability of the public finance management systems in Jordan and promote structural reforms aimed at supporting sustainable and inclusive growth, employment creation and fiscal consolidation. Both fulfilment of the precondition and the achievement of those objectives should be regularly monitored by the Commission.
- (18) In order to ensure that the Union's financial interests linked to the Union's macro-financial assistance are protected efficiently, Jordan should take appropriate measures relating to the prevention of, and fight against, fraud, corruption and any other irregularities linked to the assistance. In addition, provision should be made for the Commission to carry out checks and for the Court of Auditors to carry out audits.

- (19) Release of the Union's macro-financial assistance is without prejudice to the powers of the European Parliament and the Council.
- (20) The amounts of the provision required for macro-financial assistance should be consistent with the budgetary appropriations provided for in the multiannual financial framework.
- (21) The Union's macro-financial assistance should be managed by the Commission. In order to ensure that the European Parliament and the Council are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to the assistance and provide them with relevant documents.
- (22) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(1)</sup>.
- (23) The Union's macro-financial assistance should be subject to economic policy conditions, to be laid down in a Memorandum of Understanding. In order to ensure uniform conditions of implementation and for reasons of efficiency, the Commission should be empowered to negotiate such conditions with the Jordanian authorities under the supervision of the committee of representatives of the Member States in accordance with Regulation (EU) No 182/2011. Under that Regulation, the advisory procedure should, as a general rule, apply in all cases other than as provided for in that Regulation. Considering the potentially important impact of assistance of more than EUR 90 million, it is appropriate that the examination procedure be used for operations above that threshold. Considering the amount of the Union's macro-financial assistance to Jordan, the examination procedure should apply to the adoption of the Memorandum of Understanding, and to any reduction, suspension or cancellation of the assistance,

HAVE ADOPTED THIS DECISION:

#### Article 1

1. The Union shall make macro-financial assistance available to Jordan ('the Union's macro-financial assistance') of a maximum amount of EUR 180 million, with a view to supporting Jordan's economic stabilisation and reforms. The assistance shall contribute to covering Jordan's balance of payments needs as identified in the IMF programme.

<sup>(1)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

2. The full amount of the Union's macro-financial assistance shall be provided to Jordan in the form of loans. The Commission shall be empowered on behalf of the Union to borrow the necessary funds on the capital markets or from financial institutions and to on-lend them to Jordan. The loans shall have a maximum maturity of 15 years.

3. The release of the Union's macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and Jordan, and with the key principles and objectives of economic reforms set out in the EU-Jordan Association Agreement and the EU-Jordan Action Plan for 2010-2015 agreed under the ENP. The Commission shall regularly inform the European Parliament and the Council of developments regarding the Union's macro-financial assistance, including disbursements thereof, and shall provide those institutions with the relevant documents in due time.

4. The Union's macro-financial assistance shall be made available for a period of two years from the first day after the entry into force of the Memorandum of Understanding referred to in Article 3(1).

5. Where the financing needs of Jordan decrease fundamentally during the period of the disbursement of the Union's macro-financial assistance compared to the initial projections, the Commission, acting in accordance with the examination procedure referred to in Article 7(2), shall reduce the amount of the assistance or suspend or cancel it.

#### Article 2

A pre-condition for granting the Union's macro-financial assistance shall be that Jordan respects effective democratic mechanisms, including a multi-party parliamentary system and the rule of law, and guarantees respect for human rights. The Commission shall monitor the fulfilment of this pre-condition throughout the life-cycle of the Union's macro-financial assistance. This Article shall be applied in accordance with Council Decision 2010/427/EU<sup>(2)</sup>.

#### Article 3

1. The Commission, in accordance with the examination procedure referred to in Article 7(2), shall agree with the Jordanian authorities on clearly defined economic policy and financial conditions, focusing on structural reforms and sound public finances, to which the Union's macro-financial assistance is to be subject, to be laid down in a Memorandum of Understanding ('the Memorandum of Understanding'). The Memorandum of Understanding shall include a time-frame for the fulfilment of those conditions. The economic policy and

<sup>(2)</sup> Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).



financial conditions set out in the Memorandum of Understanding shall be consistent with the agreements or understandings referred to in Article 1(3), including the macro-economic adjustment and structural reform programmes implemented by Jordan, with the support of the IMF.

2. Those conditions shall aim, in particular, to enhance the efficiency, transparency and accountability of the public finance management systems in Jordan, including for the use of the Union's macro-financial assistance. Progress in mutual market opening, the development of rules-based and fair trade and other priorities in the context of the Union's external policy shall also be duly taken into account when designing the policy measures. Progress in attaining those objectives shall be regularly monitored by the Commission.

3. The detailed financial terms of the Union's macro-financial assistance shall be laid down in a Loan Agreement to be agreed between the Commission and the Jordanian authorities.

4. The Commission shall verify at regular intervals that the conditions in Article 4(3) continue to be met, including whether the economic policies of Jordan are in accordance with the objectives of the Union's macro-financial assistance. In so doing, the Commission shall coordinate closely with the IMF and the World Bank, and, where necessary, with the European Parliament and the Council.

#### Article 4

1. Subject to the conditions in paragraph 3, the Union's macro-financial assistance shall be made available by the Commission in two loan instalments. The size of each instalment shall be laid down in the Memorandum of Understanding.

2. The amounts of the Union's macro-financial assistance shall be provisioned, where required, in accordance with Council Regulation (EC, Euratom) No 480/2009<sup>(1)</sup>.

3. The Commission shall decide on the release of the instalments subject to the fulfilment of all of the following conditions:

- (a) the precondition set out in Article 2;
- (b) a continuous satisfactory track record of implementing a policy programme that contains strong adjustment and structural reform measures supported by a non-precautionary IMF credit arrangement; and

- (c) the implementation, within a specific time-frame, of the economic policy and financial conditions agreed in the Memorandum of Understanding.

The disbursement of the second instalment shall not take place earlier than three months after the release of the first instalment.

4. Where the conditions in paragraph 3 are not met, the Commission shall temporarily suspend or cancel the disbursement of the Union's macro-financial assistance. In such cases, it shall inform the European Parliament and the Council of the reasons for that suspension or cancellation.

5. The Union's macro-financial assistance shall be disbursed to the Central Bank of Jordan. Subject to provisions to be agreed in the Memorandum of Understanding, including a confirmation of residual budgetary financing needs, the Union funds may be transferred to the Jordanian Ministry of Finance as the final beneficiary.

#### Article 5

1. The borrowing and lending operations related to the Union's macro-financial assistance shall be carried out in euro using the same value date and shall not involve the Union in the transformation of maturities, or expose it to any exchange or interest rate risk, or to any other commercial risk.

2. Where the circumstances permit, and if Jordan so requests, the Commission may take the steps necessary to ensure that an early repayment clause is included in the loan terms and conditions and that it is matched by a corresponding clause in the terms and conditions of the borrowing operations.

3. Where circumstances permit an improvement of the interest rate of the loan and if Jordan so requests, the Commission may decide to refinance all or part of its initial borrowings or may restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with paragraphs 1 and 4 and shall not have the effect of extending the maturity of the borrowings concerned or of increasing the amount of capital outstanding at the date of the refinancing or restructuring.

4. All costs incurred by the Union which relate to the borrowing and lending operations under this Decision shall be borne by Jordan.

5. The Commission shall inform the European Parliament and the Council of developments in the operations referred to in paragraphs 2 and 3.

<sup>(1)</sup> Council Regulation (EC, Euratom) No 480/2009 of 25 May 2009 establishing a Guarantee Fund for external actions (OJ L 145, 10.6.2009, p. 10).

### Article 6

1. The Union's macro-financial assistance shall be implemented in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>(1)</sup> and Commission Delegated Regulation (EU) No 1268/2012 <sup>(2)</sup>.

2. The implementation of the Union's macro-financial assistance shall be under direct management.

3. The Memorandum of Understanding and the Loan Agreement to be agreed with the Jordanian authorities shall contain provisions:

(a) ensuring that Jordan regularly checks that financing provided from the general budget of the Union has been properly used, takes appropriate measures to prevent irregularities and fraud, and, if necessary, takes legal action to recover any funds provided under this Decision that have been misappropriated;

(b) ensuring the protection of the Union's financial interests, in particular providing for specific measures in relation to the prevention of, and fight against, fraud, corruption and any other irregularities affecting the Union's macro-financial assistance, in accordance with Council Regulation (EC, Euratom) No 2988/95 <sup>(3)</sup>, Council Regulation (Euratom, EC) No 2185/96 <sup>(4)</sup> and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(5)</sup>;

(c) expressly authorising the Commission, including the European Anti-Fraud Office, or its representatives to carry out checks, including on-the-spot checks and inspections;

(d) expressly authorising the Commission and the Court of Auditors to perform audits during and after the availability

<sup>(1)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

<sup>(2)</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

<sup>(3)</sup> Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

<sup>(4)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

<sup>(5)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

period of the Union's macro-financial assistance, including document audits and on-the-spot audits, such as operational assessments;

(e) ensuring that the Union is entitled to early repayment of the loan where it has been established that, in relation to the management of the Union's macro-financial assistance, Jordan has engaged in any act of fraud or corruption or any other illegal activity detrimental to the financial interests of the Union.

4. During the implementation of the Union's macro-financial assistance, the Commission shall monitor, by means of operational assessments, the soundness of Jordan's financial arrangements, the administrative procedures, and the internal and external control mechanisms which are relevant to the assistance, as well as Jordan's adherence to the agreed time-frame.

### Article 7

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

### Article 8

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Decision in the preceding year, including an evaluation of that implementation. The report shall:

(a) examine the progress made in implementing the Union's macro-financial assistance;

(b) assess the economic situation and prospects of Jordan, as well as progress made in implementing the policy measures referred to in Article 3(1);

(c) indicate the connection between the economic policy conditions laid down in the Memorandum of Understanding, Jordan's ongoing economic and fiscal performance and the Commission's decisions to release the instalments of the Union's macro-financial assistance.

2. Not later than two years after the expiry of the availability period referred to in Article 1(4), the Commission shall submit to the European Parliament and to the Council an *ex post* evaluation report, assessing the results and efficiency of the completed Union's macro-financial assistance and the extent to which it has contributed to the aims of the assistance.

*Article 9*

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

Done at Strasbourg, 11 December 2013.

*For the European Parliament*  
*The President*  
M. SCHULZ

*For the Council*  
*The President*  
V. LEŠKEVIČIUS

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## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 1352/2013

of 4 December 2013

**establishing the forms provided for in Regulation (EU) No 608/2013 of the European Parliament and of the Council concerning customs enforcement of intellectual property rights**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 <sup>(1)</sup>, and in particular Article 6(1) and Article 12(7) thereof,

After consulting the European Data Protection Supervisor,

Whereas:

(1) Regulation (EU) No 608/2013 sets out the conditions and procedures for action by the customs authorities where goods suspected of infringing an intellectual property right are, or should have been, subject to customs supervision or customs controls in accordance with Council Regulation (EEC) No 2913/92 <sup>(2)</sup>.

(2) In accordance with Regulation (EU) No 608/2013 persons and entities duly entitled may submit an application to the competent customs department requesting that customs authorities take action on those goods (application) and may also request the extension of the period during which the customs authorities are to take action in accordance with a previously granted application (extension request).

(3) In order to ensure uniform conditions for the application and for the extension request, standard forms should be established.

(4) Those standard forms should replace those provided for in Commission Regulation (EC) No 1891/2004 <sup>(3)</sup> implementing Council Regulation (EC) No 1383/2003 <sup>(4)</sup>, which is to be repealed by Regulation (EU) No 608/2013.

(5) Regulation (EC) No 1891/2004 should therefore be repealed.

(6) Regulation (EU) No 608/2013 shall apply from 1 January 2014 and, therefore, this Regulation should also be applicable from the same date.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee, referred to in Article 34(1) of Regulation (EU) No 608/2013,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The application requesting that customs authorities take action with respect to goods suspected of infringing an intellectual property right (application) referred to in Article 6 of Regulation (EU) No 608/2013 shall be made by using the form set out in Annex I to this Regulation.

<sup>(1)</sup> OJ L 181, 29.6.2013, p. 15.

<sup>(2)</sup> Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1.).

<sup>(3)</sup> Commission Regulation (EC) No 1891/2004 of 21 October 2004 laying down provisions for the implementation of Council Regulation (EC) No 1383/2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (OJ L 328, 30.10.2004, p. 16.).

<sup>(4)</sup> Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (OJ L 196, 2.8.2003, p. 7).

2. The request for extension of the period during which the customs authorities are to take action (extension request) referred to in Article 12 of Regulation (EU) No 608/2013 shall be made by using the form set out in Annex II to this Regulation.

3. The forms set out in Annexes I and II shall be completed in accordance with the notes on completion set out in Annex III.

*Article 2*

Without prejudice to Article 5(6) of Regulation (EU) No 608/2013, the forms set out in Annexes I and II to this Regulation may, where necessary, be completed legibly by hand.

Those forms shall contain no erasures, overwritten words or other alterations and shall be made up of two copies.

The handwritten forms shall be completed in ink and block capitals.

*Article 3*

Regulation (EC) No 1891/2004 is repealed.

*Article 4*

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

It shall apply from 1 January 2014.

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

Done at Brussels, 4 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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ANNEX I



**EUROPEAN UNION – APPLICATION FOR ACTION**

<b>1</b>	<b>COPY FOR THE COMPETENT CUSTOMS DEPARTMENT</b>	1. Applicant	<b>For official use</b>	
		Name (*):	Date of receipt	
		Address (*):	Registration number of application	
		Town (*):		
		Postal Code:	<b>INTELLECTUAL PROPERTY RIGHTS</b> <b>APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES</b> under Article 6 of Regulation (EU) No 608/2013	
	Country (*):			
		EORI-No:		
		TIN No:		
		National registration No:		
		Telephone: (+)	2 (*). Union application <input type="checkbox"/>	
		Mobile: (+)	National application <input type="checkbox"/>	
		Fax: (+)		
		Email:		
		Website:		
		3 (*). Status of applicant		
		<input type="checkbox"/> Right-holder	<input type="checkbox"/> Group of producers of products with a Geographical Indication or representative of such group	
		<input type="checkbox"/> Person or entity authorised to use the IP right	<input type="checkbox"/> Operator entitled to use a Geographical Indication	
		<input type="checkbox"/> IP collective rights management body	<input type="checkbox"/> Inspection body or authority competent for a Geographical Indication	
		<input type="checkbox"/> Professional defence body	<input type="checkbox"/> Exclusive license holder covering two or more Member States	
		4. Representative submitting the application in the name of the applicant:		
		Company:		
		Name (*):		
		Address (*):		
		Town (*):		
		Postal Code:		
		Country (*):		
		Telephone: (+)		
		Mobile: (+)	<input type="checkbox"/> Evidence of the representatives power to act is enclosed	
		Fax: (+)		
		5 (*). Type of right to which the application refers		
		<input type="checkbox"/> National trademark (NTM)	Geographical Indication/Designation of origin:	
		<input type="checkbox"/> Community trademark (CTM)	<input type="checkbox"/> for agricultural products and foodstuff (CGIP)	
		<input type="checkbox"/> International registered trademark (ITM)	<input type="checkbox"/> for wine (CGIW)	
		<input type="checkbox"/> Registered national design (ND)	<input type="checkbox"/> for aromatised drinks based on wine products (CGIA)	
		<input type="checkbox"/> Registered Community design (CDR)	<input type="checkbox"/> for spirit drinks (CGIS)	
		<input type="checkbox"/> Unregistered Community design (CDU)	<input type="checkbox"/> for other products (NGI)	
		<input type="checkbox"/> International registered design (ICD)	<input type="checkbox"/> as listed in Agreements between the Union and third countries (CGIL)	
		<input type="checkbox"/> Copyright and related right (NCPR)	Plant variety right:	
		<input type="checkbox"/> Trade name (NTN)	<input type="checkbox"/> national (NPVR)	
		<input type="checkbox"/> Topography of semiconductor product (NTSP)	<input type="checkbox"/> Community (CPVR)	
		<input type="checkbox"/> Patent as provided for by national law (NPT)	Supplementary protection certificate:	
		<input type="checkbox"/> Patent as provided for by Union law (UPT)	<input type="checkbox"/> for medicinal products (SPCM)	
		<input type="checkbox"/> Utility model (NUM)	<input type="checkbox"/> for plant protection products (SPCP)	
		6 (*). Member State or, in the case of a Union application, Member States in which customs action is requested		
		<input type="checkbox"/> ALL MEMBER STATES	<input type="checkbox"/> BE <input type="checkbox"/> BG <input type="checkbox"/> CZ <input type="checkbox"/> DK <input type="checkbox"/> DE <input type="checkbox"/> EE <input type="checkbox"/> IE <input type="checkbox"/> EL <input type="checkbox"/> ES <input type="checkbox"/> FR <input type="checkbox"/> HR <input type="checkbox"/> IT <input type="checkbox"/> CY <input type="checkbox"/> LV <input type="checkbox"/> LT <input type="checkbox"/> LU <input type="checkbox"/> HU <input type="checkbox"/> MT <input type="checkbox"/> NL <input type="checkbox"/> AT <input type="checkbox"/> PL <input type="checkbox"/> PT <input type="checkbox"/> RO <input type="checkbox"/> SI <input type="checkbox"/> SK <input type="checkbox"/> FI <input type="checkbox"/> SE <input type="checkbox"/> UK	
		7. Representative for legal matters	8. Representative for technical matters	
		Company:	Company:	
		Name (*):	Name (*):	
		Address (*):	Address (*):	
		Town (*):	Town (*):	
		Postal Code:	Postal Code:	
		Country (*):	Country (*):	
		Telephone: (+)	Telephone: (+)	
		Mobile: (+)	Mobile: (+)	
		Fax: (+)	Fax: (+)	
		Email:	Email:	
		Website:	Website:	
		9. In case of a Union application, the details of the designated representatives for legal and technical matters are included in annex no .....		
		10. Small consignment procedure		
		<input type="checkbox"/> I request the use of the procedure in Article 26 of Regulation (EU) No 608/2013 and, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure.		

(\*) these are mandatory fields and shall be filled in

(+) at least one of these fields shall be filled in

[illegible]

Infringing goods	
20. Goods details IP right no: Goods description:  CN tariff number: Minimum value:	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
21. Goods distinctive features Position on the goods: Description:	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
22. Place of production Country: Company: Address: Town:	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
23. Involved companies Role: Name: Address: Town:	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
24. Traders	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
25. Goods distribution information	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
26. Packages Kind of packages: Number of items per package: Description (incl. distinctive features):	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...
27. Accompanying documents Type of document: Description:	<input type="checkbox"/> Restricted handling         <input type="checkbox"/> See enclosed annex no ...

28. Additional information  <input style="width: 100px; height: 20px;" type="text"/>	<input type="checkbox"/> Restricted handling												
<input type="checkbox"/> See enclosed annex no ...													
29. Undertakings  By signing I undertake to: <ul style="list-style-type: none"> <li>— notify immediately the competent customs department that granted this application of any change in the information provided by me within this application or attachments in accordance with Article 15 of Regulation (EU) No 608/2013.</li> <li>— forward to the competent customs department that granted this application any update on the information as referred to in point (g), (h) or (i) of Article 6(3) of Regulation (EU) No 608/2013 that are relevant to customs authorities' analysis and assessment of the risk of infringement of the intellectual property right(s) included in this application.</li> <li>— assume liability under the conditions laid down in Article 28 of Regulation (EU) No 608/2013 and bear the costs as referred to in Article 29 of Regulation (EU) No 608/2013.</li> </ul> <p>I agree that all the data submitted with this application may be processed by the European Commission and by the Member States.</p>													
30. Signature (*) <table style="width: 100%; border: none;"> <tr> <td style="width: 60%;">Date (DD/MM/YYYY)</td> <td style="width: 40%; text-align: right;">Applicant's signature</td> </tr> <tr> <td style="height: 40px;"></td> <td></td> </tr> <tr> <td>Place</td> <td style="text-align: right;">Name (Block capitals)</td> </tr> </table>		Date (DD/MM/YYYY)	Applicant's signature			Place	Name (Block capitals)						
Date (DD/MM/YYYY)	Applicant's signature												
Place	Name (Block capitals)												
<b>For official use</b> Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013) <ul style="list-style-type: none"> <li><input type="checkbox"/> The application is completely granted.</li> <li><input type="checkbox"/> The application has been partially granted (for the granted rights see attached list).</li> </ul> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="width: 33%;">Date of adoption (DD/MM/YYYY)</td> <td style="width: 33%; text-align: center;">Signature and stamp</td> <td style="width: 33%; text-align: right;">Competent customs department</td> </tr> <tr> <td colspan="3" style="height: 100px;"></td> </tr> </table> <p style="margin-top: 20px;">Expiry date of the application:</p> <p>Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The application has been rejected.</li> </ul> <p>A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached.</p> <table style="width: 100%; border: none; margin-top: 10px;"> <tr> <td style="width: 33%;">Date (DD/MM/YYYY)</td> <td style="width: 33%; text-align: center;">Signature and stamp</td> <td style="width: 33%; text-align: right;">Competent customs department</td> </tr> <tr> <td colspan="3" style="height: 100px;"></td> </tr> </table>		Date of adoption (DD/MM/YYYY)	Signature and stamp	Competent customs department				Date (DD/MM/YYYY)	Signature and stamp	Competent customs department			
Date of adoption (DD/MM/YYYY)	Signature and stamp	Competent customs department											
Date (DD/MM/YYYY)	Signature and stamp	Competent customs department											

**Personal data protection and the central database for the processing of applications for action.**

Where the European Commission processes personal data contained in this application for action Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this application for action the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission:

[http://ec.europa.eu/taxation\\_customs/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm).

The access to all personal data of this application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password.

In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries.

Replies to data fields marked with an \* and to at least one of the fields marked "+" are obligatory to be filled in. In case of failure to fill in these obligatory data, the application shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice ([http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index\\_en.htm#h2-1](http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1)). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (<http://www.edps.europa.eu/EDPSWEB/>).

**EUROPEAN UNION – APPLICATION FOR ACTION**

<b>2</b>	<b>COPY FOR THE APPLICANT</b>	1. Applicant	<b>For official use</b> Date of receipt _____	
		Name (*): _____ Address (*): _____ Town (*): _____ Postal Code: _____ Country (*): _____ EORI-No: _____ TIN No: _____ National registration No: _____ Telephone: (+) _____ Mobile: (+) _____ Fax: (+) _____ Email: _____ Website: _____	Registration number of application _____	
		<b>INTELLECTUAL PROPERTY RIGHTS</b> <b>APPLICATION FOR ACTION BY CUSTOMS AUTHORITIES</b> under Article 6 of Regulation (EU) No 608/2013		
		2 (*). Union application <input type="checkbox"/> National application <input type="checkbox"/>		
		3 (*). Status of applicant <input type="checkbox"/> Right-holder <input type="checkbox"/> Group of producers of products with a Geographical Indication or representative of such group <input type="checkbox"/> Person or entity authorised to use the IP right <input type="checkbox"/> Operator entitled to use a Geographical Indication <input type="checkbox"/> IP collective rights management body <input type="checkbox"/> Inspection body or authority competent for a Geographical Indication <input type="checkbox"/> Professional defence body <input type="checkbox"/> Exclusive license holder covering two or more Member States		
		4. Representative submitting the application in the name of the applicant: Company: Name (*): _____ Address (*): _____ Town (*): _____ Postal Code: _____ Country (*): _____ Telephone: (+) _____ Mobile: (+) _____ Fax: (+) _____		
<b>2</b>	<input type="checkbox"/> Evidence of the representatives power to act is enclosed			
5 (*). Type of right to which the application refers <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> National trademark (NTM)  <input type="checkbox"/> Community trademark (CTM)  <input type="checkbox"/> International registered trademark (ITM)  <input type="checkbox"/> Registered national design (ND)  <input type="checkbox"/> Registered Community design (CDR)  <input type="checkbox"/> Unregistered Community design (CDU)  <input type="checkbox"/> International registered design (ICD)  <input type="checkbox"/> Copyright and related right (NCPR)  <input type="checkbox"/> Trade name (NTN)  <input type="checkbox"/> Topography of semiconductor product (NTSP)  <input type="checkbox"/> Patent as provided for by national law (NPT)  <input type="checkbox"/> Patent as provided for by Union law (UPT)  <input type="checkbox"/> Utility model (NUM)           </div> <div style="width: 48%;">             Geographical Indication/Designation of origin:  <input type="checkbox"/> for agricultural products and foodstuff (CGIP)  <input type="checkbox"/> for wine (CGIW)  <input type="checkbox"/> for aromatised drinks based on wine products (CGIA)  <input type="checkbox"/> for spirit drinks (CGIS)  <input type="checkbox"/> for other products (NGI)  <input type="checkbox"/> as listed in Agreements between the Union and third countries (CGIL)              Plant variety right:  <input type="checkbox"/> national (NPVR)  <input type="checkbox"/> Community (CPVR)              Supplementary protection certificate:  <input type="checkbox"/> for medicinal products (SPCM)  <input type="checkbox"/> for plant protection products (SPCP)           </div> </div>				
6 (*). Member State or, in the case of a Union application, Member States in which customs action is requested <input type="checkbox"/> ALL MEMBER STATES <div style="display: flex; flex-wrap: wrap; padding: 0 10px;"> <div style="margin-right: 10px;"><input type="checkbox"/> BE</div> <div style="margin-right: 10px;"><input type="checkbox"/> BG</div> <div style="margin-right: 10px;"><input type="checkbox"/> CZ</div> <div style="margin-right: 10px;"><input type="checkbox"/> DK</div> <div style="margin-right: 10px;"><input type="checkbox"/> DE</div> <div style="margin-right: 10px;"><input type="checkbox"/> EE</div> <div style="margin-right: 10px;"><input type="checkbox"/> IE</div> <div style="margin-right: 10px;"><input type="checkbox"/> EL</div> <div style="margin-right: 10px;"><input type="checkbox"/> ES</div> <div style="margin-right: 10px;"><input type="checkbox"/> FR</div> <div style="margin-right: 10px;"><input type="checkbox"/> HR</div> <div style="margin-right: 10px;"><input type="checkbox"/> IT</div> <div style="margin-right: 10px;"><input type="checkbox"/> CY</div> <div style="margin-right: 10px;"><input type="checkbox"/> LV</div> <div style="margin-right: 10px;"><input type="checkbox"/> LT</div> <div style="margin-right: 10px;"><input type="checkbox"/> LU</div> <div style="margin-right: 10px;"><input type="checkbox"/> HU</div> <div style="margin-right: 10px;"><input type="checkbox"/> MT</div> <div style="margin-right: 10px;"><input type="checkbox"/> NL</div> <div style="margin-right: 10px;"><input type="checkbox"/> AT</div> <div style="margin-right: 10px;"><input type="checkbox"/> PL</div> <div style="margin-right: 10px;"><input type="checkbox"/> PT</div> <div style="margin-right: 10px;"><input type="checkbox"/> RO</div> <div style="margin-right: 10px;"><input type="checkbox"/> SI</div> <div style="margin-right: 10px;"><input type="checkbox"/> SK</div> <div style="margin-right: 10px;"><input type="checkbox"/> FI</div> <div style="margin-right: 10px;"><input type="checkbox"/> SE</div> <div style="margin-right: 10px;"><input type="checkbox"/> UK</div> </div>				
7. Representative for legal matters		8. Representative for technical matters		
Company: Name (*): _____ Address (*): _____ Town (*): _____ Postal Code: _____ Country (*): _____ Telephone: (+) _____ Mobile: (+) _____ Fax: (+) _____ Email: _____ Website: _____		Company: Name (*): _____ Address (*): _____ Town (*): _____ Postal Code: _____ Country (*): _____ Telephone: (+) _____ Mobile: (+) _____ Fax: (+) _____ Email: _____ Website: _____		
9. In case of a Union application, the details of the designated representatives for legal and technical matters are included in annex no .....				
10. Small consignment procedure <input type="checkbox"/> I request the use of the procedure in Article 26 of Regulation (EU) No 608/2013 and, where requested by the customs authorities, agree to cover the costs related to the destruction of goods under this procedure.				

(\*) these are mandatory fields and shall be filled in

(+) at least one of these fields shall be filled in



11 (*). List of rights to which the application refers					
No	Type of right	Registration number	Date of registration	Expiry date	List of goods to which the right refers
For further rights see annex no ...				<input type="checkbox"/> Restricted handling	
Authentic goods					
12. Goods details (*) IP right no: Goods description (*):  CN tariff number: Customs value: European average market value: National market value:				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
13. Goods distinctive features (*) Position on the goods (*): Description (*):				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
14. Place of production (*) Country: Company: Address: Town:				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
15. Involved companies (*) Role: Name (*): Address: Town:				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
16. Traders (*)				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
17. Goods clearance details and distribution information				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
18. Packages  Kind of packages: Number of items per package: Description (incl. distinctive features):				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	
19. Accompanying documents Type of document: Description:				<input type="checkbox"/> Restricted handling       <input type="checkbox"/> See enclosed annex no ...	

Infringing goods	
<p>20. Goods details</p> <p>IP right no:</p> <p>Goods description:</p> <p>CN tariff number:</p> <p>Minimum value:</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>21. Goods distinctive features</p> <p>Position on the goods:</p> <p>Description:</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>22. Place of production</p> <p>Country:</p> <p>Company:</p> <p>Address:</p> <p>Town:</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>23. Involved companies</p> <p>Role:</p> <p>Name:</p> <p>Address:</p> <p>Town:</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>24. Traders</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>25. Goods distribution information</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>26. Packages</p> <p>Kind of packages:</p> <p>Number of items per package:</p> <p>Description (incl. distinctive features):</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>
<p>27. Accompanying documents</p> <p>Type of document:</p> <p>Description:</p>	<p><input type="checkbox"/> Restricted handling</p>     <p><input type="checkbox"/> See enclosed annex no ...</p>

28. Additional information

☐ Restricted handling

☐

☐ See enclosed annex no ...

29. Undertakings

By signing I undertake to:

- notify immediately the competent customs department that granted this application of any change in the information provided by me within this application or attachments in accordance with Article 15 of Regulation (EU) No 608/2013.
- forward to the competent customs department that granted this application any update on the information as referred to in point (g), (h) or (i) of Article 6(3) of Regulation (EU) No 608/2013 that are relevant to customs authorities' analysis and assessment of the risk of infringement of the intellectual property right(s) included in this application.
- assume liability under the conditions laid down in Article 28 of Regulation (EU) No 608/2013 and bear the costs as referred to in Article 29 of Regulation (EU) No 608/2013.

I agree that all the data submitted with this application may be processed by the European Commission and by the Member States.

30. Signature (\*)

Date (DD/MM/YYYY)

Applicant's signature

Place

Name (Block capitals)

**For official use**

Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013)

- ☐ The application is completely granted.
- ☐ The application has been partially granted (for the granted rights see attached list).

Date of adoption (DD/MM/YYYY)

Signature and stamp

Competent customs department

Expiry date of the application:

Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.

- ☐ The application has been rejected.

A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached.

Date (DD/MM/YYYY)

Signature and stamp

Competent customs department

**Personal data protection and the central database for the processing of applications for action.**

Where the European Commission processes personal data contained in this application for action Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this application for action the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission:

[http://ec.europa.eu/taxation\\_customs/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm).

The access to all personal data of this application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password.

In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries.

Replies to data fields marked with an \* and to at least one of the fields marked "+" are obligatory to be filled in. In case of failure to fill in these obligatory data, the application shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the application and shall not exceed one year from the day following the date of adoption of the decision granting the application. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice ([http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index\\_en.htm#h2-1](http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1)). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (<http://www.edps.europa.eu/EDPSWEB/>).

*ANNEX II*

## EUROPEAN UNION – REQUEST FOR EXTENSION

1	1. Holder of the decision	<b>For official use</b>	
	Name (*): Address (*): Town (*): Postal Code: Country (*): Telephone: (+) Mobile: (+) Fax: (+) Email:	Date of receipt           <div style="text-align: center;"> <b>INTELLECTUAL PROPERTY RIGHTS</b>  <b>REQUEST FOR EXTENSION OF THE PERIOD FOR ACTION</b>          under Article 12 of Regulation (EU) No 608/2013       </div>	
COPY FOR THE COMPETENT CUSTOMS DEPARTMENT	2 (*). I request the extension of the period during which the customs authorities are to take action in respect of the following application  Registration number of application:                      /  <input type="checkbox"/> I confirm, that there are no changes in the information concerning the application for action and its annexes.  <input type="checkbox"/> I provide the following information concerning the application for action.   See enclosed annex no ...		
	Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.		
1	3. Signature (*)  <div style="display: flex; justify-content: space-between;"> <div>Date (DD/MM/YYYY)</div> <div>Signature of the holder of the decision</div> </div>  <div style="display: flex; justify-content: space-between;"> <div>Place</div> <div>Name (Block capitals)</div> </div>		
<b>For official use</b>  Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013)  <input type="checkbox"/> The request for extension is completely granted.  <input type="checkbox"/> The request for extension has been partially granted (for the granted rights see attached list).  <div style="display: flex; justify-content: space-between;"> <div>Date (DD/MM/YYYY)</div> <div>Signature and stamp</div> <div>Competent customs department</div> </div>  Expiry date of the application:  <input type="checkbox"/> The request for extension has been rejected.  A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached. <div style="display: flex; justify-content: space-between;"> <div>Date (DD/MM/YYYY)</div> <div>Signature and stamp</div> <div>Competent customs department</div> </div>			

(\*) these are mandatory fields and shall be filled in

(+) at least one of these fields shall be filled in



**Personal data protection and the central database for the processing of applications for action.**

Where the European Commission processes personal data contained in this extension request Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this extension request the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission: [http://ec.europa.eu/taxation\\_customs/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm).

The access to all personal data of the application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password. In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries. Replies to data fields marked with an \* are obligatory to be filled in. In case of failure to fill in these obligatory data, the extension request shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the extension request and shall not exceed one year from the day following the date of adoption of the decision granting the extension request. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice ([http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index\\_en.htm#h2-1](http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1)). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (<http://www.edps.europa.eu/EDPSWEB/>).

2	1. Holder of the decision	<b>For official use</b>
	Name (*): Address (*): Town (*): Postal Code: Country (*): Telephone: (+) Mobile: (+) Fax: (+) Email:	Date of receipt
COPY FOR THE APPLICANT	<b>INTELLECTUAL PROPERTY RIGHTS</b> <b>REQUEST FOR EXTENSION OF THE PERIOD FOR ACTION</b> under Article 12 of Regulation (EU) No 608/2013	
	2 (*). I request the extension of the period during which the customs authorities are to take action in respect of the following application Registration number of application: / <input type="checkbox"/> I confirm, that there are no changes in the information concerning the application for action and its annexes. <input type="checkbox"/> I provide the following information concerning the application for action.  See enclosed annex no ...  Any request for extension of the period that customs authorities are to take action should be received by the competent customs department at the latest 30 working days before the expiry date.	
2	3. Signature (*)  Date (DD/MM/YYYY) Signature of the holder of the decision  Place Name (Block capitals)	
<b>For official use</b> Decision by customs authorities (within the meaning of Section 2 of Regulation (EU) No 608/2013) <input type="checkbox"/> The request for extension is completely granted. <input type="checkbox"/> The request for extension has been partially granted (for the granted rights see attached list). Date (DD/MM/YYYY) Signature and stamp Competent customs department  Expiry date of the application: <input type="checkbox"/> The request for extension has been rejected.  A reasoned decision stating the grounds for partial or complete rejection and information concerning the appeal procedure are attached. Date (DD/MM/YYYY) Signature and stamp Competent customs department		

(+) at least one of these fields shall be filled in

**Personal data protection and the central database for the processing of applications for action.**

Where the European Commission processes personal data contained in this extension request Regulation (EC) No 45/2001 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Community Institutions and bodies and on the free movement of such data will apply. Where the competent customs authority of a Member State processes personal data contained in this extension request the national provisions implementing Directive 95/46/EC will apply.

The purpose of the processing of personal data of the application for action is the enforcement of intellectual property rights by customs authorities in the Union in accordance with Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

The controller with respect to the processing of the data in the central database is the national competent customs department where the application has been submitted. The list of competent customs departments is published on the website of the Commission: [http://ec.europa.eu/taxation\\_customs/customs/customs\\_controls/counterfeit\\_piracy/right\\_holders/index\\_en.htm](http://ec.europa.eu/taxation_customs/customs/customs_controls/counterfeit_piracy/right_holders/index_en.htm).

The access to all personal data of the application is granted through UserID/Password to customs authorities in the Member States and the Commission.

Personal data forming part of the information that falls under restricted handling will only be accessible by customs authorities of the Member States as indicated in box 6 of the application through UserID/Password. In accordance with Article 22 of Regulation (EU) No 608/2013, without prejudice to applicable provisions on data protection in the Union and for the purpose of contributing to eliminating international trade in goods infringing intellectual property rights, the Commission and the customs authorities of the Member States may share personal data and information contained in the application with the relevant authorities in third countries. Replies to data fields marked with an \* are obligatory to be filled in. In case of failure to fill in these obligatory data, the extension request shall be rejected.

The data subject has a right of access to the personal data relating to him or her that will be processed through the central database and, where appropriate, the right to rectify, erase or block personal data in accordance with Regulation (EC) No 45/2001 or the national laws implementing Directive 95/46/EC.

All requests for the exercise of the right of access, rectification, erasure or blocking shall be submitted to and processed by the competent customs department where the application was submitted.

The legal basis for processing the personal data for the enforcement of intellectual property rights is Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights.

Personal data shall not be stored longer than six months from the date the decision granting the application has been revoked or the relevant period during which customs authorities are to take action has expired. That period shall be specified by the competent customs department when granting the extension request and shall not exceed one year from the day following the date of adoption of the decision granting the extension request. However, where customs authorities have been notified of proceedings initiated to determine a possible infringement of goods under the application, personal data shall be kept for six months after the proceedings have been concluded.

Complaints, in case of conflict, can be addressed to the relevant national data protection authority. The contact details of the national data protection authorities are available on the web-site of the European Commission, Directorate General for Justice ([http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index\\_en.htm#h2-1](http://ec.europa.eu/justice/data-protection/bodies/authorities/eu/index_en.htm#h2-1)). Where the complaint concerns processing of personal data by the European Commission, it should be addressed to the European Data Protection Supervisor (<http://www.edps.europa.eu/EDPSWEB/>).

## ANNEX III

## NOTES ON COMPLETION

## I. SPECIFICATIONS OF THE BOXES OF THE APPLICATION FOR ACTION FORM SET OUT IN ANNEX I TO BE FILLED IN BY THE APPLICANT

Fields in the form marked with an asterisk (\*) are mandatory fields and shall be filled in.

Where in a box one or more fields are marked with a plus sign (+) at least one of those fields shall be filled in.

No data shall be entered in the boxes marked 'for official use'.

## Box 1: Applicant

Details concerning the applicant shall be entered in this box. It shall contain information on the name and complete address of the applicant and his telephone, mobile telephone or fax number. The applicant may, where appropriate, enter his Taxpayer Identification Number, any other national registration number and his Economic Operator Registration and Identification Number (EORI-No), which is a number, unique throughout the Union, assigned by a customs authority in a Member State to economic operators involved in customs activities. The applicant may also enter, where appropriate, his e-mail address and his website address.

## Box 2: Union/National application

The appropriate box shall be ticked to indicate whether the application is a National or a Union application, as referred to in points (10) and (11) of Article 2 of Regulation (EU) No 608/2013.

## Box 3: Status of the applicant

The appropriate box shall be ticked to indicate the status of the applicant within the meaning of Article 3 of Regulation (EU) No 608/2013. The application shall include documents providing evidence to satisfy the competent customs department that the applicant is entitled to submit an application.

## Box 4: Representative submitting the application in the name of the applicant

Where the application is submitted by the applicant by means of a representative, details concerning that representative shall be entered in this box. The application shall include evidence of his powers to act as a representative in accordance with the legislation of the Member State in which the application is submitted and the corresponding box shall be ticked.

## Box 5: Type of right to which the application refers

The type(s) of the intellectual property rights (IPR) to be enforced shall be indicated by ticking the appropriate box.

## Box 6: Member State or, in the case of a Union application, Member States in which customs action is requested

The Member State or, in the case of a Union application, Member States in which customs action is requested shall be indicated by ticking the appropriate box.

## Box 7: Representative for legal matters

The details of the representative designated by the applicant to take charge of legal matters shall be indicated in this box.

## Box 8: Representative for technical matters

In case the representative for technical matters is different from the representative indicated in box 7, the details of the representative for technical matters shall be indicated in this box.

## Box 9: Details of the designated representatives for legal and technical matters in case of a Union application

In case of a Union application, the details of the representative or representatives designated by the applicant to take charge of technical and legal matters in the Member States indicated in box 6 shall be provided in a separate annex which shall contain the elements of information requested in boxes 7 and 8. In case a representative has been designated for more than one Member State, it shall be clearly indicated for which Member States he has been designated.

## Box 10: Small consignment procedure

Where the applicant wishes to request the use of the procedure for destruction of goods in small consignments set out in Article 26 of Regulation (EU) No 608/2013, this box shall be ticked.

**Box 11: List of rights to which the application refers**

Information on the right or rights to be enforced shall be entered in this box.

In the column 'No', sequential numbers shall be entered for each of the intellectual property rights to which the application refers.

In the column 'Type of right', the type of IPR shall be indicated by using the appropriate abbreviations which appear in box 5 in brackets.

In the column 'list of goods to which the right refers', the type of goods which are covered by the relevant IPR and with regard to which the applicant wishes to request customs enforcement shall be entered.

**Sub-box 'Restricted handling' in boxes 12-28**

Where the applicant wishes to request that information provided by him in boxes 12-28 be the subject of restricted handling within the meaning of Article 31(5) of Regulation (EU) No 608/2013, this sub-box shall be ticked.

**Page 2: Information on authentic goods in boxes 12-19**

The applicant shall enter in boxes 12-19, as appropriate, specific and technical data on the authentic goods, information needed to enable the customs authorities to readily identify goods suspected of infringing IPR and information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned.

**Box 12: Goods details**

Box 12 shall contain a description of the authentic goods, including get-up and graphic symbols, their Combined Nomenclature code and their value in the EU internal market. The applicant, where appropriate, shall provide images of those goods. The information shall be arranged per different type of goods or different assortment of goods.

**Box 13: Goods distinctive features**

Box 13 shall contain information on the typical features of the authentic goods, such as markings, labels, security threads, holograms, buttons, hangtags and bar-coding, indicating the exact position of the features on the goods and their appearance.

**Box 14: Place of production**

Box 14 shall contain information on the place of production of the authentic goods.

**Box 15: Involved companies**

Box 15 shall contain information on authorised importers, suppliers, manufacturers, carriers, consignees or exporters. The information shall be arranged per different type of goods.

**Box 16: Traders**

Box 16 shall contain information on persons or entities authorised to trade in products involving the use of the IPR(s) for which enforcement is sought. The information shall refer to name, address and registration numbers, such as EORI number, of those persons or entities. Likewise, the information shall comprise information on how licensees may demonstrate their authorisation to use the IPR(s) in question.

**Box 17: Goods clearance details and distribution information**

Box 17 shall contain information on channels of distribution of the authentic goods, such as information related to central warehouses, dispatch departments, means of transport, transport routes and delivery, and on customs procedures and offices where the clearance of the authentic goods is carried out.

**Box 18: Packages**

This box shall contain information on the packaging of the authentic goods, such as information on the following:

- (a) the kind of packages, indicated by using the relevant codes as given in Annex 38 to Commission Regulation (EEC) No 2454/93 <sup>(1)</sup>;
- (b) typical features of the packages (for instance, markings, labels, security threads, holograms, buttons, hangtags and bar-coding), including the exact position of the features in the package;

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

(c) special package designs (colour, shape);

(d) where appropriate, images of those goods.

**Box 19: Accompanying documents**

Box 19 shall contain information on documents accompanying the authentic goods, such as brochures, operating instructions, warranty documents or other similar items.

**Page 3: Information on infringing goods in boxes 20-27**

The applicant shall enter in boxes 20-27, as appropriate, information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned.

**Box 20: Goods details**

Box 20 shall contain a description of goods suspected of infringing an intellectual property right (infringing goods), including get-up and graphic symbols. The applicant, where appropriate, shall provide images of those goods. The information shall be arranged per different type of goods or different assortment of goods.

**Box 21: Goods distinctive features**

Box 21 shall contain information on the typical features of the suspected infringing goods, such as markings, labels, security threads, holograms, buttons, hangtags and bar-coding, indicating the exact position of the features on the goods and their appearance.

**Box 22: Place of production**

Box 22 shall contain information on the known or suspected place of origin, provenance and delivery of the infringing goods.

**Box 23: Involved companies**

Box 23 shall contain information on importers, suppliers, manufacturers, carriers, consignees or exporters who are suspected of being involved in infringements of the relevant intellectual property rights.

**Box 24: Traders**

Box 24 shall contain information on persons or entities not authorised to trade in products involving the use of the IPR(s) for which enforcement is sought and who have been trading the products in the Union in the past.

**Box 25: Goods distribution information**

Box 25 shall contain information on channels of distribution of the infringing goods, such as information related to warehouses, dispatch departments, means of transport, transport routes and places of delivery, and on customs procedures and offices where the clearance of the infringing goods is carried out.

**Box 26: Packages**

This box shall contain information on the packaging of the suspected infringing goods, such as information on the following:

(a) the kind of packages, indicated by using the relevant codes as given in Annex 38 to Regulation (EEC) No 2454/93;

(b) typical features of the packages (for instance, markings, labels, holograms, buttons, hangtags and bar-coding), including the exact position of the features in the package;

(c) special package designs (colour, shape);

(d) where appropriate, images of those goods.

**Box 27: Accompanying documents**

Box 27 shall contain information on documents accompanying the suspected infringing goods, such as brochures, operating instructions, warranty documents or other similar items.



**Box 28: Additional information**

The applicant may provide in box 28 any additional information relevant to the customs authorities' analysis and assessment of the risk of infringement of the IPR(s) concerned such as specific information concerning planned deliveries of suspected infringing goods, including specific and detailed information on means of transport, containers and persons involved.

**Box 29: Undertakings**

Do not amend the wording, or enter data in this box.

**Box 30: Signature**

In box 30, the applicant or the representative of the applicant indicated in box 4 shall enter the place and date of completion of the application and shall sign. The signatory's name shall be given in block capitals.

**II. SPECIFICATIONS OF THE BOXES OF THE REQUEST FOR EXTENSION FORM SET OUT IN ANNEX II TO BE FILLED IN BY THE HOLDER OF THE DECISION**

Fields in the form marked with an asterisk (\*) are mandatory fields and shall be filled in.

In boxes where fields are marked with a plus (+) at least one of these fields shall be filled in.

Do not enter data in the boxes marked 'for official use'.

**Box 1: Details concerning the holder of the decision**

Details concerning the holder of the decision shall be entered in this box.

**Box 2: Extension request**

The application registration number including the first two digits representing the iso/alpha-2 code of the Member State that granted the application shall be entered in this box. The holder of the decision shall indicate whether he is requesting modifications to the information contained in the application by ticking the appropriate box.

**Box 3: Signature**

In box 3, the holder of the decision or the representative of the holder of the decision shall enter the place and date of completion of the request and shall sign. The signatory's name shall be given in block capitals.

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1353/2013****of 9 December 2013****entering a name in the register of protected designations of origin and protected geographical indications [Liers vlaaike (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to 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>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Belgium's application to register the name 'Liers vlaaike' was published in the *Official Journal of the European Union* <sup>(2)</sup>.

- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Liers vlaaike' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name contained in the Annex to this Regulation is hereby entered in the register.

*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, 9 December 2013.

*For the Commission,  
On behalf of the President,  
Dacian CIOLOŞ  
Member of the Commission*

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

<sup>(2)</sup> OJ C 177, 22.6.2013, p. 8.

## ANNEX

Agricultural products and foodstuffs listed in Annex I(l) to Regulation (EU) No 1151/2012:

**Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares**

BELGIUM

Liers vlaaike (PGI)

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## COMMISSION IMPLEMENTING REGULATION (EU) No 1354/2013

of 17 December 2013

**excluding ICES Subdivisions 27 and 28.2 from certain fishing effort limitations for 2014, pursuant to Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 <sup>(1)</sup>, and in particular Article 29(2) thereof,

Whereas:

- (1) Provisions for setting fishing effort limitations for the cod stocks in the Baltic Sea are set out in Regulation (EC) No 1098/2007.
- (2) On the basis of Regulation (EC) No 1098/2007, Annex II to Council Regulation (EU) No 1180/2013 <sup>(2)</sup> has established fishing effort limitations for 2014 in the Baltic Sea.
- (3) According to Article 29(2) of Regulation (EC) No 1098/2007, the Commission may exclude ICES Subdivisions 27 and 28.2 from the scope of certain fishing effort limitations when the catches of cod were below a certain threshold in the last reporting period.

- (4) Taking into account the reports submitted by Member States and the advice from the Scientific, Technical and Economic Committee for Fisheries, ICES Subdivisions 27 and 28.2 should be excluded in 2014 from the scope of those fishing effort limitations.

- (5) Regulation (EU) No 1180/2013 will apply from 1 January 2014. In order to ensure coherence with that Regulation, this Regulation should also apply from 1 January 2014.

- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

*Article 1*

The provisions of Article 8(1)(b), (3), (4) and (5) of Regulation (EC) No 1098/2007 shall not apply to ICES Subdivisions 27 and 28.2 in the year 2014.

*Article 2*

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

It shall apply from 1 January 2014.

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

Done at Brussels, 17 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 248, 22.9.2007, p. 1.

<sup>(2)</sup> Council Regulation (EU) No 1180/2013 of 19 November 2013 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea (OJ L 313, 22.11.2013, p. 4).

**COMMISSION IMPLEMENTING REGULATION (EU) No 1355/2013****of 17 December 2013****amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules <sup>(1)</sup>, and in particular Article 15(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 669/2009 <sup>(2)</sup> lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.

(2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.

(3) The occurrence and relevance of food incidents notified through the Rapid Alert System for Food and Feed, the findings of missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.

(4) In particular, the list should be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entries in the list concerning hazelnuts from Azerbaijan, mace, ginger and curcuma from India, mace from Indonesia and brassica vegetables from Thailand should therefore be deleted.

(5) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.

(6) Regulation (EC) No 669/2009 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EC) No 669/2009 is replaced by the text set out in 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*.

It shall apply from 1 January 2014.

<sup>(1)</sup> OJ L 165, 30.4.2004, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

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

Done at Brussels, 17 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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## ANNEX

## ‘ANNEX I

**Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry**

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit)  (Food)	0806 20		Afghanistan (AF)	Ochratoxin A	50
— Groundnuts (peanuts), in shell	— 1202 41 00		Brazil (BR)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
Strawberries (frozen)  (Food)	0811 10		China (CN)	Norovirus and hepatitis A	5
Brassica oleracea (other edible Brassica, “Chinese Broccoli”) <sup>(2)</sup>  (Food — fresh or chilled)	ex 0704 90 90	40	China (CN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(3)</sup>	20
Dried Noodles  (Food)	ex 1902 11 00; ex 1902 19 10; ex 1902 19 90; ex 1902 20 10; ex 1902 20 30; ex 1902 20 91; ex 1902 20 99; ex 1902 30 10; ex 1902 30 10	10 10 10 10 10 10 10 10 91	China (CN)	Aluminium	10
Pomelos  (Food — fresh)	ex 0805 40 00	31; 39	China (CN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(4)</sup>	20



Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Tea, whether or not flavoured  (Food)	0902		China (CN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(5)</sup>	10
— Aubergines	— 0709 30 00; ex 0710 80 95	72	Dominican Republic (DO)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(6)</sup>	10
— Bitter melon ( <i>Momordica charantia</i> )	— ex 0709 99 90; ex 0710 80 95	70 70			
(Food — fresh, chilled or frozen vegetables)					
— Yardlong beans ( <i>Vigna unguiculata</i> spp. <i>sesquipedalis</i> )	— ex 0708 20 00; ex 0710 22 00	10 10	Dominican Republic (DO)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(6)</sup>	20
— Peppers (sweet and other than sweet) ( <i>Capsicum</i> spp.)	— 0709 60 10; ex 0709 60 99	20			
(Food — fresh, chilled or frozen vegetables)	— 0710 80 51; ex 0710 80 59	20			
— Oranges (fresh or dried)	— 0805 10 20; 0805 10 80		Egypt (EG)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(7)</sup>	10
— Strawberries	— 0810 10 00				
(Food fresh fruits)					
Peppers (sweet and other than sweet) ( <i>Capsicum</i> spp.)	0709 60 10; ex 0709 60 99;	20	Egypt (EG)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(8)</sup>	10
(Food — fresh, chilled or frozen)	0710 80 51; ex 0710 80 59	20			

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— <i>Capsicum annuum</i> , whole	— 0904 21 10	10	India (IN)	Aflatoxins	10
— <i>Capsicum annuum</i> , crushed or ground	— ex 0904 22 00				
— Dried fruit of the genus <i>Capsicum</i> , whole, other than sweet peppers ( <i>Capsicum annuum</i> )	— 0904 21 90				
— Curry (chilli products)	— 0910 91 05				
— Nutmeg ( <i>Myristica fragrans</i> )	— 0908 11 00; 0908 12 00				
(Food — dried spices)					
— Nutmeg ( <i>Myristica fragrans</i> )	— 0908 11 00; 0908 12 00		Indonesia (ID)	Aflatoxins	20
(Food — dried spices)					
— Peas with pods (unshelled)	— ex 0708 10 00	40	Kenya (KE)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(9)</sup>	10
— Beans with pods (unshelled)	— ex 0708 20 00	40			
(Food — fresh and chilled)					
Mint	ex 1211 90 86	30	Morocco (MA)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(10)</sup>	10
(Food — fresh herb)					
Dried beans	0713 39 00		Nigeria (NG)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(11)</sup>	50
(Food)					

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Watermelon ( <i>Egusi</i> , <i>Citrullus lanatus</i> ) seeds and derived products  (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
Peppers (other than sweet) ( <i>Capsicum</i> spp.)  (Food — fresh)	ex 0709 60 99	20	Thailand (TH)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(12)</sup>	10
— Coriander leaves  — Basil (holy, sweet)  — Mint  (Food — fresh herbs)	— ex 0709 99 90  — ex 1211 90 86  — ex 1211 90 86	72  20  30	Thailand (TH)	Salmonella <sup>(13)</sup>	10
— Coriander leaves  — Basil (holy, sweet)  (Food — fresh herbs)	— ex 0709 99 90  — ex 1211 90 86	72  20	Thailand (TH)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(14)</sup>	10
— Yardlong beans ( <i>Vigna</i> <i>unguiculata</i> spp. <i>sesquipedalis</i> )  — Aubergines  (Food — fresh, chilled or frozen vegetables)	— ex 0708 20 00; ex 0710 22 00  — 0709 30 00; ex 0710 80 95	10 10  72	Thailand (TH)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(14)</sup>	20
— Sweet Peppers ( <i>Capsicum annuum</i> )  (Food — fresh, chilled or frozen vegetables)	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(15)</sup>	10

Feed and food (intended use)	CN code <sup>(1)</sup>	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit)  (Food)	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
— Coriander leaves	— ex 0709 99 90	72	Vietnam (VN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(16)</sup>	20
— Basil (holy, sweet)	— ex 1211 90 86	20			
— Mint	— ex 1211 90 86	30			
— Parsley	— ex 0709 99 90	40			
(Food — fresh herbs)					
— Okra	— ex 0709 99 90	20	Vietnam (VN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single- residue methods <sup>(16)</sup>	20
— Peppers (other than sweet) ( <i>Capsicum</i> spp.)	— ex 0709 60 99	20			
(Food — fresh)					

<sup>(1)</sup> Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked "ex".

<sup>(2)</sup> Species of *Brassica oleracea* L. convar. Botrytis (L) Alef var. Italica Plenck, cultivar alboglabra. Also known as "Kai Lan", "Gai Lan", "Gailan", "Kailan", "Chinese bare Jielan".

<sup>(3)</sup> In particular residues of: Chlorfenapyr, Fipronil (sum of fipronil + sulfone metabolite (MB46136) expressed as fipronil), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Acetamiprid, Dimethomorph, Propiconazole.

<sup>(4)</sup> In particular residues of: Triazophos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Phenthoate, Methidathion.

<sup>(5)</sup> In particular residues of: Buprofezin; Imidacloprid; Fenvalerate and Esfenvalerate (sum of RS & SR isomers); Profenofos; Trifluralin; Triazophos; Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).

<sup>(6)</sup> In particular residues of: Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorfenapyr, Chlorpyrifos, Dithiocarbamates (dithiocarbamates expressed as CS<sub>2</sub>, including maneb, mancozeb, metiram, propineb, thiram and ziram), Diafenthiuron, Diazinon, Dichlorvos, Dicofol (sum of p, p' and o, p' isomers), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan), Fenamidone, Imidacloprid, Malathion (sum of malathion and malaaxon expressed as malathion), Methamidophos, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Oxamyl, Profenofos, Propiconazole, Thiabendazole, Thiacloprid.

<sup>(7)</sup> In particular residues of: Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) Cyprodinil, Diazinon, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Phenthoate, Thiophanate-methyl.

<sup>(8)</sup> In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Cyproconazole, Dicofof (sum of p, p' and o, p' isomers), Difenconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Profenofos, Propiconazole, Thiophanate-methyl, Triforine.

<sup>(9)</sup> In particular residues of: Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Chlorpyrifos, Acephate, Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Diafenthiuron, Indoxacarb as sum of the isomers S and R.

<sup>(10)</sup> In particular residues of: Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan), Hexaconazole, Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Flutriafol, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Flubendiamide, Myclobutanyl, Malathion (sum of malathion and malaaxon expressed as malathion).

<sup>(11)</sup> In particular residues of Dichlorvos.

- (<sup>12</sup>) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Triazophos, Malathion (sum of malathion and malaoxon expressed as malathion), Profenofos, Prothiofos, Ethion, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Triforine, Procymidone, Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride).
- (<sup>13</sup>) Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).
- (<sup>14</sup>) In particular residues of: Acephate, Carbaryl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Malathion (sum of malathion and malaoxon expressed as malathion), Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)), Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Profenofos, Prothiofos, Quinalphos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Triazophos, Dicrotophos, EPN, Triforine.
- (<sup>15</sup>) In particular residues of: Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Clofentezine, Diafenthiuron, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride), Malathion (sum of malathion and malaoxon expressed as malathion), Procymidone, Tetradifon, Thiophanate-methyl.
- (<sup>16</sup>) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorpyrifos, Profenofos, Permethrin (sum of isomers), Hexaconazole, Difenconazole, Propiconazole, Fipronil (sum fipronil + sulfone metabolite (MB46136) expressed as fipronil), Propargite, Flusilazole, Phenthoate, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Quinalphos, Pencycuron, Methidathion, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Fenbuconazole.'

**COMMISSION REGULATION (EU) No 1356/2013****of 17 December 2013**

**initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China by imports of certain slightly modified open mesh fabrics of glass fibres originating in the People's Republic of China, and making such imports subject to registration**

THE EUROPEAN COMMISSION,

within CN code ex 7019 40 00 and originating in the People's Republic of China ('the product under investigation').

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

**C. EXISTING MEASURES**

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> ('the basic Regulation') and in particular Articles 13(3) and 14(5) thereof,

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Implementing Regulation (EU) No 791/2011<sup>(2)</sup>.

**D. GROUNDS**

After having consulted the Advisory Committee in accordance with Articles 13(3) and 14(5) of the basic Regulation,

- (6) The request contains sufficient prima facie evidence that the anti-dumping measures on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China are being circumvented by means of a slight modification of the product concerned to make it fall under customs codes which are normally not subject to the measures, and that the modification does not alter the essential characteristics of the product concerned. The slight modification consists of increasing the proportion of glass fibre rovings in the open mesh, so that they predominate by weight in the product under investigation which is therefore to be classified under CN code 7019 40 00 as woven glass fibre fabrics of rovings.

Whereas:

**A. REQUEST**

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on certain open mesh fabrics of glass fibres originating in the People's Republic of China by imports of slightly modified open mesh fabrics of glass fibres originating in the People's Republic of China, and to make such imports subject to registration.
- (2) The request was lodged on 6 November 2013 by Saint-Gobain Adfors CZ s.r.o., Tolnatek Fonalfeldolgozo, Valmieras 'Stikla Skiedra' AS and Vitrolan Technical Textiles GmbH, four Union producers of certain open mesh fabrics of glass fibres.

- (7) The prima facie evidence submitted is as follows:
- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China to the Union has taken place following the imposition of the definitive anti-dumping duty on the product concerned imposed by Implementing Regulation (EU) No 791/2011, without sufficient due cause or economic justification for such a change other than the imposition of the duty.

**B. PRODUCT**

- (3) The product concerned by the possible circumvention is certain open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m<sup>2</sup>, excluding glass fibre discs, originating in the People's Republic of China, currently falling within CN codes ex 7019 51 00 and ex 7019 59 00 ('the product concerned').
- (4) The product under investigation is the same as that defined in the previous recital, but currently falling

- (9) This change appears to stem from the importation of the product under investigation into the Union. The request contains sufficient prima facie evidence that the product under investigation has the same essential characteristics and uses as the product concerned.
- (10) Furthermore, the request contains sufficient prima facie evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under

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

<sup>(2)</sup> OJ L 204, 9.8.2011, p. 1.

investigation appear to have replaced imports of the product concerned. In addition, there is sufficient prima facie evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.

- (11) Finally, the request contains sufficient prima facie evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.
- (12) Should circumvention practices covered by Article 13 of the basic Regulation, other than the one mentioned above, be identified in the course of the investigation, the investigation may also cover these practices.

#### E. PROCEDURE

- (13) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the product under investigation subject to registration, in accordance with Article 14(5) of the basic Regulation.

##### (a) Questionnaires

- (14) In order to obtain information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers and to the known associations of exporters/producers in the People's Republic of China, to the known importers and to the known associations of importers in the Union and to the authorities of the People's Republic of China. Information, as appropriate, may also be sought from the Union industry.
- (15) In any event, all interested parties should contact the Commission forthwith, but not later than the time limit set in Article 3 of this Regulation, and request a questionnaire within the time limit set in Article 3(1) of this Regulation, given that the time limit set in Article 3(2) of this Regulation applies to all interested parties.
- (16) The authorities of the People's Republic of China will be notified of the initiation of the investigation.

##### (b) Collection of information and holding of hearings

- (17) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

##### (c) Exemption from registration of imports or measures

- (18) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be

exempted from registration or measures if the importation does not constitute circumvention.

- (19) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers of the product under investigation in the People's Republic of China that can show that they are not related <sup>(1)</sup> to any producer subject to the existing measures <sup>(2)</sup> and that are found not to be engaged in circumvention practices as defined in Article 13(1) and (2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time limit indicated in Article 3(3) of this Regulation.

#### F. REGISTRATION

- (20) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation shall be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports was imposed.

#### G. TIME LIMITS

- (21) In the interest of sound administration, time limits should be stated within which:
- interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,
  - producers in the People's Republic of China may request exemption from registration of imports or measures,
  - interested parties may make a written request to be heard by the Commission.

<sup>(1)</sup> In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1) concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognised partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5 % or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife; (ii) parent and child; (iii) brother and sister (whether by whole or half-blood); (iv) grandparent and grandchild; (v) uncle or aunt and nephew or niece; (vi) parent-in-law and son-in-law or daughter-in-law; (vii) brother-in-law and sister-in-law. In this context 'person' means any natural or legal person.

<sup>(2)</sup> However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China (the original anti-dumping measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.



- (22) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party making itself known within the time limits laid down in Article 3 of this Regulation.

#### H. NON-COOPERATION

- (23) In cases in which any interested party refuses access to or does not provide the necessary information within the time limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (24) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (25) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

#### I. SCHEDULE OF THE INVESTIGATION

- (26) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this Regulation in the *Official Journal of the European Union*.

#### J. PROCESSING OF PERSONAL DATA

- (27) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data <sup>(1)</sup>.

#### K. HEARING OFFICER

- (28) Interested parties may request the intervention of the Hearing Officer for the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (29) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the

request. The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered.

- (30) For further information and contact details, interested parties may consult the Hearing Officer's web pages on the Directorate-General for Trade's website ([http://ec.europa.eu/commission\\_2010-2014/degucht/contact/hearing-officer/](http://ec.europa.eu/commission_2010-2014/degucht/contact/hearing-officer/)),

HAS ADOPTED THIS REGULATION:

#### Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine if imports into the Union of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m<sup>2</sup>, excluding fibreglass discs, currently falling within CN code ex 7019 40 00 (TARIC code 7019 40 00 11, 7019 40 00 21 and 7019 40 00 50), originating in the People's Republic of China, are circumventing the measures imposed by Implementing Regulation (EU) No 791/2011.

#### Article 2

The Customs authorities shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption from registration and having been found to fulfil the conditions for an exemption to be granted.

#### Article 3

1. Questionnaires must be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

<sup>(1)</sup> OJ L 8, 12.1.2001, p. 1.



3. Producers in the People's Republic of China requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time limit.

4. Interested parties may also apply to be heard by the Commission within the same 37-day time limit.

5. Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate their name, address, e-mail address, telephone and fax numbers. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its submissions and requests in electronic format, it must immediately inform the Commission in compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade (<http://ec.europa.eu/trade/policy/accessing-markets/trade-defence/>).

All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis must be labelled as 'Limited' <sup>(1)</sup> and, in accordance with Article 19(2) of the basic Regulation, must be accompanied by a non-confidential version, which must be labelled 'For inspection by interested parties'.

Commission address for correspondence:

European Commission  
Directorate-General for Trade  
Directorate H  
Office: N105 08/020  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

Fax +32 222962219

E-mail: [TRADE-OPEN-MESH-FABRICS-DUMPING@ec.europa.eu](mailto:TRADE-OPEN-MESH-FABRICS-DUMPING@ec.europa.eu)

#### Article 4

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

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

Done at Brussels, 17 December 2013.

For the Commission

The President

José Manuel BARROSO

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<sup>(1)</sup> A 'Limited' document is a document which is considered confidential pursuant to Article 19 of Regulation (EC) No 1225/2009 and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

**COMMISSION IMPLEMENTING REGULATION (EU) No 1357/2013****of 17 December 2013****amending Regulation (EEC) No 2454/93 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code <sup>(1)</sup>, and in particular Article 247 thereof,

Whereas:

- (1) Non-preferential rules of origin are to be applied to all non-preferential trade policy measures, including anti-dumping and countervailing duties.
- (2) In Article 24 of Regulation (EEC) No 2913/92, the basic principle is laid down that goods whose production involved more than one country are to be deemed to originate in the country where they underwent their last, substantial, economically justified processing or working in an undertaking equipped for that purpose and resulting in the manufacture of a new product or representing an important stage of manufacture.
- (3) The declaration for free circulation of crystalline silicon photovoltaic modules or panels and their key components has been made subject to provisional anti-dumping duties by Commission Regulation (EU) No 513/2013 <sup>(2)</sup>.
- (4) In order to ensure the correct and uniform implementation of the provisional anti-dumping duties, a detailed rule for the interpretation of the principle of Article 24 of Regulation (EEC) No 2913/92 for the determination of

the origin of the products covered by those measures needs to be laid down with regard to crystalline silicon photovoltaic modules or panels and one of their key components, crystalline silicon photovoltaic cells.

- (5) The production process of crystalline silicon photovoltaic modules or panels can be divided into the following major steps: production of silicon wafers; processing of silicon wafers into crystalline silicon photovoltaic cells; assembly of several crystalline silicon photovoltaic cells into a crystalline silicon photovoltaic module or panel.
- (6) The most important stage in the manufacture of the crystalline silicon photovoltaic panels or modules is the processing of silicon wafers into crystalline silicon photovoltaic cells. That is the decisive production stage during which the use to which the component parts of the panel or module are to be put becomes definite and where they are given their specific qualities.
- (7) That transformation therefore should be considered as constituting the last substantial transformation in the production process of crystalline silicon photovoltaic modules or panels in accordance with Article 24 of Regulation (EEC) No 2913/92. The country of manufacture of the crystalline silicon photovoltaic cells should thus be the country of non-preferential origin of the crystalline silicon photovoltaic modules or panels.
- (8) By Decision 94/800/EC <sup>(3)</sup> the Council approved, *inter alia*, the Agreement on Rules of Origin (WTO-GATT 1994), annexed to the final act signed in Marrakesh on 15 April 1994. According to the principles laid down in that Agreement for the Harmonisation Work Program, the determination of the country where goods underwent their last substantial transformation should first of all be based on the country where the production process has led to a change in tariff classification. Only where that criterion does not allow to determine the country of last substantial transformation can other criteria be used, such as a value added criterion or the determination of a specific processing operation. It is appropriate to use the same principles in the EU customs legislation.

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

<sup>(2)</sup> Commission Regulation (EU) No 513/2013 of 4 June 2013 imposing a provisional anti-dumping duty on imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China and amending Regulation (EU) No 182/2013 making these imports originating in or consigned from the People's Republic of China subject to registration (OJ L 152, 5.6.2013, p. 5).

<sup>(3)</sup> Council Decision 94/800/EC (of 22 December 1994) concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

- (9) Crystalline silicon photovoltaic cells are classified in heading 8541 of the Harmonised System (HS). Crystalline silicon photovoltaic modules or panels are classified in the same heading. The input material, silicon wafers, is classified in HS heading 3818. The rule based on a change of tariff heading thus adequately expresses the last substantial transformation of the crystalline silicon photovoltaic cells. At the same time it excludes the assembly of the crystalline silicon photovoltaic panels or modules from cells to confer origin to the final product, as both panels and cells are classified in the same heading.
- (10) An origin rule based on added value, which is usually combined with the change of tariff heading rule for the determination of products for which the last transformation is an assembly operation, is not appropriate in the case of crystalline silicon photovoltaic modules or panels, as the necessary predictability and legal certainty would be better attained for those particular products by identifying the most significant production step.
- (11) A so-called 'residual' rule is necessary in order to determine the origin of the crystalline silicon photovoltaic panels or modules where the primary rule of change in tariff heading is not fulfilled. In that case, the origin of the crystalline silicon photovoltaic cells or of the major portion in value of the crystalline silicon photovoltaic cells should constitute the origin of the panel or module.
- (12) Crystalline silicon photovoltaic modules or panels may also be classified under certain conditions in HS heading 8501. A similar rule as for HS heading 8541 should also be laid down for those crystalline silicon photovoltaic panels or modules.
- (13) Commission Regulation (EEC) No 2454/93 <sup>(1)</sup> should therefore be amended accordingly.
- (14) The Customs Code Committee did not deliver an opinion. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Annex 11 to Regulation (EEC) No 2454/93 is amended in accordance with the Annex to this Regulation.
- Article 2*
- This Regulation shall enter into force on the seventh 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 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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

## ANNEX

Annex 11 to Regulation (EEC) No 2454/93 is amended as follows:

1. Between the entries concerning the products classified within CN codes ex 8482 and ex 8520 the following entry is inserted:

Ex 8501	Crystalline silicon photovoltaic modules or panels	<p>Manufacture from materials of any heading, except that of the product and of heading 8541.</p> <p>Where the product is manufactured from materials classified in heading 8501 or 8541, the origin of those materials shall be the origin of the product.</p> <p>Where the product is manufactured from materials classified in heading 8501 or 8541 originating in more than one country, the origin of the major portion in value of those materials shall be the origin of the product.'</p>
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2. Between the entries concerning the products classified within CN codes ex 8528 and ex 8542 the following entry is inserted:

Ex 8541	Crystalline silicon photovoltaic cells, modules or panels	<p>Manufacture from materials of any heading, except that of the product.</p> <p>Where the product is manufactured from materials classified in heading 8541, the origin of those materials shall be the origin of the product.</p> <p>Where the product is manufactured from materials classified in heading 8541 originating in more than one country, the origin of the major portion in value of those materials shall be the origin of the product.'</p>
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**COMMISSION IMPLEMENTING REGULATION (EU) No 1358/2013****of 17 December 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, 17 December 2013.

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

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

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

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

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	AL	55,3
	IL	216,6
	MA	74,1
	TN	106,3
	TR	89,0
	ZZ	108,3
0707 00 05	AL	106,5
	MA	158,2
	TR	143,0
	ZZ	135,9
0709 93 10	MA	136,8
	TR	132,3
	ZZ	134,6
0805 10 20	AR	26,3
	MA	57,5
	TR	64,1
	UY	27,9
	ZA	38,4
	ZZ	42,8
0805 20 10	MA	54,6
	ZZ	54,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	107,2
	JM	139,0
	TR	69,4
	ZZ	105,2
0805 50 10	AR	102,8
	TR	58,1
	ZZ	80,5
0808 10 80	CN	77,6
	MK	27,7
	NZ	153,0
	US	119,0
	ZZ	94,3
0808 30 90	TR	121,5
	US	158,4
	ZZ	140,0

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

# DIRECTIVES

## COMMISSION IMPLEMENTING DIRECTIVE 2013/63/EU

of 17 December 2013

amending Annexes I and II to Council Directive 2002/56/EC as regards minimum conditions to be satisfied by seed potatoes and lots of seed potatoes

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

updated and restrictions concerning black scurf, powdery scab and seed potatoes, which have become excessively dehydrated and shrivelled, should be added in Annex II.

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

Having regard to Council Directive 2002/56/EC of 13 June 2002 on the marketing of seed potatoes <sup>(1)</sup>, and in particular Article 24 thereof,

Whereas:

- (1) Since the adoption of Directive 2002/56/EC new methods of potato breeding have been developed, diagnostic tools to identify harmful organisms and agronomic practices to fight the spread of harmful organisms have been improved.
- (2) Those technical developments permit the production of seed potatoes fulfilling stricter requirements than those laid down in Annexes I and II to Directive 2002/56/EC. At the same time knowledge about new disease agents has become available and knowledge about existing diseases has evolved showing that some diseases require stricter measures.
- (3) Against this background, the standard of United Nations Economic Commission for Europe (UNECE) concerning the marketing and commercial quality control of seed potatoes has been adapted in view of those technical and scientific developments <sup>(2)</sup>.
- (4) Taking into account those developments, certain minimum conditions and tolerances, as set out in Annexes I and II to Directive 2002/56/EC, should be

- (5) Since the adoption of Directive 2002/56/EC, scientific knowledge has developed concerning the link between the number of generations and the level of presence of pests of seed potatoes. Limiting the number of generations is a necessary way of mitigating the phytosanitary risk posed by pests in latent form. That limitation is necessary for the mitigation of that risk, and no other less stringent measures are available to replace it. A maximum of seven generations for pre-basic and basic seed potatoes achieves a balance between the need to multiply sufficient numbers of seed potatoes for the production of certified seed potatoes, and the protection of their health status.

- (6) The requirements concerning the harmful organism *Synchytrium endobioticum* (Schilb.) Perc. should be removed from Annex I because its presence on seed potatoes is regulated by Council Directive 69/464/EEC <sup>(3)</sup>. The requirements concerning the harmful organism *Corynebacterium sepedonicum* (Spieck. et Kotth.) Skapt. and Burkh., the name of which has been replaced by *Clavibacter michiganensis* subsp. *sepedonicus* (Spieck. et Kotth.) Davis et al., should be removed from Annexes I and II because its presence on seed potatoes is regulated by Council Directive 93/85/EEC <sup>(4)</sup>. The requirements concerning the harmful organism *Heterodera rostochiensis* Woll., the name of which has been replaced by *Globodera rostochiensis* (Wollenweber) Behrens should be removed from Annex II because its presence on seed potatoes is regulated by Council Directive 2007/33/EC <sup>(5)</sup>. The requirements concerning the harmful organism *Pseudomonas solanacearum* (Smith) Smith, the name of which has been replaced by

<sup>(1)</sup> OJ L 193, 20.7.2002, p. 60.

<sup>(2)</sup> UNECE STANDARD S-1 concerning the marketing and commercial quality control of seed potatoes, 2011 edition, New York.

<sup>(3)</sup> Council Directive 69/464/EEC of 8 December 1969 on control of Potato Wart Disease (OJ L 323, 24.12.1969, p. 1).

<sup>(4)</sup> Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot (OJ L 259, 18.10.1993, p. 1).

<sup>(5)</sup> Council Directive 2007/33/EC of 11 June 2007 on the control of potato cyst nematodes and repealing Directive 69/465/EEC (OJ L 156, 16.6.2007, p. 12).

*Ralstonia solanacearum* (Smith) Yabuuchi *et al.*, should be removed from Annex II because its presence on seed potatoes is regulated by Council Directive 98/57/EC <sup>(1)</sup>.

- (7) Annexes I and II to Directive 2002/56/EC should therefore be amended accordingly.
- (8) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

**Amendments to Directive 2002/56/EC**

Annexes I and II to Directive 2002/56/EC are amended in accordance with the Annex to this Directive.

*Article 2*

**Transposition**

Member States shall adopt and publish, by 31 December 2015 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 January 2016.

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.

*Article 3*

**Entry into force**

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*

**Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 17 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> Council Directive 98/57/EC of 20 July 1998 on the control of *Ralstonia solanacearum* (Smith) Yabuuchi *et al.*, (OJ L 235, 21.8.1998, p. 1).



## ANNEX

Annexes I and II to Directive 2002/56/EC are amended as follows:

(1) Annex I is amended as follows:

(a) Points 1 and 2 are replaced by the following:

‘1. Basic seed potatoes shall satisfy the following minimum conditions:

- (a) on official inspection of the growing plants, the number affected by blackleg shall not exceed 1,0 %;
- (b) the number of growing plants not breeding true to the variety and the number of plants of a different variety shall, together, not exceed 0,1 % and in the direct progeny, shall, together, not exceed 0,25 %;
- (c) in the direct progeny the number of plants with symptoms of virus infection shall not exceed 4,0 %;
- (d) on official inspections of the growing plants, the number of plants with mosaic symptoms and the number of plants with symptoms caused by leaf roll virus shall, together, not exceed 0,8 %.

2. Certified seed potatoes shall satisfy the following minimum conditions:

- (a) on official inspection of the growing plants, the number affected by blackleg shall not exceed 4,0 %;
- (b) the number of plants not breeding true to the variety and the number of plants of a different variety, shall, together, not exceed 0,5 % and in the direct progeny, shall, together, not exceed 0,5 %;
- (c) in the direct progeny the number of plants with symptoms of virus infection shall not exceed 10,0 %;
- (d) on official inspections of the growing plants, the number of plants with mosaic symptoms and the number of plants with symptoms caused by leaf roll virus shall, together, not exceed 6,0 %.

(b) Point 3 is deleted.

(c) Point 4 is replaced by the following:

‘4. The tolerances allowed under points (1)(c) and (d), and points 2(c) and (d), shall only be applicable where the virus diseases are caused by viruses that are prevalent in Europe.’

(d) Points 5 and 6 are deleted.

(e) The following point is added:

‘7. The maximum number of generations of basic potatoes shall be four, and the combined generations of pre-basic potatoes in the field and basic potatoes shall be seven.

The maximum number of generations of certified seed potatoes shall be two.

If the generation is not indicated on the official label, the potatoes concerned shall be considered as belonging to the maximum generation that is permitted within the respective category.’

(2) Annex II is replaced by the following:

‘ANNEX II

**MINIMUM QUALITY CONDITIONS FOR LOTS OF SEED POTATOES**

Tolerances for the following impurities, blemishes and diseases allowed for seed potatoes:

- (1) presence of earth and extraneous matter: 1,0 % by mass for basic seed potatoes and 2,0 % by mass for certified seed potatoes;
- (2) dry and wet rot combined, except if caused by *Synchytrium endobioticum*, *Clavibacter michiganensis* subsp. *sepedonicus* or *Ralstonia solanacearum*: 0,5 % by mass, of which wet rot 0,2 % by mass;
- (3) external blemishes, e.g. misshapen or damaged tubers: 3,0 % by mass;
- (4) common scab affecting tubers over more than one third of their surface: 5,0 % by mass;
- (5) black scurf affecting tubers over more than 10,0 % of their surface: 5,0 % by mass;
- (6) powdery scab affecting tubers over more than 10,0 % of their surface: 3,0 % by mass;
- (7) shrivelled tubers due to excessive dehydration or dehydration caused by silver scurf: 1,0 % by mass.

Total tolerance for items 2 to 7: 6,0 % by mass for basic seed potatoes, and 8,0 % by mass for certified seed potatoes.’

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## DECISIONS

## COUNCIL DECISION 2013/768/CFSP

of 16 December 2013

**on EU activities in support of the implementation of the Arms Trade Treaty, in the framework of the European Security Strategy**

THE COUNCIL OF THE EUROPEAN UNION,

3 June 2013 and will enter into force upon the 50th ratification. All the Member States of the Union have signed the Treaty.

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy.

Whereas:

(1) On 6 December 2006, the UN General Assembly adopted Resolution 61/89 entitled 'Towards an Arms Trade Treaty: establishing common international standards for the import, export and transfer of conventional arms', thus initiating the UN process for an Arms Trade Treaty (the 'ATT process'). On 2 December 2009, the UN General Assembly adopted Resolution 64/48 entitled 'The Arms Trade Treaty', by which it decided to convene in 2012 a UN Conference on the Arms Trade Treaty in order to elaborate a legally binding instrument on the highest possible common international standards for transfers of conventional arms.

(2) Because the UN Conference on the Arms Trade Treaty convened in July 2012 was not able to agree on a concluding document within the timeframe set for it and further to Resolution 67/234 A adopted on 24 December 2012 by the UN General Assembly, the final UN Conference on the Arms Trade Treaty was convened in March 2013. It elaborated a balanced and broad based Treaty text that, however, failed to meet consensus due to the opposition of three UN Member States. The matter was consequently referred to the UN General Assembly which, on 2 April 2013, adopted by an overwhelming majority the Arms Trade Treaty through the vote of Resolution A/RES/67/234 B. The Treaty was subsequently opened for signature on

(3) In its conclusions of 11 December 2006, 10 December 2007, 12 July 2010, and 25 June 2012, the Council expressed its strongest commitment for a new legally binding international instrument that should establish the highest possible common international standards to regulate legal trade in conventional weapons, and that should be relevant to all States and could therefore be universal.

(4) In order to promote the inclusiveness and relevance of the ATT process, the Council adopted Decision 2009/42/CFSP <sup>(1)</sup> and Decision 2010/336/CFSP <sup>(2)</sup>, which supported, *inter alia*, a series of regional seminars of worldwide coverage. Further to the inconclusive July 2012 UN Conference, the Union's continuing activities in support of the Arms Trade Treaty were complemented by Council Decision 2013/43/CFSP <sup>(3)</sup>.

(5) The priority now is to support the early entry into force and full implementation of the Treaty. In line with its early committed support to the ATT process, the Union can contribute significantly to that objective, in particular, by building on its longstanding experience in funding export control assistance and outreach. Because arms and dual-use licensing remains a national responsibility within the EU, export control expertise used in support of the Union-funded assistance and outreach programmes is largely dependent on Member States. It is therefore crucial for the success of the Union's export control assistance and outreach activities that Member States allocate experts who will sustain the Union programmes.

<sup>(1)</sup> Council Decision 2009/42/CFSP of 19 January 2009 on support for EU activities in order to promote among third countries the process leading towards an Arms Trade Treaty, in the framework of the European Security Strategy (OJ L 17, 22.1.2009, p. 39).

<sup>(2)</sup> Council Decision 2010/336/CFSP of 14 June 2010 on EU activities in support of the Arms Trade Treaty, in the framework of the European Security Strategy (OJ L 152, 18.6.2010, p. 14).

<sup>(3)</sup> Council Decision 2013/43/CFSP of 22 January 2013 on continued Union activities in support of the Arms Trade Treaty negotiations, in the framework of the European Security Strategy (OJ L 20, 23.1.2013, p. 53).

- (6) In the area of arms export control, Union assistance and outreach activities have been carried out under Council Joint Action 2008/230/CFSP <sup>(1)</sup> and Council Decisions 2009/1012/CFSP <sup>(2)</sup> and 2012/711/CFSP <sup>(3)</sup>. The activities undertaken have addressed a number of third countries in the close neighbourhood of the Union with a view to strengthening their arms export control systems and achieving greater responsibility and transparency.
- (7) The Union is also a longstanding provider of export control assistance in dual-use goods under Regulation (EC) No 1717/2006 <sup>(4)</sup>, which established an Instrument for Stability that provides for assistance in the development of the legal framework and institutional capacities for the establishment and enforcement of effective export controls on dual-use goods, including regional cooperation measures. On 28 April 2004, the United Nations Security Council adopted Resolution 1540 (2004) ('UNSCR 1540 (2004)'), which mandates effective transfer controls over goods related to weapons of mass destruction. The Union has supported the implementation of UNSCR 1540 (2004), in particular through Council Joint Action 2006/419/CFSP <sup>(5)</sup>, Council Joint Action 2008/368/CFSP <sup>(6)</sup> and Council Decision 2013/391/CFSP <sup>(7)</sup> and, with regard to the export control dimension of UNSCR 1540 (2004), through its dual-use export control assistance programmes.
- (8) In addition to the specific assistance in arms export control, controls developed for the implementation of UNSCR 1540 (2004) and under the Union dual-use export control assistance programmes contribute to the overall capacity to effectively implement the Arms Trade Treaty since, in many instances, the laws, administrative procedures and agencies in charge of dual-use export control overlap with those in charge of conventional arms export control. Assistance provided in the area of dual-use goods therefore supports arms export control capacities. It is thus crucial to ensure close coordination between activities carried out in dual-use goods export controls and activities supporting the implementation of the Arms Trade Treaty.
- (9) Against this background of desirable coordination of export control assistance provided in other relevant areas, the activities supported by this Decision aim at strengthening arms transfer control capacities in a number of beneficiary countries in order to support effective and capable implementation of the Arms Trade Treaty. Because the impact of the Treaty will depend on how universal it is and on the level of adherence to it, outreach and awareness-raising activities should also be supported with a view to enhancing support for the Treaty by relevant stakeholders and other third countries, as well as encouraging interest in its implementation.
- (10) The German Federal Office of Economics and Export Control (hereinafter 'BAFA') has been entrusted by the Council with the technical implementation of Decisions 2009/1012/CFSP and 2012/711/CFSP. It successfully completed the organisation of all activities provided for in Council Decision 2009/1012/CFSP. BAFA is also the implementing agency for projects on export controls on dual-use goods funded under the Instrument for Stability. Against this background, the selection of BAFA as the implementing agency for the Union activities supporting the implementation of the Arms Trade Treaty in third countries is justified by its proven experience, qualifications and necessary expertise over the full range of relevant Union export control activities both in the dual-use and arms export control areas. Selecting BAFA will facilitate the identification of synergies between the dual-use and arms-related export control activities in order to make sure that Arms Trade Treaty-related assistance appropriately supplements assistance already provided under the existing dual-use and arms export control assistance programmes,
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- <sup>(1)</sup> Council Joint Action 2008/230/CFSP of 17 March 2008 on support for EU activities in order to promote the control of arms exports and the principles and criteria of the EU Code of Conduct on Arms Exports among third countries (OJ L 75, 18.3.2008, p. 81).
- <sup>(2)</sup> Council Decision 2009/1012/CFSP of 22 December 2009 on support for EU activities in order to promote the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP among third countries (OJ L 348, 29.12.2009, p. 16).
- <sup>(3)</sup> Council Decision 2012/711/CFSP of 19 November 2012 on support for Union activities in order to promote, among third countries, the control of arms exports and the principles and criteria of Common Position 2008/944/CFSP (OJ L 321, 20.11.2012, p. 62).
- <sup>(4)</sup> Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability (OJ L 327, 24.11.2006, p. 1).
- <sup>(5)</sup> Council Joint Action 2006/419/CFSP of 12 June 2006 in support of the implementation of the United Nations Security Council Resolution 1540 (2004) and in the framework of the implementation of the EU Strategy against the Proliferation of Weapons of Mass Destruction (OJ L 165, 17.6.2006, p. 30).
- <sup>(6)</sup> Council Joint Action 2008/368/CFSP of 14 May 2008 in support of the implementation of United Nations Security Council Resolution 1540 (2004) and in the framework of the implementation of the EU strategy against the proliferation of weapons of mass destruction (OJ L 127, 15.5.2008, p. 78).
- <sup>(7)</sup> Council Decision 2013/391/CFSP of 22 July 2013 in support of the practical implementation of United Nations Security Council Resolution 1540 (2004) on non-proliferation of weapons of mass destruction and their means of delivery (OJ L 198, 23.7.2013, p. 40).

HAS ADOPTED THIS DECISION:

#### Article 1

1. For the purpose of supporting the early entry into force and implementation of the Arms Trade Treaty (the 'ATT'), the Union shall undertake activities with the following objectives:

— to support a number of States upon their request to strengthen their arms transfer control systems with a view to being able to implement the ATT;

— to increase at national and regional levels awareness and ownership of the ATT by relevant national and regional authorities and civil society stakeholders so that they are further involved in the ATT implementation.

2. In order to achieve the objectives referred to in paragraph 1, the Union shall undertake the following project activities:

(a) assisting beneficiary countries in drafting, updating, and implementing, as appropriate, relevant legislative and administrative measures aiming at establishing and developing an effective system of arms transfer control in line with the requirements of the ATT;

(b) strengthening the expertise and capacities of the beneficiary countries' licensing and enforcement officers, in particular through the sharing of best practices, training and access to relevant information sources in order to ensure the adequate implementation and enforcement of arms transfer controls;

(c) promoting transparency in the international arms trade, building on the transparency requirements of the ATT;

(d) promoting sustained adherence to the ATT by the beneficiary countries in involving relevant national and regional stakeholders such as national parliaments, competent regional organisations and civil society representatives who have a long term interest in monitoring the effective implementation of the ATT;

(e) promoting wider interest in the ATT by engaging with countries that have taken no steps towards the ATT, in order to support its universalisation.

A detailed description of the project activities referred to in this paragraph is set out in the Annex.

#### Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') shall be responsible for implementing this Decision.

2. The technical implementation of the project activities referred to in Article 1(2) shall be carried out by the German Federal Office of Economics and Export Control (BAFA).

3. BAFA shall perform its task under the responsibility of the High Representative. For this purpose, the High Representative shall enter into the necessary arrangements with BAFA.

#### Article 3

1. The financial reference amount for the implementation of the project activities referred to in Article 1(2) shall be EUR 5 200 000. The total estimated budget of the overall project shall be EUR 6 445 000. The part of that estimated budget not covered by the reference amount shall be provided through co-financing by the Government of the Federal Republic of Germany.

2. The expenditure financed by the reference amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a grant agreement with BAFA. The agreement shall stipulate that BAFA is to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the grant agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the grant agreement.

#### Article 4

1. The High Representative shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by BAFA. The reports shall form the basis for the evaluation carried out by the Council.

2. The Commission shall provide information on the financial aspects of the implementation of the project activities referred to in Article 1(2).

*Article 5*

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

It shall expire 36 months after the date of conclusion of the grant agreement referred to in Article 3(3). However, it shall expire on 17 June 2014 if no such grant agreement has been concluded before that date.

Done at Brussels, 16 December 2013.

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

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## ANNEX

**PROJECT ACTIVITIES REFERRED TO IN ARTICLE 1(2)****1. Background and rationale for CFSP support**

This Decision builds on earlier Council Decisions to support the UN process leading to the Arms Trade Treaty and to promote the development of more responsible and transparent arms export control systems by third countries<sup>(1)</sup>. The Treaty was adopted on 2 April 2013 by the UN General Assembly and opened for signature on 3 June 2013.

The declared object of the Treaty is to '*establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms and prevent and eradicate the illicit trade in conventional arms and prevent their diversion*'. Its declared purpose is '*contributing to international and regional peace, security and stability; reducing human suffering and promoting cooperation, transparency and responsible action by States Parties in the international trade in conventional arms, thereby building confidence among States Parties*'. The Treaty's object and purpose are therefore compatible with the Union's overall ambition with regard to foreign and security policy as enshrined in Article 21 of the Treaty on European Union and further specified in the European Security Strategy.

Further to the adoption of the Arms Trade Treaty by the UN General Assembly, the Union has identified three main challenges regarding the Treaty: securing its early entry into force, ensuring its effective implementation and, finally, working towards its universalisation. Export control assistance and outreach is crucial to addressing those challenges and are therefore the central elements of this Decision.

With regard to export control assistance, this Decision foresees the development of a number of dedicated assistance programmes whereby beneficiary countries will be assisted in a tailored and far-reaching manner towards meeting the requirements of the ATT. Assistance will develop according to an assistance roadmap, to be agreed with the beneficiary countries, that will specify priorities for action, ensure local ownership and indicate commitment towards ratification of the Treaty.

In addition to dedicated assistance programmes, this Decision provides for *ad hoc* assistance activities that will supplement the dedicated assistance programmes in addressing other beneficiary countries with limited and well-specified needs. Those *ad hoc* assistance activities will enable the Union to address requests for assistance in a flexible and reactive manner.

In order to contribute to the long term sustainability of arms transfer control efforts by the beneficiary countries, this Decision aims to involve stakeholders such as national parliaments, competent regional organisations and civil society representatives who have a long term interest in monitoring the effective implementation of the ATT.

Finally, referring to the challenge of universalisation of the ATT, this Decision includes an outreach component aimed at engaging all relevant countries. The option chosen is to reach out to those countries through the leverage of competent regional organisations to which they belong and which carry out activities related to arms transfer controls.

This Decision therefore provides a comprehensive set of assistance and outreach activities in order to appropriately address the three identified challenges. Actively addressing those challenges is in line with the longstanding and committed support to the Arms Trade Treaty by the Union and its Member States.

**2. Overall objectives**

The core objective of this Decision is to support a number of States, at their request, to strengthen their arms transfer control systems with a view to being able to effectively implement the ATT. Assistance efforts developed within this framework would subsequently be addressed in the wider context of involvement of relevant stakeholders and outreach to other countries. Specifically, the Union action will provide:

<sup>(1)</sup> See Decision 2010/336/CFSP; Decision 2013/43/CFSP; Decision 2009/1012/CFSP; and Decision 2012/711/CFSP.



- (a) reinforcement of arms transfer control capacities of beneficiary countries;
- (b) further awareness and ownership of relevant stakeholders such as competent regional organisations, national parliaments and civil society representatives that are interested in the longer term in the Treaty's implementation effectiveness;
- (c) outreach to other countries with a view to supporting universalisation of the Treaty.

### **3. Description of project activities**

#### **3.1. Setting up a pool of experts**

##### *3.1.1. Project objective*

The objective of setting up a pool of experts is to provide the implementing agency with a well-identified, competent and reliable resource to appropriately respond to assistance requests and support the ensuing assistance activities. Setting up such a pool is also intended to encourage Member States' export control agencies to appoint relevant experts, since their availability and involvement into the assistance activities will be crucial to the feasibility of the activities in question.

##### *3.1.2. Project description*

The implementing agency will set up a pool of experts. Those experts will carry out the assistance activities devised for the beneficiary countries according to their areas of expertise and the needs identified by and with the beneficiary countries.

The implementing agency should ensure the largest possible geographical representation in the selection of experts. It should benefit from appropriate and available experts from other export control agencies in the Union. It should also encourage the participation of experts from countries that have recently successfully developed national arms transfer control systems, including those developed in connection with international assistance received.

The overall expertise gathered by the pool of experts should cover the full scope of a national arms transfer control system; in particular legal issues, licensing, customs/enforcement, awareness, prosecution/sanctions, reporting/transparency.

#### **3.2. Tailored national assistance programmes carried out under an assistance roadmap**

##### *3.2.1. Project objective*

The objective of the dedicated assistance programmes and their related roadmaps is to strengthen the capacities of the beneficiary countries to meet the ATT requirements in a global and sustained manner. The roadmap will provide predictability to the beneficiary country as to what is planned in terms of assistance and will map the improvements that can be expected in its transfer control capacities.

##### *3.2.2. Project description*

National assistance programmes will be set up for up to twelve beneficiary countries. In the first two years of implementation of the Decision, no more than ten implementation assistance programmes shall be entered into so that the Union has the possibility of responding to additional requests for assistance put forward at a later stage.

The dedicated assistance programmes should be developed according to the following steps:

- (a) request for assistance to implement the ATT (made to the implementing agency by the third country). This request should be as substantiated as possible, ideally already identifying which specific areas are targeted to receive assistance. Where relevant, the requesting country should also refer to past and ongoing assistance from other assistance providers and provide information on its national ATT implementation strategy.



- (b) based on the degree of substantiation of the request and the criteria set out in section 5.1, the High Representative, in liaison with the Council working party on conventional arms exports (COARM) and the implementing agency, will decide on the eligibility of the requesting country.
- (c) where the assistance request is positively received, an expert assessment visit will be organised by the implementing agency. It should result from close contacts between the implementing agency and the third country seeking assistance, and comprise some of the most relevant experts taken from the pool of experts referred to in section 3.1.

The expert assessment visit can, where possible, be prepared for using questionnaires and by collecting existing information; it will comprise an initial assessment of the needs and priorities of the country requesting assistance. In particular, it will enable the clarification with the country requesting assistance of what is required effectively to implement the ATT and the comparison of those requirements with the existing arms transfer control resources of the country. This initial expert assessment visit will gather all the relevant domestic agencies and stakeholders and identify motivated and reliable local partners.

- (d) based on the results of the expert assessment visit, the implementing agency will draft an assistance roadmap. In drafting such an assistance roadmap, the implementing agency will take into account any ATT-related assistance possibly provided by other organisations. Where the country seeking assistance has already developed a national implementation strategy for the ATT, the implementing agency will also ensure that the Union assistance roadmap is consistent with that national implementation strategy.
- (e) the results of the expert assessment visit and the ensuing draft assistance roadmap will be specifically reported to the Commission within the framework of the usual financial and narrative reporting provided for in Article 3 of this Decision.
- (f) the draft assistance roadmap will be shared with the beneficiary country with a view to its endorsement. The roadmap will be tailored to the beneficiary country and will identify the priorities for assistance.
- (g) the roadmap will be implemented with the involvement of relevant experts taken from the pool of experts, and with the involvement of other stakeholders as appropriate.

Depending on the exact needs of the beneficiary country in question, the establishment of the roadmap will be driven by the usual five-pillar approach traditionally used in strategic trade control assistance (legal issues, licensing, customs/enforcement, awareness and sanctions/prosecution). In addition to those five standard areas, reporting and transparency will be granted the utmost attention.

The range of assistance instruments will, in particular, cover legal reviews, training seminars, workshops, study visits, and the use of web-based tools and information sources. Those assistance instruments will be selected by the implementing agency according to the exact needs and priorities identified by the expert assessment visit and according to the agreed roadmap. The assistance instruments selected to appropriately address the assistance request should be clearly indicated and substantiated in the assistance roadmap.

### 3.3. Ad hoc individual assistance workshops

#### 3.3.1. Project objective

The objective of the *ad hoc* individual assistance workshops is to strengthen the arms transfer control capacities of the beneficiary countries to meet the ATT requirements in a targeted and relevant manner. Those *ad hoc* assistance activities will enable the Union to respond in a flexible and reactive manner to requests for assistance that identify a specific need relevant to the effective implementation of the ATT.

#### 3.3.2. Project description

Up to ten two-day workshops for individual beneficiary countries will be provided to respond to targeted requests for assistance and expressions of interest to further one or more specific areas of an arms transfer control system.

Those workshops will provide a limited individual and tailored assistance and will address the specific issue(s) raised by the requesting country, such as; transfer control legislation review; best practices on reporting; information sources relevant to the application of the ATT risk assessment criteria; end-use controls and documentation. They will take place in the beneficiary countries and expertise will be imparted by experts from the pool of experts referred to in section 3.1.

The implementing agency will be in charge of receiving the assistance requests and reporting them to the HR who, in consultation with COARM, will decide on how to respond to them. The HR assessment will in particular be guided by the criteria set out in section 5.1., the accuracy of the request and how it identifies the issue(s) at stake, and considering the geographical balance.

#### **3.4. Possibility to transfer resources from the dedicated assistance programmes to the ad hoc assistance workshops**

In case the maximum number of full-fledged dedicated assistance programmes foreseen in section 3.2. is not completed, the number of workshops foreseen in section 3.3 could be increased up to twenty.

The HR and the Commission, in liaison with COARM, will review on a six-monthly basis the state of play regarding the dedicated assistance programmes with a view to assessing possibilities to increase the number of individual assistance workshops proportionately to the degree of incompleteness of the dedicated assistance programmes.

### **3.5. Conference of countries beneficiary of ATT assistance activities**

#### *3.5.1. Project objective*

The objective of the conference is to further the awareness and ownership of relevant stakeholders such as competent regional organisations, national parliaments and civil society representatives that are interested in the longer term in the Treaty's implementation effectiveness.

#### *3.5.2. Project description*

The project will take the form of a two-day conference to be organised close to the end of implementation of this Decision. This conference will gather relevant representatives of the countries which have been beneficiaries of dedicated assistance programmes referred to in section 3.2 and *ad hoc* assistance activities referred to in section 3.3.

The conference will facilitate exchanges of experiences by the beneficiary countries, inform on their positions vis-à-vis the ATT and the ATT's ratification and implementation status, and will enable the sharing of relevant information with representatives of national parliaments and civil society.

Participants in the conference should therefore include:

- diplomatic and military/defence personnel from the beneficiary countries, in particular authorities responsible for national policies regarding the ATT;
- technical and law-enforcement personnel from the beneficiary countries, in particular licensing authorities, customs, and law enforcement officials;
- representatives of national, regional and international organisations involved in the provision of assistance as well as representatives of countries interested in providing or receiving strategic trade control assistance;
- representatives of relevant non-governmental organisations (NGOs), think tanks, national parliaments and industry;

Up to 80 participants are expected to participate in the conference. Its location and the final list of countries and organisations invited will be determined by the High Representative in consultation with COARM, on the basis of a proposal made by the implementing agency.

### 3.6. Regional seminars

#### 3.6.1. *Project objective*

The regional seminars will enable to reach out to other countries with a view to supporting the universalisation of the Treaty. They will also support the further involvement of the targeted regional organisations in the ATT and their interest in promoting the ATT to all their respective member states.

#### 3.6.2. *Project description*

The project will take the form of five two-day seminars that will focus on the state of play of the ATT entry into force process and relating implementation issues.

The seminars will enable countries that are beneficiaries of arms transfer control assistance activities to share views and experiences and to assess how such assistance relates to activities undertaken by their relevant regional organisation. They will also pay special attention to:

- experiences and possibilities of south-south cooperation in the establishment and development of arms transfer control systems;
- complementarity of the ATT with other relevant UN instruments, in particular the UN Programme of Action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects.

Seminars will take place in the first eighteen months of implementation of the Council Decision and address the following regional organisations and their relevant member states:

- the United Nations Regional Centre for Peace and Disarmament for Asia and the Pacific (UNRCPD);
- the United Nations Regional Centre for Peace and Disarmament in Africa (UNREC);
- the United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC),
- Economic Community of West African States (ECOWAS),
- The Organization for Security and Co-operation in Europe (OSCE).

Where possible, the seminars should preferably take place in a country that is beneficiary of a dedicated assistance programme. If this proves impossible, the location should be determined by the High Representative in consultation with COARM.

Participants in the regional seminars should include:

- (a) diplomatic and military/defence personnel from countries in the region, in particular authorities responsible for national policies regarding the ATT;
- (b) technical and law-enforcement personnel from countries in the region, in particular licensing authorities, customs, and law enforcement officials;

- (c) representatives from international and regional organisations, regionally-based NGOs, think tanks, national parliaments and local/regional industry;
- (d) national and international technical experts on arms transfer control matters, including Union experts and industry representatives.

Up to 70 participants are expected to participate in each seminar.

#### **4. Relationship with other assistance activities relevant to export controls**

##### **4.1. Coordination with other Union export control assistance activities**

Based on the experience of previous activities and on activities currently ongoing in the field of export control assistance covering both dual-use goods and conventional arms, maximum synergy and complementarity should be sought in the provision of ATT-related assistance to third countries, to ensure that Union activities are as effective and consistent as possible without any unnecessary duplication.

##### **4.2. Coordination with other relevant assistance activities**

The utmost attention should also be paid by the implementing agency to ATT-relevant activities carried out under the UN programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects and its Implementation Support System (PoA-ISS), UNSCR 1540(2004) and the UN Trust Facility supporting Cooperation on Arms Regulation (UNSCAR). The implementing agency should liaise as appropriate with these assistance providers in order to avoid duplication of effort and ensure maximum consistency and complementarity.

##### **4.3. Promotion of south-south cooperation in export controls by relevant Union instruments**

The project shall also aim at increasing among the countries beneficiary of assistance provided under this Decision the awareness of Union instruments able to support south-south cooperation in export controls. In this regard, the assistance activities foreseen under sections 3.2 and 3.3 should inform on and promote available instruments such as the EU CBRN Centres of Excellence Initiative.

#### **5. Beneficiaries**

##### **5.1. Beneficiaries of ATT dedicated assistance programmes and ad hoc assistance workshops**

Beneficiaries of project activities referred to in sections 3.2 and 3.3. may be States that request assistance with a view to implementing the ATT and that will be selected on the basis of, inter alia, the following criteria:

- the signature of the ATT and the status of implementation of international instruments relevant to arms trade and arms transfer control that are applicable to the country;
- the likelihood of a successful outcome of the assistance activities with a view to the ratification of the ATT;
- the assessment of any possible assistance already received or planned in the area of dual-use and arms transfer control;
- the country's relevance to the global arms trade;
- the country's relevance to the security interests of the Union;
- ODA eligibility.

### 5.2. Beneficiaries of the regional seminars

Beneficiaries of the regional seminars may be States that belong to or are covered by the regional organisations referred to in section 3.6.2.

The final selection of countries to be invited to each seminar, and of the participants, will be made by the High Representative, in consultation with COARM, on the basis of a proposal made by the implementing agency.

### 6. Implementing entity

The implementation of this Council Decision will be entrusted to BAFA. BAFA will, where appropriate, partner with Member States' export control agencies, relevant regional and international organisations, think tanks, research institutes and NGOs.

BAFA has a leading experience in the provision of transfer control assistance and outreach activities. It has developed such experience in all the relevant fields of strategic transfer control, addressing CBRN-related, dual-use goods and arms areas.

With regard to arms transfer control assistance and outreach, BAFA successfully completed the implementation of Decision 2009/1012/CFSP. BAFA is now in charge of the implementation of Decision 2012/711/CFSP, that builds upon Decision 2009/1012/CFSP and aims at strengthening the arms export control systems of beneficiary countries towards greater transparency and responsibility along the lines of the Union framework established under Common Position 2008/944/CFSP.

With regard to dual-use and CBRN-related goods, BAFA is the implementing agency of the current programme on dual-use export control assistance and outreach funded by the Instrument for Stability and, in this capacity, has gained an in-depth knowledge of the transfer control systems of countries covered by that programme. Such knowledge is being enhanced with the progressive implementation of transfer control-related projects under the Instrument for Stability that involve BAFA, such as the CBRN Centre of Excellence Initiative.

The overall effect is that BAFA is uniquely placed to identify the strengths and weaknesses in the transfer control systems of countries that might be beneficiary of ATT implementation support activities provided for by this Decision. It is thus most able to facilitate synergies between the various assistance programmes and to avoid unnecessary duplication.

Since the laws, administrative procedures, enforcement resources and agencies governing of dual-use export control overlap to a large extent with those governing conventional arms export control, a key challenge for the ATT-related assistance activities will be to take into account assistance already provided in the dual-use and CBRN risk mitigation areas. Selecting BAFA contributes to ensuring that ATT-related assistance appropriately supplements assistance already provided under the existing dual-use, CBRN risk mitigation and arms export control assistance programmes.

### 7. Union visibility, and availability of assistance material

Material produced by the project will ensure the visibility of the Union, based in particular on the logo and graphic chart agreed for the implementation of Decision 2012/711/CFSP.

The web portal provided for under Decision 2012/711/CFSP and currently under development will be promoted for the purpose of the ATT-related assistance activities under this Decision.

The implementing agency should therefore, in the relevant assistance activities it carries out, include information on the web portal and encourage the consultation and use of the portal's technical resources. It should ensure the visibility of the Union in the promotion of the web portal.

#### **8. Impact assessment**

The impact of activities provided for by this Decision should be technically assessed upon their completion. Based on information and reports provided by the implementing agency, the impact assessment will be carried out by the High Representative, in cooperation with COARM and, as appropriate, with the Union Delegations in the beneficiary countries, as well as with other relevant stakeholders.

Regarding countries that have benefited from a dedicated assistance programme, the impact assessment should pay special attention to the number of countries that have ratified the ATT and to the development of their arms transfer control capacities. Such assessment of the arms transfer control capacities of the beneficiary countries should, in particular, cover the preparation and issuing of national relevant regulations, the ability to report arms exports and imports and the empowerment of a relevant administration in charge of arms transfer control.

#### **9. Reporting**

The implementing agency will prepare regular reports, including after the completion of each of the activities. The reports should be submitted to the High Representative no later than six weeks after the completion of relevant activities.

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## COMMISSION IMPLEMENTING DECISION

of 11 December 2013

**refusing the request by Hungary to introduce a Quick Reaction Mechanism special measure derogating from Article 193 of Council Directive 2006/112/EC on the common system of value added tax**

*(notified under document C(2013) 9007)***(Only the Hungarian text is authentic)**

(2013/769/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax <sup>(1)</sup>, and in particular Article 199b thereof,

Whereas:

- (1) By notification registered at the Commission on 27 November 2013, Hungary requested authorisation to introduce a Quick Reaction Mechanism special measure derogating from Article 193 of Directive 2006/112/EC.
- (2) According to that notification, it has come to the attention of the national authorities that a number of traders have engaged in tax evasion by not paying VAT to the competent tax authorities.
- (3) The requested measure consists in designating the taxable person to whom goods, in this case sugar, are supplied as liable for the payment of VAT instead of the supplier.
- (4) On 4 December 2013, the Commission notified the Member States that it had all the information necessary to appraise the request.

(5) On the basis of detailed fraud figures in this sector provided by Hungary, it clearly appears that fraud in the sector was already of a substantive nature in 2011 and 2012.

(6) Therefore, it has been established that the fraud identified is not of a sudden nature within the meaning of Article 199b of Directive 2006/112/EC.

(7) The requested derogation should therefore not be granted,

HAS ADOPTED THIS DECISION:

*Article 1*

Hungary may not introduce the requested Quick Reaction Mechanism special measure derogating from Article 193 of Directive 2006/112/EC.

*Article 2*

This Decision is addressed to Hungary.

Done at Brussels, 11 December 2013.

*For the Commission*

Algirdas ŠEMETA

*Member of the Commission*

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<sup>(1)</sup> OJ L 347, 11.12.2006, p. 1.

## COMMISSION IMPLEMENTING DECISION

of 17 December 2013

establishing the Consumers, Health and Food Executive Agency and repealing Decision 2004/858/EC

(2013/770/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes<sup>(1)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EC) No 58/2003 empowers the Commission to delegate powers to the executive agencies to implement all or part of a Union programme or project, on its behalf and under its responsibility.
- (2) The purpose of entrusting the executive agencies with programme implementation tasks is to enable the Commission to focus on its core activities and functions which cannot be outsourced, without relinquishing control over, and ultimate responsibility for, activities managed by those executive agencies.
- (3) The delegation of tasks related to programme implementation to an executive agency requires a clear separation between the programming stages involving a large measure of discretion in making choices driven by policy considerations, this being carried out by the Commission, and programme implementation, which should be entrusted to the executive agency.
- (4) By Decision 2004/858/EC<sup>(2)</sup>, the Commission created the Executive Agency for the Public Health Programme

(hereinafter referred to as the Agency) and entrusted it with the management of the programme of Community action in the field of public health for the period from 1 January 2003 until 31 December 2008, adopted by Decision No 1786/2002/EC of the European Parliament and of the Council<sup>(3)</sup>.

- (5) Subsequently, the Commission amended the Agency's mandate on several occasions, extending it to cover the management of new projects and programmes. Commission Decision 2008/544/EC<sup>(4)</sup> transformed the 'Executive Agency for the Public Health Programme' into the 'Executive Agency for Health and Consumers', extended its mandate until 31 December 2015 and included in it the implementation of the Public Health Programme 2008-2013 adopted by Decision No 1350/2007/EC of the European Parliament and of the Council<sup>(5)</sup>, the Consumer Programme for 2007-2013 as adopted by Decision No 1926/2006/EC of the European Parliament and of the Council<sup>(6)</sup> and the food safety training measures covered by Council Directive 2000/29/EC<sup>(7)</sup> and Regulation (EC) No 882/2004 of the European Parliament and of the Council<sup>(8)</sup>. Commission Implementing Decision 2012/740/EU<sup>(9)</sup> extended the scope of the Agency's activities to training measures outside the Member States and entrusted it with managing the food safety training measures covered by Commission Decision

<sup>(3)</sup> Decision No 1786/2002/EC of the European Parliament and of the Council of 23 September 2002 adopting a programme of Community action in the field of public health (2003-2008) (OJ L 271, 9.10.2002, p. 1).

<sup>(4)</sup> Commission Decision 2008/544/EC of 20 June 2008 amending Decision 2004/858/EC in order to transform the 'Executive Agency for the Public Health Programme' into the 'Executive Agency for Health and Consumers' (OJ L 173, 3.7.2008, p. 27).

<sup>(5)</sup> Decision No 1350/2007/EC of the European Parliament and of the Council of 23 October 2007 establishing a second programme of Community action in the field of health (2008-13) (OJ L 301, 20.11.2007, p. 3).

<sup>(6)</sup> Decision No 1926/2006/EC of the European Parliament and of the Council of 18 December 2006 establishing a programme of Community action in the field of consumer policy (2007-2013) (OJ L 404, 30.12.2006, p. 39).

<sup>(7)</sup> Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

<sup>(8)</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.4.2004, p. 1).

<sup>(9)</sup> Commission Implementing Decision 2012/740/EU of 29 November 2012 amending Decision 2004/858/EC, as amended by Decision 2008/544/EC, establishing the Executive Agency for Health and Consumers in application of Council Regulation (EC) No 58/2003 (OJ L 331, 1.12.2012, p. 50).

<sup>(1)</sup> OJ L 11, 16.1.2003, p. 1.

<sup>(2)</sup> Commission Decision 2004/858/EC of 15 December 2004 setting up an executive agency, the 'Executive Agency for the Public Health Programme', for the management of Community action in the field of public health – pursuant to Council Regulation (EC) No 58/2003 (OJ L 369, 16.12.2004, p. 73).



C(2012) 1548 <sup>(1)</sup>, and by Article 22(1) and (3) of Regulation (EC) No 1905/2006 of the European Parliament and of the Council <sup>(2)</sup>. It also entrusted the Agency with managing the agreement with ANEC, the European consumer voice in standardisation, which is governed by Regulation (EU) No 1025/2012 of the European Parliament and of the Council <sup>(3)</sup>.

- (6) The Agency set up by Decision 2004/858/EC has demonstrated its effectiveness and efficiency. An interim evaluation of the Public Health Executive Agency (known as the Executive Agency for Health and Consumers since July 2008) has been carried out by external consultants. The final report of December 2010 has shown that public health programme implementation tasks could be performed more efficiently by the Agency, whilst ensuring the overall management by the Commission of those Community programmes and measures.

- (7) In its Communication of 29 June 2011 'A budget for Europe 2020' <sup>(4)</sup>, the Commission proposed to use the option of more extensive recourse to existing executive agencies for the implementation of Union programmes in the next multiannual financial framework.

- (8) The cost-benefit analysis <sup>(5)</sup> carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 has shown that entrusting the Agency with programme implementation tasks related to the Consumer Programme, the Public Health Programme and the food safety training measures would entail significant

qualitative and quantitative benefits compared with the in-house scenario under which all aspects of the new programmes would be managed internally within the Commission. The three successor programmes are in line with the mandate and mission of the Agency and represent a continuation of the Agency's activities. The Agency has built up competence, skills and capacity in the management of those programmes over several years. The Commission as well as the programme beneficiaries would therefore benefit from the Agency's accumulated experience and expertise and resultant productivity gains, in particular a high quality programme management, a simplification of procedures and a better service delivery in terms of faster contracting and quicker payments. Overtime the Agency has developed effective channels for ensuring beneficiary proximity and a high level of visibility of the Union as the promoter of the programmes concerned. The delegation of programme management to the Agency would ensure business continuity for the currently delegated programmes' beneficiaries and all stakeholders. A shift to an in-house arrangement would thus be disruptive. Delegation of programme management to the Agency is estimated to deliver efficiency gains of EUR 14 million over the period of years 2014 to 2024 as compared to the in-house scenario.

- (9) In order to give executive agencies a coherent identity, the Commission has, as far as possible, grouped work by thematic policy area in establishing their new mandates.

- (10) Management of the Public Health Programme for the years 2008 to 2013 adopted by Decision No 1350/2007/EC, the Consumer Programme for the years 2007 to 2013 adopted by Decision 1926/2006/EC, the food safety training measures covered by Directive 2000/29/EC, Regulation (EC) No 882/2004, Regulation (EC) No 1905/2006 and Decision C(2012) 1548 and the management of the agreement with ANEC governed by Regulation (EU) No 1025/2012, all of which are currently implemented by the agency, as well as the management of the Consumer Programme for the years 2014 to 2020 <sup>(6)</sup>, the Public Health Programme for the years 2014 to 2020 <sup>(7)</sup> and the food safety training measures covered by Regulation (EC) No 882/2004 and Directive 2000/29/EC involve implementation of technical projects which do not entail political decision-making and require a high level of technical and financial expertise throughout the project cycle.

<sup>(1)</sup> Commission Decision C(2012) 1548 of 15 March 2012 adopting the 2012 work programme serving as a financing decision for the funding of projects in the area of external trade relations, including access to the markets of non-European Union countries and initiatives in the field of trade related assistance.

<sup>(2)</sup> Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41),

<sup>(3)</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

<sup>(4)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Budget for Europe 2020, COM(2011) 500 final.

<sup>(5)</sup> Cost Benefit Analysis for the delegation of certain tasks regarding the implementation of Union Programmes 2014-2020 to the Executive Agencies (Final Report 19 August 2013).

<sup>(6)</sup> Commission Proposal COM(2011) 707 of 9 November 2011 for a Regulation of the European Parliament and of the Council on a consumer programme 2014-2020.

<sup>(7)</sup> Commission Proposal COM(2011) 709 of 9 November 2011 for a Regulation of the European Parliament and of the Council on establishing a Health for Growth Programme, the third multi-annual programme of EU action in the field of health for the period 2014-2020.

- (11) The Agency should be responsible for the provision of administrative and logistical support services in particular where centralisation of those support services would result in additional cost-efficiency gains and economies of scale.
- (12) In order to ensure a consistent implementation in time of this Decision and of the programmes concerned, it is necessary to ensure that the Agency shall exercise its tasks linked to the implementation of those programmes subject to and from the date on which those programmes enter into force.
- (13) The Consumers, Health and Food Executive Agency should be established. It should replace and succeed the executive agency established by Decision 2004/858/EC. It should operate in accordance with the general statute laid down by Regulation (EC) No 58/2003.
- (14) Decision 2004/858/EC should therefore be repealed and transitional provisions should be set out.
- (15) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### **Establishment**

The Consumers, Health and Food Executive Agency (hereinafter referred to as the Agency) is hereby established and shall replace and succeed the executive agency set up by Decision 2004/858/EC from 1 January 2014 until 31 December 2024, its statute being governed by Regulation (EC) No 58/2003.

#### *Article 2*

##### **Location**

The Agency shall be located in Luxembourg.

#### *Article 3*

##### **Objectives and tasks**

1. The Agency is hereby entrusted with the implementation of parts of the following Union programmes and actions:

- (a) the Consumer Programme 2014-2020;
- (b) the Public Health Programme 2014-2020;

- (c) the food safety training measures covered by Directive 2000/29/EC and Regulation (EC) No 882/2004.

The first subparagraph shall apply subject to and as from the date of the entry into force of each of these programmes.

2. The Agency is hereby entrusted with the implementation of the legacy of the following programmes and actions:

- (a) the Consumer Programme 2007-2013;
- (b) the Public Health Programme 2008-2013;
- (c) the food safety training measures covered by Directive 2000/29/EC, Regulation (EC) No 882/2004, Regulation (EC) No 1905/2006 and Decision C(2012) 1548;
- (d) the management of the agreement with ANEC, the European consumer voice in standardisation, governed by Regulation (EU) No 1025/2012.

3. The Agency shall be responsible for the following tasks related to the implementation of the parts of the Union programmes and actions referred to in paragraphs 1 and 2:

- (a) managing all or part of the stages of programme implementation and all or part of the phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission, where the Commission has empowered it to do so in the instrument of delegation;
- (b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme where the Commission has empowered it to do so in the instrument of delegation;
- (c) providing support in programme implementation where the Commission has empowered it to do so in the instrument of delegation.

4. The Agency may be responsible for the provision of administrative and logistical support services if provided for in the instrument of delegation, for the benefit of the programme-implementing bodies and within the scope of the programmes referred to therein.

*Article 4***Duration of the appointments**

1. The members of the Steering Committee shall be appointed for two years.
2. The Director shall be appointed for four years.

*Article 5***Supervision and reporting requirement**

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the Union programmes or parts thereof for which it is responsible in accordance with the arrangements and at the intervals stipulated in the instrument of delegation.

*Article 6***Implementation of the operating budget**

The Agency shall implement its operating budget in accordance with the provisions of Commission Regulation (EC) No 1653/2004 <sup>(1)</sup>.

*Article 7***Repeal and transitional provisions**

1. Decision 2004/858/EC is repealed with effect from 1 January 2014. References to the repealed Decision shall be construed as references to this Decision.

2. The Agency shall be considered the legal successor of the executive agency established by Decision 2004/858/EC.

3. Without prejudice to the revision of the grading of seconded officials foreseen by the instrument of delegation, this Decision shall not affect the rights and obligations of staff employed by the Agency, including its Director.

*Article 8***Entry into force**

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

It shall apply from 1 January 2014.

Done at Brussels, 17 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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<sup>(1)</sup> Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 297, 22.9.2004, p. 6).

## COMMISSION IMPLEMENTING DECISION

of 17 December 2013

**establishing the ‘Executive Agency for Small and Medium-sized Enterprises’ and repealing Decisions 2004/20/EC and 2007/372/EC**

(2013/771/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes <sup>(1)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EC) No 58/2003 empowers the Commission to delegate powers to the executive agencies to implement all or part of a Union programme or project, on its behalf and under its responsibility.
- (2) The purpose of entrusting the executive agencies with programme implementation tasks is to enable the Commission to focus on its core activities and functions which cannot be outsourced, without relinquishing control over, and ultimate responsibility for, activities managed by those executive agencies.
- (3) The delegation of tasks related to programme implementation to an executive agency requires a clear separation between the programming stages involving a large measure of discretion in making choices driven by policy considerations, this being carried out by the Commission, and programme implementation, which should be entrusted to the executive agency.
- (4) By Decision 2004/20/EC <sup>(2)</sup>, the Commission created the ‘Intelligent Energy Executive Agency’ (hereinafter referred to as the Agency) and entrusted it with the management of Community actions in the field of renewable energy and energy efficiency.
- (5) Subsequently, the Commission amended the Agency’s mandate by Decision 2007/372/EC <sup>(3)</sup> extending it to cover the management of new projects and programmes in the field of innovation, entrepreneurship and mobility and changing its name into ‘Executive Agency for Competitiveness and Innovation’.

- (6) The Agency set up by Decision 2004/20/EC has demonstrated that outsourcing the management of specific operational programmes has enabled parent-Directorates-General to focus on policy-related aspects of the programmes. Given the continuing constraints in EU-budget delegating tasks to an executive agency proves to be more cost-efficient. The two interim evaluations of the Agency have shown that overall, the Agency is performing well and is an efficient and effective delivery mechanism for the initiatives for which it has operational responsibility.
- (7) In its Communication of 29 June 2011 ‘A budget for Europe 2020’ <sup>(4)</sup>, the Commission proposed to use the option of more extensive recourse to existing executive agencies for the implementation of Union programmes in the next Multiannual Financial Framework.
- (8) The cost-benefit analysis <sup>(5)</sup> carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 has shown that expected costs will be EUR 295 million compared to EUR 399 million under the in-house scenario. On the benefit side, efficiency gains of EUR 104 million are to be expected by implementing the agency scenario compared to the in-house scenario. Furthermore, the alignment of more coherent programme portfolios with the Agency’s core competences and its brand identity will lead to significant qualitative benefits. Analysis has shown that by assembling the management of Horizon 2020 — The Framework Programme for Research and Innovation 2014-2020 <sup>(6)</sup> (hereinafter referred to as Horizon 2020), the Programme for the Competitiveness of Enterprises and small and medium-sized enterprises 2014-2020 <sup>(7)</sup> (hereinafter referred to as COSME) and the Programme for the Environment and Climate Action <sup>(8)</sup> (herein after referred to as LIFE), the Agency will profit from synergies, simplification and economies of scale. The pooling of all aspects of the Horizon 2020 ‘SME instrument’ will additionally provide a single point of access to potential beneficiaries and guarantee consistent service delivery. Within the European Maritime and Fisheries Fund <sup>(9)</sup> (herein after referred to as EMFF) in particular actions envisaged in the Integrated Maritime Policy strand correspond well to the current profile of the Agency related to innovation and competitiveness.

<sup>(4)</sup> COM(2011)500 final.

<sup>(5)</sup> Cost Benefit Analysis for the delegation of certain tasks regarding the implementation of Union Programmes 2014-2020 to the Executive Agencies (Final report), 19 August 2013.

<sup>(6)</sup> COM(2011) 809 final.

<sup>(7)</sup> COM(2011) 834 final.

<sup>(8)</sup> COM(2011) 874 final.

<sup>(9)</sup> COM(2011) 804 final.

<sup>(1)</sup> OJ L 11, 16.1.2003, p. 1.

<sup>(2)</sup> OJ L 5, 9.1.2004, p. 85.

<sup>(3)</sup> OJ L 140, 1.6.2007, p. 52.

Moving the management of the legacy for the Marco Polo programme (2007-2013) to the Innovation and Network Executive Agency will additionally centralize the management of infrastructure programmes for transport in the previously mentioned Agency and therefore provide beneficiaries with a single access point of funding.

- (9) In order to give executive agencies a coherent identity, the Commission has, as far as possible, grouped work by thematic policy area in establishing their new mandates.
- (10) The Agency should be entrusted with the management of LIFE succeeding the predecessor programme LIFE+, which under the Multiannual Financial Framework (2007-2013) is managed in-house by the Commission. Management of LIFE involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle. LIFE is characterised by projects which generate a large number of homogenous and standardised operations.
- (11) The Agency should be entrusted with the management of parts of COSME succeeding parts of the Entrepreneurship and Innovation Programme under the Competitiveness and Innovation Framework Programme 2007-2013 <sup>(1)</sup> (hereinafter referred to as CIP), which are currently managed in part by the Agency and in part in-house by the Commission. Management of the parts of COSME to be delegated to the Agency involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle. Some parts of COSME are further characterised by projects which generate a large number of homogenous and standardised operations.
- (12) The Agency should be entrusted with the management of parts of the EMFF in the area of Integrated Maritime Policy (IMP), Control and Scientific Advice and Knowledge, succeeding similar activities which under the Multiannual Financial Framework (2007-2013) are managed in-house by the Commission. Management of EMFF involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle.
- (13) The Agency should be entrusted with the management of the following parts of 'Horizon 2020':

(a) Parts of 'Part II – Industrial Leadership' which are characterised by projects which generate a large number of homogenous and standardised operations;

(b) Parts of 'Part III Societal challenges' which involve implementation of technical projects that do not entail political decision-making and require a high level of technical and financial expertise throughout the project cycle.

- (14) The Agency should be entrusted with the management of the legacy of the actions already delegated to it as part of CIP under the Multiannual Financial Framework (2007-2013): 'Intelligent Energy Europe (IEE II)', the 'Enterprise Europe Network', 'Your Europe Business Portal', the 'European IPR Helpdesk', the 'Eco-innovation initiative' and the 'Porta Project'.
- (15) The Agency should be responsible for the provision of administrative and logistical support services in particular where centralisation of those support services would result in additional cost-efficiency gains and economies of scale.
- (16) The Executive Agency for Small and Medium-sized Enterprises should be established. It should replace and succeed the Agency established by Decision 2004/20/EC as amended by Decision 2007/372/EC. It should operate in accordance with the general statute laid down by Regulation (EC) No 58/2003.
- (17) Decisions 2004/20/EC and 2007/372/EC should be repealed and transitional provisions should be set out.
- (18) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

#### *Article 1*

##### **Establishment**

The Executive Agency for Small and Medium-sized Enterprises (hereinafter referred to as the Agency) is hereby established and shall replace and succeed the executive agency set up by Decision 2004/20/EC as amended by Decision 2007/372/EC from 1 January 2014 until 31 December 2024, its statute being governed by Regulation (EC) No 58/2003.

<sup>(1)</sup> OJ L 310, 9.11.2006, p. 15.



*Article 2***Location**

The Agency shall be located in Brussels.

*Article 3***Objectives and tasks**

1. The Agency is hereby entrusted with the implementation of parts of the following Union programmes:

- (a) Programme for the Competitiveness of Enterprises and small and medium-sized enterprises (COSME) 2014-2020 <sup>(1)</sup>;
- (b) Programme for the Environment and Climate Action (LIFE) 2014-2020 <sup>(2)</sup>;
- (c) European Maritime and Fisheries Fund (EMFF) <sup>(3)</sup> including the Integrated Maritime Policy (IMP), Control and Scientific advice and Knowledge;
- (d) The Framework Programme for Research and Innovation 2014-2020 (Horizon 2020) <sup>(4)</sup> - parts of 'Part II – Industrial Leadership' and 'Part III Societal challenges'.

The first subparagraph shall apply subject to and as from the date of entry into force of each of these programmes.

2. The Agency is hereby entrusted with the implementation of the legacy of the following actions under the CIP:

- (a) the Intelligent Energy Europe (IEE II);
- (b) the 'Eco-innovation initiative';
- (c) the 'Enterprise Europe Network';
- (d) the 'Your Europe Business Portal';
- (e) the 'European IPR Helpdesk';
- (f) the 'IPorta Project'.

3. The Agency shall be responsible for the following tasks related to the implementation of the parts of the Union programmes referred to in paragraphs 1 and 2:

<sup>(1)</sup> COM(2011) 834 final.  
<sup>(2)</sup> COM(2011) 874 final.  
<sup>(3)</sup> COM(2011) 804 final.  
<sup>(4)</sup> COM(2011) 809 final.

(a) managing some or all stages of programme implementation and some or all phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission, where the Commission has empowered it to do so in the instrument of delegation;

(b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme, where the Commission has empowered it to do so in the instrument of delegation;

(c) providing support in programme implementation where the Commission has empowered it to do so in the instrument of delegation.

4. The Agency may be responsible for the provision of administrative and logistical support services if provided in the instrument of delegation, for the benefit of the programme-implementing bodies and within the scope of the programmes referred to therein.

*Article 4***Duration of the appointments**

1. The members of the Steering Committee shall be appointed for two years.

2. The Director shall be appointed for five years.

*Article 5***Supervision and reporting requirement**

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the Union programmes or parts thereof for which it is responsible in accordance with the arrangements and at the intervals stipulated in the instrument of delegation.

*Article 6***Implementation of the operating budget**

The Agency shall implement its operating budget in accordance with the provisions of Commission Regulation (EC) No 1653/2004 <sup>(5)</sup>.

*Article 7***Repeal and transitional provisions**

1. Decisions 2004/20/EC and 2007/372/EC are repealed with effect from 1 January 2014. References to the repealed Decisions shall be construed as references to this Decision.

<sup>(5)</sup> OJ L 297, 22.9.2004, p. 6.

2. The Agency shall be considered the legal successor of the Executive Agency established by Decision 2004/20/EC as amended by Decision 2007/372/EC.

3. Without prejudice to the revision of the grading of seconded officials foreseen by the instrument of delegation, this Decision shall not affect the rights and obligations of staff employed by the Agency, including its Director.

*Article 8*

**Entry into force**

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

It shall apply from 1 January 2014.

Done at Brussels, 17 December 2013.

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

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2013/769/EU:

- ★ **Commission Implementing Decision of 11 December 2013 refusing the request by Hungary to introduce a Quick Reaction Mechanism special measure derogating from Article 193 of Council Directive 2006/112/EC on the common system of value added tax (notified under document C(2013) 9007)** ..... 68

2013/770/EU:

- ★ **Commission Implementing Decision of 17 December 2013 establishing the Consumers, Health and Food Executive Agency and repealing Decision 2004/858/EC** ..... 69

2013/771/EU:

- ★ **Commission Implementing Decision of 17 December 2013 establishing the ‘Executive Agency for Small and Medium-sized Enterprises’ and repealing Decisions 2004/20/EC and 2007/372/EC** 73



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