

# Official Journal

## of the European Union

L 75



English edition

Legislation

Volume 55

15 March 2012

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Price: EUR 3

(Continued overleaf)

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

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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

## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) No 217/2012

of 13 March 2012

**entering a name in the register of protected designations of origin and protected geographical indications (Cinta Senese (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup>, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Cinta Senese' was published in the *Official Journal of the European Union* <sup>(2)</sup>.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name 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 20th day following 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, 13 March 2012.

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

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<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ C 200, 8.7.2011, p. 16.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.1. Fresh meat (and offal)**

ITALY

Cinta Senese (PDO)

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**COMMISSION IMPLEMENTING REGULATION (EU) No 218/2012****of 13 March 2012****entering a name in the register of protected designations of origin and protected geographical indications (Béa du Roussillon (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs <sup>(1)</sup>, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) and in accordance with Article 17(2) of Regulation (EC) No 510/2006, France's application to register the name 'Béa du Roussillon' was published in the *Official Journal of the European Union* <sup>(2)</sup>.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name 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 20th day following 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, 13 March 2012.

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

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<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ C 193, 2.7.2011, p. 22.

## ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

**Class 1.6. Fruit, vegetables and cereals, fresh or processed**

FRANCE

Béa du Roussillon (PDO)

---

**COMMISSION REGULATION (EU) No 219/2012****of 14 March 2012****correcting the Romanian version of Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

(2) Regulation (EC) No 1881/2006 should therefore be corrected accordingly.

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

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food <sup>(1)</sup>, and in particular Article 2(3) thereof,

HAS ADOPTED THIS REGULATION:

*Article 1*

Whereas:

(Concerns only the Romanian language version.)

*Article 2*(1) The Romanian language version of Commission Regulation (EC) No 1881/2006 <sup>(2)</sup> contains three errors which should be corrected.This Regulation shall enter into force on the day following 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, 14 March 2012.

*For the Commission**The President*

José Manuel BARROSO

<sup>(1)</sup> OJ L 37, 13.2.1993, p. 1.<sup>(2)</sup> OJ L 364, 20.12.2006, p. 5.

**COMMISSION IMPLEMENTING REGULATION (EU) No 220/2012****of 14 March 2012****derogating from Regulation (EC) No 967/2006 as regards the deadlines for communicating sugar quantities carried forward from the marketing year 2011/2012**

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> and in particular Articles 85, in conjunction with Article 4 thereof,

Whereas:

(1) Article 17 of Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota <sup>(2)</sup>, lays down deadlines within which Member States have to communicate to the Commission the quantities of sugar carried forward to the next marketing year.

(2) By way of derogation from Article 63(2)(a) of Regulation (EC) No 1234/2007, Article 1 of Commission Implementing Regulation (EU) No 214/2012 <sup>(3)</sup> extended, for the marketing year 2011/2012, the time limits within which Member States determine the deadline within which operators have to communicate to Member States their decision to carry forward surplus sugar production.

(3) Consequently, deadlines within which Member States have to communicate to the Commission the quantities to be carried forward, pursuant to Article 17 of Regulation (EC) No 967/2006, should be shifted accordingly.

(4) It is therefore necessary to derogate, for the marketing year 2011/2012, from the deadlines fixed in points (a) and (b) of Article 17 of Regulation (EC) No 967/2006.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

*Article 1*

By way of derogation from points (a) and (b) of Article 17 of Regulation (EC) No 967/2006, Member States shall communicate to the Commission not later than 1 September 2012, the quantities of beet and cane sugar from the 2011/2012 marketing year that are to be carried forward to the next marketing year.

*Article 2*

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

It shall expire on 30 September 2012.

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

Done at Brussels, 14 March 2012.

*For the Commission*

*The President*

José Manuel BARROSO

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

<sup>(2)</sup> OJ L 176, 30.6.2006, p. 22.

<sup>(3)</sup> OJ L 74, 14.3.2012, p. 3.

## COMMISSION IMPLEMENTING REGULATION (EU) No 221/2012

of 14 March 2012

**amending the Annex to Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance closantel**

(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 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council<sup>(1)</sup>, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) The maximum residue limit (MRL) for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry should be established in accordance with Regulation (EC) No 470/2009.

(2) Pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin are set out in the Annex to Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin<sup>(2)</sup>.

(3) Closantel is currently included in Table 1 of the Annex to Regulation (EU) No 37/2010 as an allowed substance, for bovine and ovine species, applicable to muscle, fat, liver and kidney, excluding animals producing milk for human consumption.

(4) Ireland has submitted to the European Medicines Agency a request for an opinion for the extrapolation of the existing entry for closantel applicable to bovine and ovine milk.

(5) The Committee for Medicinal Products for Veterinary Use has recommended the establishment of provisional MRL for closantel for bovine and ovine milk and the removal of the provision 'Not for use in animals from which milk is produced for human consumption'.

(6) The entry for closantel in Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended to include the recommended provisional MRL for bovine and ovine milk and to remove the existing provision 'Not for use in animals from which milk is produced for human consumption'. The provisional MRL set out in that Table for closantel should expire on 1 January 2014. The CVMP recommended a two-year period to allow for the completion of scientific studies required to respond to the list of questions addressed by the CVMP to Ireland.

(7) It is appropriate to provide for a reasonable period of time for the stakeholders concerned to take measures that may be required to comply with the newly set MRL.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

*Article 2*

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

It shall apply from 14 May 2012.

<sup>(1)</sup> OJ L 152, 16.6.2009, p. 11.

<sup>(2)</sup> OJ L 15, 20.1.2010, p. 1.

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

Done at Brussels, 14 March 2012.

*For the Commission*

*The President*

José Manuel BARROSO

  

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## ANNEX

The entry corresponding to closantel in Table 1 of the Annex to Regulation (EU) No 37/2010 is replaced by the following:

| Pharmacologically active substance | Marker residue | Animal species | MRL                                                      | Target tissues                   | Other provisions (according to Article 14(7) of Regulation (EC) No 470/2009) | Therapeutic classification                         |
|------------------------------------|----------------|----------------|----------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------|----------------------------------------------------|
| 'Closantel                         | Closantel      | Bovine         | 1 000 µg/kg<br>3 000 µg/kg<br>1 000 µg/kg<br>3 000 µg/kg | Muscle<br>Fat<br>Liver<br>Kidney |                                                                              | Antiparasitic agents/Agents against endoparasites' |
|                                    |                | Ovine          | 1 500 µg/kg<br>2 000 µg/kg<br>1 500 µg/kg<br>5 000 µg/kg | Muscle<br>Fat<br>Liver<br>Kidney |                                                                              |                                                    |
|                                    |                | Bovine, Ovine  | 45 µg/kg                                                 | Milk                             | Provisional MRL shall expire on 1 January 2014                               |                                                    |

## COMMISSION IMPLEMENTING REGULATION (EU) No 222/2012

of 14 March 2012

**amending the Annex to Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance triclabendazole**

(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 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and the Council<sup>(1)</sup>, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

(1) The maximum residue limit (MRL) for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry should be established in accordance with Regulation (EC) No 470/2009.

(2) Pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin are set out in the Annex to Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin<sup>(2)</sup>.

(3) Triclabendazole is currently included in Table 1 of the Annex to Regulation (EU) No 37/2010 as an allowed substance, for all ruminants, applicable to muscle, fat, liver and kidney, excluding animals producing milk for human consumption.

(4) Ireland has submitted to the European Medicines Agency a request for an opinion for the extrapolation of the existing entry for triclabendazole applicable to all ruminants' milk.

(5) The Committee for Medicinal Products for Veterinary Use has recommended the establishment of provisional MRLs for triclabendazole for all ruminants' milk and the removal of the provision 'Not for use in animals producing milk for human consumption'.

(6) The entry for triclabendazole in Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended to include the recommended provisional MRL for all ruminants' milk and to remove the existing provision 'Not for use in animals producing milk for human consumption'. The provisional MRL set out in that table for triclabendazole should expire on 1 January 2014. The CVMP recommended a two-year period to allow for the completion of scientific studies required to respond to the list of questions addressed by the CVMP to Ireland.

(7) It is appropriate to provide for a reasonable period of time for the stakeholders concerned to take measures that may be required to comply with the newly set MRL.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

*Article 2*

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

It shall apply from 14 May 2012.

<sup>(1)</sup> OJ L 152, 16.6.2009, p. 11.

<sup>(2)</sup> OJ L 15, 20.1.2010, p. 1.

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

Done at Brussels, 14 March 2012.

*For the Commission*

*The President*

José Manuel BARROSO

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ANNEX

The entry corresponding to triclabendazole in Table 1 of the Annex to Regulation (EU) No 37/2010 is replaced by the following:

| Pharmacologically active substance | Marker residue                                                              | Animal species | MRL                                              | Target tissues                   | Other provisions (according to Article 14(7) of Regulation (EC) No 470/2009) | Therapeutic classification                         |
|------------------------------------|-----------------------------------------------------------------------------|----------------|--------------------------------------------------|----------------------------------|------------------------------------------------------------------------------|----------------------------------------------------|
| Triclabendazole                    | Sum of the extractable residues that may be oxidised to ketotriclabendazole | All ruminants  | 225 µg/kg<br>100 µg/kg<br>250 µg/kg<br>150 µg/kg | Muscle<br>Fat<br>Liver<br>Kidney |                                                                              | Antiparasitic agents/agents against endoparasites' |
|                                    |                                                                             |                | 10 µg/kg                                         | Milk                             | Provisional MRL shall expire on 1 January 2014                               |                                                    |

**COMMISSION REGULATION (EU) No 223/2012****of 14 March 2012****amending Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers for the purposes of adapting Annexes I and IV thereto to technical progress****(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 2003/2003 of the European Parliament and of the Council of 13 October 2003 relating to fertilisers <sup>(1)</sup>, and in particular Article 31(1) and (3) thereof,

Whereas:

(1) Article 3 of Regulation (EC) No 2003/2003 provides that a fertiliser belonging to a type of fertiliser listed in Annex I thereto and complying with the conditions laid down in that Regulation may be designated EC fertiliser.

(2) The fertiliser types listed in Annex I to Regulation (EC) No 2003/2003 include some types that may be sold only in the form of fine powders, and other types that may also be sold in the form of suspensions. Fertilisers in the form of suspensions pose less risk to the health of farmers when used in conditions under which the use of fine powders would result in the inhalation of dusts. To reduce the exposure of farmers to dusts, the option of using suspensions should be extended to include manganese micronutrient fertiliser types, and the range of ingredients permitted in existing boron and copper fertiliser suspensions should also be extended.

(3) Regulation (EC) No 2003/2003 foresees the use of complexing agents as ingredients in micro-nutrient fertilisers. However, no such fertilisers have been designated EC fertiliser because no list of authorised complexing agents has yet been established in Annex I to that Regulation and because there are no type designations for fertiliser containing complexing agents. Given that suitable complexing agents (lignosulfonic acid salts – hereinafter ‘LS’) are now available, they should be added to the list of authorised complexing agents and corresponding type designations should be created. Existing type designations for fertiliser solutions should also be adapted to allow the use of complexing agents, but each such solution should not contain more than one complexing agent to facilitate official controls.

(4) The new rules for micronutrient solutions and suspensions require relabelling of those fertiliser types.

However, fertilisers labelled according to the old rules will remain in stock for some time. Manufacturers should therefore be allowed sufficient time to prepare new labels and to sell off all existing stocks.

(5) Regulation (EC) No 2003/2003 provides a set of rules for the labelling of mixed micro-nutrient fertilisers but does not provide for the corresponding type designations in its Annex I. Regulation (EU) No 137/2011 introduced Table E.2.4 in Section E.2 of Annex I to Regulation (EC) No 2003/2003 containing the corresponding type designations and clearer rules for mixtures of micro-nutrient fertilisers. However, Table E.2.4 requires some labelling information, which in certain cases would not be in conformity with that required by Articles 6(6) and 23(2) of Regulation (EC) No 2003/2003. Table E.2.4 should therefore be amended accordingly. A transitional period should be granted to allow economic operators to adapt to the new rules and sell off their stocks of mixed micro-nutrient fertilisers.

(6) N,N'-di(2-hydroxybenzyl)ethylenediamine-N,N'-diacetic acid (hereinafter ‘HBED’) is an organic chelating agent for micro-nutrients. In particular, iron chelated with HBED is used to correct iron shortages and to remedy ferric chlorosis for a large variety of fruit trees. The elimination of ferric chlorosis and its symptoms ensures green foliage, good growth and development of the fruit. The iron chelated form of HBED has been authorised in Poland without any damage for the environment. HBED should therefore be added to the list of authorised organic chelating agents for micro-nutrients in Annex I to Regulation (EC) No 2003/2003. However, it is appropriate to provide for a transitional period so that HBED is authorised after the publication of the corresponding EN Standard.

(7) Dicyandiamide/1,2,4 triazole (hereinafter ‘DCD/TZ’) and 1,2,4 triazole/3-methylpyrazole (hereinafter ‘TZ/MP’) are nitrification inhibitors that are used in combination with fertilisers containing the nutrient nitrogen in the form of urea and/or ammonium salts. Those inhibitors prolong the availability of nitrogen to crops, reduce nitrate leaching, and reduce emissions of nitrous oxide to the atmosphere.

(8) N-(2-nitrophenyl)phosphoric triamide (hereinafter ‘2-NPT’) is a urease inhibitor designed for urea-containing nitrogen fertilisers to increase the availability of nitrogen to plants while reducing emissions of ammonia to the atmosphere.

<sup>(1)</sup> OJ L 304, 21.11.2003, p. 1.

- (9) DCD/TZ, TZ/MP and 2-NPT have been used in Germany and DCD/TZ and TZ/MP in the Czech Republic for many years where they have been shown to be efficient and to pose no risk to the environment. DCD/TZ, TZ/MP and 2-NPT should therefore be added to the list of authorized nitrification and urease inhibitors in Annex I to Regulation (EC) No 2003/2003 to make them more widely available to farmers throughout the Union.
- (10) Regulation (EC) No 2003/2003 requires the control of EC fertilisers in accordance with the methods of sampling and analysis that are described in Annex IV thereto. However, some of those methods are not internationally recognised and should be replaced by EN standards recently developed by the European Committee for Standardisation.
- (11) EN standards are usually validated by means of an inter-laboratory comparison to quantify the reproducibility and repeatability of the analytical methods. A distinction between validated EN Standards and non-validated methods should therefore be made to identify those EN Standards which have proven statistical reliability.
- (12) To simplify legislation and facilitate future revision, it is appropriate to replace the full text of the analytical methods in Annex IV to Regulation (EC) No 2003/2003 with references to the EN standards published by the European Committee for Standardisation.

- (13) Regulation (EC) No 2003/2003 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 32 of Regulation (EC) No 2003/2003,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments**

1. Annex I to Regulation (EC) No 2003/2003 is amended in accordance with Annex I to this Regulation.
2. Annex IV to Regulation (EC) No 2003/2003 is amended in accordance with Annex II to this Regulation.

#### *Article 2*

#### **Entry into force**

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Point (1)(a), points (b)(i), (c)(i), (c)(ii), (d)(i), (e)(i), (f)(i) and point (2) of Annex I shall apply by 4 April 2013.

Annex I, point (3) entry 11 shall apply from 4 July 2012.

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

Done at Brussels, 14 March 2012.

*For the Commission*

*The President*

José Manuel BARROSO

Annex I to Regulation (EC) No 2003/2003 is amended as follows:

(1) Section E.1 is amended as follows:

(a) In Section E.1.1, entry 1f is replaced by the following:

|     |                                  |                                                                                |             |                                                                    |                                                            |
|-----|----------------------------------|--------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------|------------------------------------------------------------|
| '1f | Borated fertiliser in suspension | Product obtained by suspending types 1a and/or 1b and/or 1c and/or 1d in water | 2 % total B | The designation must include the names of the constituents present | Total boron (B)<br><br>Water-soluble boron (B) if present' |
|-----|----------------------------------|--------------------------------------------------------------------------------|-------------|--------------------------------------------------------------------|------------------------------------------------------------|

(b) Section E.1.2 is amended as follows:

(i) entry 2c is replaced by the following:

|     |                            |                                              |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----|----------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '2c | Cobalt fertiliser solution | Aqueous solution of types 2a and/or 2b or 2d | 2 % water-soluble Co<br><br>When types 2a and 2d are mixed, the complexed fraction must be at least 40 % of the water-soluble Co | The designation must include:<br><br>(1) the name(s) of the mineral anion(s), if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble cobalt if present and that can be identified and quantified by a European standard<br><br>or<br><br>the name of the authorised complexing agent that can be identified by a European standard, if present | Water-soluble cobalt (Co)<br><br>Cobalt (Co) chelated by each authorised chelating agent that chelates at least 1 % water-soluble cobalt and that can be identified and quantified by a European standard<br><br>Cobalt (Co) complexed by the authorised complexing agent that can be identified by a European Standard<br><br>Optional: total cobalt (Co) chelated by authorised chelating agent(s)' |
|-----|----------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(ii) the following entry 2d is added:

|     |                |                                                                                                  |                                                                                                      |                                                                                                                        |                                                               |
|-----|----------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| '2d | Cobalt complex | Water-soluble product containing cobalt chemically combined with one authorised complexing agent | 5 % of water-soluble Co and the complexed fraction must be at least 80 % of the water-soluble cobalt | The designation must include the name of the authorised complexing agent that can be identified by a European Standard | Water-soluble cobalt (Co)<br><br>Total cobalt (Co) complexed' |
|-----|----------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|

(c) Section E.1.3 is amended as follows:

(i) entry 3f is replaced by the following:

|     |                            |                                              |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----|----------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '3f | Copper fertiliser solution | Aqueous solution of types 3a and/or 3d or 3i | 2 % water-soluble Cu<br><br>When types 3a and 3i are mixed, the complexed fraction must be at least 40 % of the water-soluble Cu | The designation must include:<br><br>(1) the name(s) of the mineral anion(s), if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble copper if present and that can be identified and quantified by a European standard<br><br>or<br><br>the name of the authorised complexing agent that can be identified by a European standard | Water-soluble copper (Cu)<br><br>Copper (Cu) chelated by each authorised chelating agent that chelates at least 1 % water-soluble copper and that can be identified and quantified by a European standard<br><br>Copper (Cu) complexed by the authorised complexing agent that can be identified by a European Standard<br><br>Optional: Total copper (Cu) chelated by authorised chelating agent(s)' |
|-----|----------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(ii) entry 3h is replaced by the following:

|     |                                 |                                                                                          |               |                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                |
|-----|---------------------------------|------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '3h | Copper fertiliser in suspension | Product obtained by suspending types 3a and/or 3b and/or 3c and/or 3d and/or 3g in water | 17 % total Cu | The designation must include:<br><br>(1) the name(s) of the anions, if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble copper if present and that can be identified and quantified by a European standard | Total copper (Cu)<br><br>Water-soluble copper (Cu) if present<br><br>Copper (Cu) chelated by each authorised chelating agent that chelates at least 1 % water-soluble copper and that can be identified and quantified by a European standard' |
|-----|---------------------------------|------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(iii) the following entry 3i is added:

|     |                |                                                                                                  |                                                                                                      |                                                                                                                        |                                                               |
|-----|----------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| '3i | Copper complex | Water-soluble product containing copper chemically combined with one authorised complexing agent | 5 % of water-soluble Cu and the complexed fraction must be at least 80 % of the water-soluble copper | The designation must include the name of the authorised complexing agent that can be identified by a European Standard | Water-soluble copper (Cu)<br><br>Total copper (Cu) complexed' |
|-----|----------------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|

(d) Section E.1.4 is amended as follows:

(i) entry 4c is replaced by the following:

|     |                          |                                              |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |
|-----|--------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '4c | Iron fertiliser solution | Aqueous solution of types 4a and/or 4b or 4d | 2 % water-soluble Fe<br><br>When types 4a and 4d are mixed, the complexed fraction must be at least 40 % of the water-soluble Fe | The designation must include:<br><br>(1) the name(s) of the mineral anion(s), if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble iron if present and that can be identified and quantified by a European standard<br><br>or<br><br>the name of the authorised complexing agent that can be identified by a European standard | Water-soluble iron (Fe)<br><br>Iron (Fe) chelated by each authorised chelating agent that chelates at least 1 % water-soluble iron and that can be identified and quantified by a European standard<br><br>Iron (Fe) complexed by the authorised complexing agent that can be identified by a European Standard<br><br>Optional: total iron (Fe) chelated by authorised chelating agent(s)' |
|-----|--------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(ii) the following entry 4d is added:

|     |              |                                                                                                |                                                                                                    |                                                                                                                        |                                                           |
|-----|--------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| '4d | Iron complex | Water-soluble product containing iron chemically combined with one authorised complexing agent | 5 % of water-soluble Fe and the complexed fraction must be at least 80 % of the water-soluble iron | The designation must include the name of the authorised complexing agent that can be identified by a European Standard | Water-soluble iron (Fe)<br><br>Total iron (Fe) complexed' |
|-----|--------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|

(e) Section E.1.5 is amended as follows:

(i) entry 5e is replaced by the following:

|     |                               |                                              |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----|-------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| '5e | Manganese fertiliser solution | Aqueous solution of types 5a and/or 5b or 5g | 2 % water-soluble Mn<br><br>When types 5a and 5g are mixed, the complexed fraction must be at least 40 % of the water-soluble Mn | The designation must include:<br><br>(1) the name(s) of the mineral anion(s), if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble manganese if present and that can be identified and quantified by a European standard<br><br>or<br><br>the name of the authorised complexing agent that can be identified by a European standard | Water-soluble manganese (Mn)<br><br>Manganese (Mn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble manganese and that can be identified and quantified by a European standard<br><br>Manganese (Mn) complexed by the authorised complexing agent that can be identified by a European Standard<br><br>Optional: total manganese (Mn) chelated by authorised chelating agent(s)' |
|-----|-------------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(ii) the following entries 5f and 5g are added:

|     |                                    |                                                                                                     |                                                                                                                  |                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                           |
|-----|------------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ‘5f | Manganese fertiliser in suspension | Product obtained by suspending types 5a and/or 5b and/or 5c in water                                | 17 % total Mn                                                                                                    | The designation must include:<br><br>(1) the name(s) of the anions, if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble manganese if present and that can be identified and quantified by a European standard | Total manganese (Mn)<br><br>Water-soluble manganese (Mn) if present<br><br>Manganese (Mn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble manganese and that can be identified and quantified by a European standard |
| 5g  | Manganese complex                  | Water-soluble product containing manganese chemically combined with one authorised complexing agent | 5 % of water-soluble Mn and the complexed fraction must be at least at least 80 % of the water-soluble manganese | The designation must include the name of the authorised complexing agent that can be identified by a European Standard                                                                                                                                              | Water-soluble manganese (Mn)<br><br>Total manganese (Mn) complexed’                                                                                                                                                                                       |

(f) Section E.1.7 is amended as follows:

(i) entry 7e is replaced by the following:

|     |                          |                                              |                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                             |
|-----|--------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ‘7e | Zinc fertiliser solution | Aqueous solution of types 7a and/or 7b or 7g | 2 % water-soluble Zn<br><br>When types 7a and 7g are mixed, the complexed fraction must be at least 40 % of the water-soluble Zn | The designation must include:<br><br>(1) the name(s) of the mineral anion(s), if present<br><br>(2) the name of any authorised chelating agent that chelates at least 1 % water-soluble zinc if present and that can be identified and quantified by a European standard<br><br>or<br><br>the name of the authorised complexing agent that can be identified by a European standard | Water-soluble zinc (Zn)<br><br>Zinc (Zn) chelated by each authorised chelating agent that chelates at least 1 % water-soluble zinc and that can be identified and quantified by a European standard<br><br>Zinc (Zn) complexed by the authorised complexing agent that can be identified by a European Standard<br><br>Optional: total zinc (Zn) chelated by authorised chelating agent(s)’ |
|-----|--------------------------|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(ii) the following entry 7g is added:

|     |              |                                                                                                |                                                                                                      |                                                                                                                        |                                                           |
|-----|--------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| ‘7g | Zinc complex | Water-soluble product containing zinc chemically combined with one authorised complexing agent | 5 % of water-soluble zinc and the complexed fraction must be at least 80 % of the water-soluble zinc | The designation must include the name of the authorised complexing agent that can be identified by a European Standard | Water-soluble zinc (Zn)<br><br>Total zinc (Zn) complexed’ |
|-----|--------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|

(2) in Section E.2, Table E.2.4 is replaced by the following:

| No | Type designation           | Data on method of production and essential requirements                                                                                                 | Minimum content of nutrients (percentage by weight)<br>Data on expression of nutrients<br>Other requirements                                                      | Other data on the type designation                                                                                                                                                                      | Nutrient content to be declared<br>Forms and solubilities of the micro-nutrients<br>Other criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | 2                          | 3                                                                                                                                                       | 4                                                                                                                                                                 | 5                                                                                                                                                                                                       | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 1  | Mixture of micro-nutrients | Product obtained by mixing two or more E.1 types of fertiliser or obtained by dissolving and/or suspending two or more E.1 types of fertiliser in water | (1) 5 % total content for a solid mixture<br><br>or<br><br>(2) 2 % total content for a fluid mixture<br><br>Individual micro-nutrients according to Section E.2.1 | Name of each micronutrient and its chemical symbol present listed in alphabetical order of their chemical symbols followed by the name(s) of its counter-ion(s) immediately after the type designation. | Total content of each micro-nutrient expressed as percentage of the fertiliser by mass, except where a micro-nutrient is totally water-soluble.<br><br>Water-soluble content of each micro-nutrient expressed as percentage of the fertiliser by mass where the soluble content is at least half of the total content. Where a micro-nutrient is totally water-soluble, only the water-soluble content shall be declared.<br><br>Where a micro-nutrient is chemically linked with an organic molecule, the micro-nutrient shall be declared immediately following the water-soluble content as a percentage of the fertiliser by mass, followed by one of the terms “chelated by” or “complexed by” with the name of each authorised chelating or complexing agent(s) as set out in Section E.3. The name of the organic molecule may be replaced by its initials.<br><br>The following statement below the compulsory and optional declarations: “To be used only where there is a recognised need. Do not exceed the appropriate dose rate”. |

(3) Section E.3.1 is replaced by the following:

E.3.1. Chelating agents <sup>(1)</sup>

Acids, or sodium, potassium or ammonium salts of:

| No | Designation                                                                                               | Alternative designation | Chemical formula                                                                                                                                    | CAS number of the acid <sup>(1)</sup> |
|----|-----------------------------------------------------------------------------------------------------------|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|
| 1  | Ethylenediaminetetraacetic acid                                                                           | EDTA                    | C <sub>10</sub> H <sub>16</sub> O <sub>8</sub> N <sub>2</sub>                                                                                       | 60-00-4                               |
| 2  | 2-hydroxyethylethylenediaminetriacetic acid                                                               | HEEDTA                  | C <sub>10</sub> H <sub>18</sub> O <sub>7</sub> N <sub>2</sub>                                                                                       | 150-39-0                              |
| 3  | diethylenetriaminepentaacetic acid                                                                        | DTPA                    | C <sub>14</sub> H <sub>23</sub> O <sub>10</sub> N <sub>3</sub>                                                                                      | 67-43-6                               |
| 4  | ethylenediamine- N,N'-di[(ortho-hydroxyphenyl)acetic acid]                                                | [o,o] EDDHA             | C <sub>18</sub> H <sub>20</sub> O <sub>6</sub> N <sub>2</sub>                                                                                       | 1170-02-1                             |
| 5  | ethylenediamine- N-[(ortho-hydroxyphenyl)acetic acid]- N'-[(para-hydroxyphenyl)acetic acid]               | [o,p] EDDHA             | C <sub>18</sub> H <sub>20</sub> O <sub>6</sub> N <sub>2</sub>                                                                                       | 475475-49-1                           |
| 6  | ethylenediamine- N,N'-di[(ortho-hydroxy-methylphenyl)acetic acid]                                         | [o,o] EDDHMA            | C <sub>20</sub> H <sub>24</sub> O <sub>6</sub> N <sub>2</sub>                                                                                       | 641632-90-8                           |
| 7  | ethylenediamine- N-[(ortho-hydroxy-methylphenyl)acetic acid]- N'-[(para-hydroxy-methylphenyl)acetic acid] | [o,p] EDDHMA            | C <sub>20</sub> H <sub>24</sub> O <sub>6</sub> N <sub>2</sub>                                                                                       | 641633-41-2                           |
| 8  | ethylenediamine- N,N'-di[(5-carboxy-2-hydroxyphenyl)acetic acid]                                          | EDDCHA                  | C <sub>20</sub> H <sub>20</sub> O <sub>10</sub> N <sub>2</sub>                                                                                      | 85120-53-2                            |
| 9  | ethylenediamine- N,N'-di[(2-hydroxy-5-sulfophenyl)acetic acid] and its condensation products              | EDDHSA                  | C <sub>18</sub> H <sub>20</sub> O <sub>12</sub> N <sub>2</sub> S <sub>2</sub> + n*(C <sub>12</sub> H <sub>14</sub> O <sub>8</sub> N <sub>2</sub> S) | 57368-07-7 and 642045-40-7            |
| 10 | Iminodisuccinic acid                                                                                      | IDHA                    | C <sub>8</sub> H <sub>11</sub> O <sub>8</sub> N                                                                                                     | 131669-35-7                           |
| 11 | N,N'-di(2-hydroxybenzyl)ethylenediamine- N,N'-diacetic acid                                               | HBED                    | C <sub>20</sub> H <sub>24</sub> N <sub>2</sub> O <sub>6</sub>                                                                                       | 35998-29-9                            |

<sup>(1)</sup> For information only.;

<sup>(1)</sup> The chelating agents are to be identified and quantified by the European Standards that cover the mentioned chelating agents.'

(4) Section E.3.2 is replaced by the following:

E.3.2. Complexing agents <sup>(1)</sup>

The following complexing agents are only permitted in products for fertigation and/or foliar application, except for Zn lignosulfonate, Fe lignosulfonate, Cu lignosulfonate and Mn lignosulfonate that can be applied directly to the soil.

Acids, or sodium, potassium or ammonium salts of:

| No | Designation        | Alternative designation | Chemical formula              | CAS number of the acid <sup>(1)</sup> |
|----|--------------------|-------------------------|-------------------------------|---------------------------------------|
| 1  | Lignosulfonic acid | LS                      | No chemical formula available | 8062-15-5                             |

<sup>(1)</sup> For information only.

<sup>(1)</sup> The complexing agents are to be identified by the European Standards that cover the mentioned complexing agents.;

(5) in Section F.1, the following entries are added:

|    |                                                                                                                        |                            |  |                                |
|----|------------------------------------------------------------------------------------------------------------------------|----------------------------|--|--------------------------------|
| '2 | Product containing dicyandiamide (DCD) and 1,2,4-triazole (TZ)<br>EC# EINECS No 207-312-8<br>EC# EINECS No 206-022-9   | Minimum 2,0<br>Maximum 4,0 |  | Mixture ratio 10:1<br>(DCD:TZ) |
| 3  | Product containing 1,2,4-triazole (TZ) and 3-methylpyrazole (MP)<br>EC# EINECS No 206-022-9<br>EC# EINECS No 215-925-7 | Minimum 0,2<br>Maximum 1,0 |  | Mixture ratio 2:1<br>(TZ:MP)   |

(6) in Section F.2, the following entry is added:

|    |                                                                         |                              |  |  |
|----|-------------------------------------------------------------------------|------------------------------|--|--|
| '2 | N-(2-nitrophenyl)phosphoric triamide (2-NPT)<br>EC# EINECS No 477-690-9 | Minimum 0,04<br>Maximum 0,15 |  |  |
|----|-------------------------------------------------------------------------|------------------------------|--|--|

## ANNEX II

Section B of Annex IV to Regulation (EC) No 2003/2003 is amended as follows:

- (1) methods 3.1.1 to 3.1.4 are replaced by the following:

Method 3.1.1

**Extraction of phosphorus soluble in mineral acids**

EN 15956: Fertilizers – *Extraction of phosphorus soluble in mineral acids*

This method of analysis has been ring-tested.

Method 3.1.2

**Extraction of phosphorus soluble in 2 % formic acid**

EN 15919: Fertilizers – *Extraction of phosphorus soluble in 2 % formic acid*

This method of analysis has not been ring-tested.

Method 3.1.3

**Extraction of phosphorus soluble in 2 % citric acid**

EN 15920: Fertilizers – *Extraction of phosphorus soluble in 2 % citric acid*

This method of analysis has not been ring-tested.

Method 3.1.4

**Extraction of phosphorus which is soluble in neutral ammonium citrate**

EN 15957: Fertilizers – *Extraction of phosphorus which is soluble in neutral ammonium citrate*

This method of analysis has been ring-tested.;

- (2) methods 3.1.5.1 to 3.1.5.3 are replaced by the following:

Method 3.1.5.1

**Extraction of soluble phosphorus according to Petermann at 65 °C**

EN 15921: Fertilizers – *Extraction of phosphorus according to Petermann at 65 °C*

This method of analysis has not been ring-tested.

Method 3.1.5.2

**Extraction of the soluble phosphorus according to Petermann at ambient temperature**

EN 15922: Fertilizers – *Extraction of phosphorus according to Petermann at ambient temperature*

This method of analysis has not been ring-tested.

Method 3.1.5.3

**Extraction of phosphorus soluble in Joulie's alkaline ammonium citrate**

EN 15923: Fertilizers – *Extraction of phosphorus in Joulie's alkaline ammonium citrate*

This method of analysis has not been ring-tested.;

- (3) method 3.1.6 is replaced by the following:

Method 3.1.6

**Extraction of water soluble phosphorus**

EN 15958: Fertilizers – *Extraction of water soluble phosphorus*

This method of analysis has been ring-tested.;

- (4) method 3.2 is replaced by the following:

Method 3.2

**Determination of extracted phosphorus**

EN 15959: Fertilizers – Determination of extracted phosphorus

This method of analysis has been ring-tested.;

- (5) methods 7.1 and 7.2 are replaced by the following:

Method 7.1

**Determination of the fineness of grinding (dry procedure)**

EN 15928: Fertilizers – Determination of the fineness of grinding (dry procedure)

This method of analysis has not been ring-tested.

Method 7.2

**Determination of the fineness of grinding of soft natural phosphates**

EN 15924: Fertilizers – Determination of the fineness of grinding of soft natural phosphates

This method of analysis has not been ring-tested.;

- (6) methods 8.1 to 8.5 are replaced by the following:

Method 8.1

**Extraction of total calcium, total magnesium, total sodium and total sulphur in the forms of sulphates**

EN 15960: Fertilizers – Extraction of total calcium, total magnesium, total sodium and total sulphur in the forms of sulphates

This method of analysis has not been ring-tested.

Method 8.2

**Extraction of total sulphur present in various forms**

EN 15925: Fertilizers – Extraction of total sulphur present in various forms

This method of analysis has not been ring-tested.

Method 8.3

**Extraction of water soluble calcium, magnesium, sodium and sulphur (in the form of sulphates)**

EN 15961: Fertilizers – Extraction of water soluble calcium, magnesium, sodium and sulphur (in the form of sulphates)

This method of analysis has not been ring-tested.

Method 8.4

**Extraction of water soluble sulphur where the sulphur is in various forms**

EN 15926: Fertilizers – Extraction of water soluble sulphur where the sulphur is in various forms

This method of analysis has not been ring-tested.

Method 8.5

**Extraction and determination of elemental sulphur**

EN 16032: Fertilizers – Extraction and determination of elemental sulphur

This method of analysis has not been ring-tested.;

- (7) the following method 8.11 is inserted:

Method 8.11

**Determination of calcium and formate in calcium formate**

EN 15909: Fertilizers – Determination of calcium and formate in calcium foliar fertilizers

This method of analysis has been ring-tested.;

- (8) method 11.3 is replaced by the following:

Method 11.3

**Determination of iron chelated by o,o-EDDHA, o,o-EDDHMA and HBED**

EN 13368-2: Fertilizers – Determination of chelating agents in fertilizers by chromatography. Part 2: Determination of Fe chelated by o,o-EDDHA, o,o-EDDHMA and HBED by ion pair-chromatography

This method of analysis has been ring-tested.;

- (9) the following methods 11.6, 11.7 and 11.8 are inserted:

Method 11.6

**Determination of IDHA**

EN 15950: Fertilizers – Determination of N-(1,2-dicarboxyethyl)-D,L-aspartic acid (Iminodisuccinic acid, IDHA) using high-performance liquid chromatography (HPLC)

This method of analysis has been ring-tested.

Method 11.7

**Determination of lignosulfonates**

EN 16109: Fertilizers – Determination of micro-nutrient ions complexed in fertilizers – Identification of lignosulfonates

This method of analysis has been ring-tested.

Method 11.8

**Determination of the complexed micro-nutrient content and of the complexed fraction of micro-nutrients**

EN 15962: Fertilizers – Determination of the complexed micro-nutrient content and of the complexed fraction of micro-nutrients

This method of analysis has been ring-tested.;

- (10) the following methods 12.3, 12.4 and 12.5 are inserted:

Method 12.3

**Determination of 3-methylpyrazole**

EN 15905: Fertilizers – Determination of 3-methylpyrazole (MP) using high-performance liquid chromatography (HPLC)

This method of analysis has been ring-tested.

Method 12.4

**Determination of TZ**

EN 16024: Fertilizers – Determination of 1H,1,2,4-triazole in urea and in fertilizers containing urea – Method using high-performance liquid chromatography (HPLC)

This method of analysis has been ring-tested.

Method 12.5

**Determination of 2-NPT**

EN 16075: Fertilizers – Determination of N-(2-nitrophenyl)phosphoric triamide (2-NPT) in urea and fertilizers containing urea – Method using high-performance liquid chromatography (HPLC)

This method of analysis has been ring-tested.;

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**COMMISSION IMPLEMENTING REGULATION (EU) No 224/2012****of 14 March 2012****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, 14 March 2012.

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

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

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

## ANNEX

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

| (EUR/100 kg) |                                   |                       |
|--------------|-----------------------------------|-----------------------|
| CN code      | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 00   | IL                                | 51,1                  |
|              | JO                                | 68,6                  |
|              | MA                                | 63,8                  |
|              | TN                                | 88,2                  |
|              | TR                                | 117,1                 |
|              | ZZ                                | 77,8                  |
| 0707 00 05   | JO                                | 183,3                 |
|              | TR                                | 170,7                 |
|              | ZZ                                | 177,0                 |
| 0709 91 00   | EG                                | 158,2                 |
|              | ZZ                                | 158,2                 |
| 0709 93 10   | MA                                | 52,1                  |
|              | TR                                | 134,9                 |
|              | ZZ                                | 93,5                  |
| 0805 10 20   | EG                                | 51,3                  |
|              | IL                                | 72,0                  |
|              | MA                                | 59,2                  |
|              | TN                                | 55,2                  |
|              | TR                                | 65,7                  |
|              | ZZ                                | 60,7                  |
| 0805 50 10   | EG                                | 69,0                  |
|              | MA                                | 69,1                  |
|              | TR                                | 55,4                  |
|              | ZZ                                | 64,5                  |
| 0808 10 80   | AR                                | 89,5                  |
|              | BR                                | 84,7                  |
|              | CA                                | 121,2                 |
|              | CL                                | 103,2                 |
|              | CN                                | 91,7                  |
|              | MK                                | 36,4                  |
|              | US                                | 159,7                 |
|              | ZZ                                | 98,1                  |
| 0808 30 90   | AR                                | 95,7                  |
|              | CL                                | 108,4                 |
|              | CN                                | 52,9                  |
|              | ZA                                | 102,9                 |
|              | ZZ                                | 90,0                  |

<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'.

## III

(Other acts)

## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY DECISION

No 533/09/COL

of 16 December 2009

**amending, for the 77th time, the procedural and substantive rules in the field of State aid by introducing a new chapter on a simplified procedure for treatment of certain types of State aid**

THE EFTA SURVEILLANCE AUTHORITY <sup>(1)</sup>,

HAVING REGARD to the Agreement on the European Economic Area <sup>(2)</sup>, in particular to Articles 61 to 63 and Protocol 26 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice <sup>(3)</sup>, in particular to Article 24 and Article 5(2)(b) thereof,

Whereas:

Under Article 24 of the Surveillance and Court Agreement, the Authority shall give effect to the provisions of the EEA Agreement concerning State aid.

Under Article 5(2)(b) of the Surveillance and Court Agreement, the Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the Authority considers it necessary.

The Authority adopted the Procedural and Substantive Rules in the Field of State Aid <sup>(4)</sup>, on 19 January 1994.

The European Commission adopted a Notice on a simplified procedure for treatment of certain types of State aid <sup>(5)</sup> on 16 June 2009.

That Notice is also of relevance for the European Economic Area,

Uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area,

According to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the Authority, after consultation with the European Commission, is to adopt acts corresponding to those adopted by the European Commission,

Having consulted the European Commission on 8 December 2009 and the EFTA States on the subject by letters dated 20 November 2009,

HAS ADOPTED THIS DECISION:

*Article 1*

The State Aid Guidelines shall be amended by introducing a new chapter on a simplified procedure for treatment of certain types of State aid. The new chapter is contained in the Annex to this Decision.

<sup>(1)</sup> Hereinafter referred to as 'the Authority'.

<sup>(2)</sup> Hereinafter referred to as 'the EEA Agreement'.

<sup>(3)</sup> Hereinafter referred to as 'the Surveillance and Court Agreement'.

<sup>(4)</sup> Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the Authority on 19 January 1994, published in the *Official Journal of the European Union* (hereinafter referred to as OJ) L 231 of 3.9.1994 p. 1 and EEA Supplement No 32 of 3.9.1994 p. 1 (hereinafter referred to as 'the State Aid Guidelines'). The updated version of the State Aid Guidelines is published on the Authority's website: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines>

<sup>(5)</sup> OJ C 136, 16.6.2009, p. 3.

*Article 2*

Only the English version is authentic.

Done at Brussels, 16 December 2009.

*For the EFTA Surveillance Authority*

Per SANDERUD  
*President*

Kristján Andri STEFÁNSSON  
*College Member*

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## ANNEX I

**GUIDELINES ON A SIMPLIFIED PROCEDURE FOR TREATMENT OF CERTAIN TYPES OF STATE AID <sup>(1)</sup>****1. Introduction**

- (1) These Guidelines set out a simplified procedure under which the Authority intends, in close cooperation with the EFTA State concerned, to examine within an accelerated time frame certain types of state support measures which only require the Authority to verify that the measure is in accordance with existing rules and practices without exercising any discretionary powers. The Authority's experience gained in applying Article 61 of the EEA Agreement and the regulations, frameworks, guidelines and notices adopted on the basis of Article 61 of the EEA Agreement <sup>(2)</sup>, has shown that certain categories of notified aid are normally approved without raising any doubts as to their compatibility with the EEA Agreement, provided that there are no special circumstances. These categories of aid are described in Section 2. Other aid measures notified to the Authority will be subject to the appropriate procedures <sup>(3)</sup> and normally to the Code of Best Practice for the conduct of State aid control procedures.
- (2) The purpose of these Guidelines is to set out the conditions under which the Authority will usually adopt a short-form decision declaring certain types of state support measures compatible with the EEA Agreement under the simplified procedure and to provide guidance in respect of the procedure itself. When all the conditions set out in these Guidelines are met, the Authority will use its best endeavours to adopt a short-form decision that the notified measure does not constitute aid or not to raise objections within 20 working days from the date of notification, in accordance with Article 4(2) or Article 4(3) in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.
- (3) However, if any of the safeguards or exclusions set out in points 6 to 12 of these Guidelines are applicable, the Authority will revert to the normal procedure regarding notified aid described in Chapter II of Protocol 3 and will then adopt a full-form decision pursuant to Article 4 and/or Article 7 of that Protocol. In any case, the only legally enforceable time limits are those set out in Article 4(5) and Article 7(6) of Protocol 3.
- (4) By following the procedure outlined in these Guidelines, the Authority aims to make EEA State aid control more predictable and efficient. No part of these Guidelines should be interpreted as implying that a support measure which does not qualify as State aid within the meaning of Article 61 of the EEA Agreement must be notified to the Authority, although EFTA States remain free to notify such support measures for reasons of legal certainty.

**2. Categories of State aid suitable for treatment under the simplified procedure***Eligible categories of State aid*

- (5) The following categories of measures are in principle suitable for treatment under the simplified procedure:

- (a) Category 1: Aid measures falling within the 'standard assessment' sections of existing guidelines

<sup>(1)</sup> This Chapter corresponds to the Notice from the Commission on a simplified procedure for treatment of certain types of State aid (OJ C 136, 16.6.2009, p. 3).

<sup>(2)</sup> See, in particular, the Guidelines for State aid for research and development and innovation, (OJ L 305, 19.11.2009, p. 1 and EEA Supplement No 60, 19.11.2009, p. 1), hereinafter referred to as the 'Guidelines for Research and Development and Innovation'; the Guidelines on State aid to promote risk capital investments in small and medium-sized enterprises, OJ L 184, 16.7.2009, p. 18, hereinafter the 'Risk Capital Guidelines'; the Guidelines on State aid for environmental protection, (OJ L 144, 10.6.2010, p. 1 and EEA Supplement No 29, 10.6.2010, p. 1), hereinafter the 'Environmental Aid Guidelines'; the Guidelines on national regional aid for 2007–2013 (OJ L 54, 28.2.2008, p. 1), hereinafter the 'Regional Aid Guidelines'; the Decision concerning the prolongation of the Guidelines on State aid to shipbuilding (OJ L 148, 11.6.2009, p. 55), hereinafter the 'Shipbuilding Guidelines'; the Guidelines on State aid to cinematographic and other audiovisual works, (OJ L 105, 21.4.2011, p. 32 and EEA Supplement No 23, 21.4.2011, p. 1), hereinafter the 'Cinema Guidelines'; Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General block exemption Regulation) (OJ L 214, 9.8.2008, p. 3), incorporated in Annex XV to the EEA Agreement by Joint Committee Decision No 120/2008 (OJ L 339, 18.12.2008, p. 111 and EEA Supplement No 79, 18.12.2008, p. 20).

<sup>(3)</sup> Measures notified to the Authority in the context of the current financial crisis pursuant to the Authority's guidelines entitled 'The application of State aid rules to measures taken in relation to financial institutions in the context of the current global financial crisis' (OJ L 17, 20.1.2011, p. 1 and EEA Supplement No 3, 20.1.2011, p. 1) and the 'Temporary Framework for State aid measures to support access to finance in the current financial and economic crisis' (OJ L 15, 20.1.2011, p. 26 and EEA Supplement No 3, 20.1.2011, p. 31) will not be subject to the simplified procedure set out in these Guidelines. Specific ad hoc arrangements have been put in place in order to deal swiftly with those cases.

Aid measures falling within the 'standard assessment' (so-called 'safe harbour' sections) <sup>(4)</sup>, or equivalent types of assessment <sup>(5)</sup> in horizontal guidelines, which are not covered by the General block exemption Regulation, are in principle suitable for treatment under the simplified procedure.

The simplified procedure will only be applied in cases where the Authority is satisfied, after the pre-notification phase (see points 13 to 16), that all the substantive and procedural requirements laid down in the applicable sections of the respective guidelines are fulfilled. This implies that the pre-notification phase confirms that the notified aid measure *prima facie* meets the relevant conditions, as further detailed in each of the applicable horizontal instruments, concerning:

- type of beneficiaries,
- eligible costs,
- aid intensities and bonuses,
- individual notification ceiling or maximum aid amount,
- type of aid instrument used,
- cumulation,
- incentive effect,
- transparency,
- exclusion of beneficiaries which are subject to an outstanding recovery order <sup>(6)</sup>.

The types of measures for which the Authority is prepared to consider applying the simplified procedure within this category include in particular the following:

- (i) risk capital measures taking a form other than a participation into a private equity investment fund and meeting all other conditions of Section 4 of the Risk Capital Guidelines;
- (ii) environmental investment aid meeting the conditions of Section 3 of the Environmental Aid Guidelines:
  - the eligible cost basis of which is determined on the basis of a full cost calculation methodology in line with point 82 of the Environmental Aid Guidelines <sup>(7)</sup>, or
  - including an eco-innovation bonus demonstrated to be in line with point 78 of the Environmental Aid Guidelines <sup>(8)</sup>;
- (iii) aid for young innovative enterprises granted in accordance with Section 5.4 of the Guidelines for Research and Development and Innovation and the innovative character of which is determined on the basis of Section 5.4(b)(i) of the Guidelines <sup>(9)</sup>;
- (iv) aid for innovation clusters granted in accordance with Sections 5.8 and 7.1 of the Guidelines for Research and Development and Innovation;
- (v) aid for process and organisational innovation in services granted in accordance with Section 5.5 of the Guidelines for Research and Development and Innovation;
- (vi) ad hoc regional aid which is below the individual notification threshold laid down in point 53 of the Regional Aid Guidelines <sup>(10)</sup>;

<sup>(4)</sup> Such as Section 5 of the Guidelines for Research and Development and Innovation or Section 3 of the Environmental Aid Guidelines, and Section 4 of the Risk Capital Guidelines.

<sup>(5)</sup> Regional Aid Guidelines; Section 3.1.2 of the Guidelines on State aid for rescuing and restructuring firms in difficulty (OJ L 107, 28.4.2005, p. 28), hereinafter the 'Rescue and Restructuring Guidelines'.

<sup>(6)</sup> The Authority will revert to the normal procedure where the notified aid measure could benefit an undertaking which is subject to an outstanding recovery order following a previous Authority decision declaring an aid unlawful and incompatible with the EEA Agreement (so-called Deggendorf issue). See Case C-188/92 TWD Textilwerke Deggendorf [1994] ECR I-833.

<sup>(7)</sup> Article 18(5) of the General block exemption Regulation foresees a simplified cost calculation methodology.

<sup>(8)</sup> The General block exemption Regulation does not exempt eco-innovation bonuses.

<sup>(9)</sup> Only aid to young innovative enterprises meeting the conditions laid down in point 5.4(b)(ii) of the Guidelines for Research and Development and Innovation are subject to the General block exemption Regulation.

<sup>(10)</sup> In such cases, the information to be provided by the EFTA State will need to demonstrate upfront that: (i) the aid amount remains below the notification threshold (without sophisticated net present value calculations); (ii) the aid concerns a new investment (no replacement investment); and (iii) the beneficial effects of the aid on regional development manifestly outweigh the distortions of competition it creates. See for example the Commission's Decision in case N 721/2007 (Poland, 'Reuters Europe SA').

- (vii) rescue aid in the manufacturing and services sectors (except in the financial sector) meeting all substantive conditions of Sections 3.1.1 and 3.1.2 of the Rescue and Restructuring Guidelines <sup>(11)</sup>;
- (viii) rescue and restructuring schemes for small enterprises meeting all conditions of Section 4 of the Rescue and Restructuring Guidelines <sup>(12)</sup>;
- (ix) ad hoc restructuring aid for small and medium enterprises, provided it meets all the conditions laid down in Section 3 of the Rescue and Restructuring Guidelines <sup>(13)</sup>;
- (x) export credits in the shipbuilding sector meeting all the conditions of Section 3.3.4 of the Shipbuilding Guidelines <sup>(14)</sup>;
- (xi) audiovisual support schemes meeting all the conditions set out in Section 2.3 of the Cinema Guidelines as regards the development, production, distribution and promotion of audiovisual works <sup>(15)</sup>.

The above list is illustrative and may evolve on the basis of future revisions of the currently applicable instruments or the adoption of new instruments. The Authority may review this list from time to time to keep it in line with applicable State aid rules.

(b) Category 2: Measures corresponding to well-established Authority decision-making practice

Aid measures with features corresponding to those of aid measures approved in at least three earlier Authority decisions (hereinafter 'precedent decisions') <sup>(16)</sup>, the assessment of which can thus be immediately carried out on the basis of this established Authority decision-making practice, are in principle suitable for treatment under the simplified procedure. Only Authority decisions adopted within the last 10 years preceding the date of pre-notification (see point 14) may qualify as 'precedent decisions'.

The simplified procedure will only be applied in cases where the Authority is satisfied, after the pre-notification phase (see points 13-16), that the relevant substantive and procedural conditions which governed the precedent decisions are met, in particular as regards the objectives and overall set-up of the measure, the types of beneficiaries, eligible costs, individual notification ceilings, aid intensities and (where applicable) bonuses, cumulation provisions, incentive effect, and transparency requirements. In addition, as pointed out in point 11, the Authority will revert to the normal procedure where the notified aid measure could benefit an undertaking which is subject to an outstanding recovery order following a previous Authority decision declaring an aid unlawful and incompatible with the EEA Agreement (so-called Deggendorf issue).

The types of measures for which the Authority is prepared to consider applying the simplified procedure within this category include in particular the following:

- (i) aid measures for the preservation of national cultural heritage related to activities linked to historic, ancient sites or national monuments, provided that the aid is limited to 'heritage conservation' within the meaning of Article 61(3)(c) of the EEA Agreement read in conjunction with Article 107(3)(d) of the Treaty on the Functioning of the European Union <sup>(17)</sup>;

<sup>(11)</sup> See for example the Commission's Decision in cases N 28/2006 (Poland, Techmatrans), N 258/2007 (Germany, Rettungsbeihilfe zugunsten der Erich Rohde KG) and N 802/2006 (Italy, rescue aid to Sandretto Industrie).

<sup>(12)</sup> See for example the Commission's Decisions in cases N 85/2008 (Austria, Guarantee scheme for small and medium-sized enterprises in the region of Salzburg), N 386/2007 (France, Rescue and restructuring scheme for small and medium-sized enterprises), N 832/2006 (Italy, Rescue and restructuring scheme Valle d'Aosta). This approach is in line with Article 1(7) of the General block exemption Regulation.

<sup>(13)</sup> See for example the Commission's Decisions in cases N 92/2008 (Austria, Restructuring aid for Der Bäcker Legat) and N 289/2007 (Italy, Restructuring aid to Fiem SRL).

<sup>(14)</sup> See for example the Commission's Decisions in cases N 76/2008 (Germany, Prolongation of CIRP financing scheme for the export of ships), N 26/2008 (Denmark, Changes to financing scheme for the export of ships) and N 760/2006 (Spain, Extension of export financing scheme — Spanish shipbuilding).

<sup>(15)</sup> Although the Guidelines' criteria apply directly only to the activity of production, in practice, they are also applied by analogy to assess the compatibility of the activities of pre- and post-production of audiovisual works, as well as the principles of necessity and proportionality under Articles 61(3)(c) of the EEA Agreement. See for example the Commission's Decisions in cases N 233/2008 (Latvian film support scheme), N 72/2008 (Spain, Scheme for the promotion of films in Madrid), N 60/2008 (Italy, Film support in the Sardinia region) and N 291/2007 (Netherlands Film Fund).

<sup>(16)</sup> The Authority may also rely on decisions adopted by the Commission when assessing whether there is a well-established decision-making practice.

<sup>(17)</sup> See for example the Commission's Decisions in cases N 393/2007 (Netherlands, Subsidy to NV Bergkwartier), N 106/2005 (Poland, Hala Ludowa in Wrocław) and N 123/2005 (Hungary, Earmarked scheme for tourism and culture in Hungary).

- (ii) aid schemes for theatre, dance and music activities <sup>(18)</sup>;
- (iii) aid schemes for the promotion of minority languages <sup>(19)</sup>;
- (iv) aid measures in favour of the publishing industry <sup>(20)</sup>;
- (v) aid measures in favour of broadband connectivity in rural areas <sup>(21)</sup>;
- (vi) guarantee schemes for shipbuilding finance <sup>(22)</sup>;
- (vii) aid measures fulfilling all other applicable provisions of the General block exemption Regulation, but excluded from its application merely because:
  - the measures constitute ‘ad hoc aid’ <sup>(23)</sup>,
  - the measures are provided in an untransparent form (Article 5 of the General block exemption Regulation), but their gross grant equivalent is calculated on the basis of a methodology approved by the Authority in three individual decisions adopted after 1 January 2007;
- (viii) measures supporting the development of local infrastructure not constituting State aid within the meaning of Article 61(1) of the EEA Agreement in view of the fact that, having regard to the specificities of the case, the measure in question will not have any effect on intra-EEA trade <sup>(24)</sup>;
- (ix) the prolongation and/or modification of existing schemes outside the scope of the simplified procedure foreseen in the Authority’s Decision No 195/04/COL of 14 July 2004 on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice <sup>(25)</sup> (see category 3 below), for example as regards the adaptation of existing schemes to new horizontal guidelines <sup>(26)</sup>.

<sup>(18)</sup> See for example the Commission’s Decisions in cases N 340/2007 (Spain, Aid for theatre, dance, music and audiovisual activities in the Basque country), N 257/2007 (Spain, Promotion of theatre production in the Basque country) and N 818/99 (France; Parafiscal tax on spectacles and concerts).

<sup>(19)</sup> See for example the Commission’s Decisions in cases N 776/2006 (Spain, Aid for the promotion of the Basque language), N 49/2007 (Spain, Aid for the promotion of the Basque language) and N 161/2008 (Spain, Aid to the Basque language).

<sup>(20)</sup> See for example the Commission’s Decisions in cases N 687/2006 (Slovak Republic, Aid to Kalligram SRO in favour of a periodical), N 1/2006 (Slovenia, Promotion of the publishing industry in Slovenia) and N 268/2002 (Italy, Aid in favour of the publishing industry in Sicily).

<sup>(21)</sup> See for example the Commission’s Decisions in cases N 264/2006 (Italy, Broadband for rural Tuscany), N 473/2007 (Italy, Broadband connections for Alto Adige) and N 115/2008 (Broadband in rural areas of Germany).

<sup>(22)</sup> See for example the Commission’s Decisions in cases N 325/2006 (Germany, prolongation of the guarantee schemes for shipbuilding finance), N 35/2006 (France, Guarantee scheme for ship financing and bonding) and N 253/2005 (Netherlands, Guarantee scheme for ship financing).

<sup>(23)</sup> Ad hoc aid is often excluded from the scope of the General block exemption Regulation. This exclusion applies to all large enterprises (Article 1(5) of the General block exemption Regulation), as well as, in certain instances, to small and medium-sized enterprises (see Articles 13 and 14 concerning regional aid, Article 16 concerning female entrepreneurship, Article 29 concerning aid in the form of risk capital and Article 40 concerning aid for the recruitment of disadvantaged workers). As regards the specific conditions governing ad hoc regional investment aid, see footnote 10 above. Moreover these Guidelines is without prejudice to any Authority communication or guidance paper laying down detailed economic assessment criteria for the compatibility analysis of cases subject to individual notification.

<sup>(24)</sup> See the Commission’s Decisions in cases N 258/2000 (Germany, leisure pool Dorsten), N 486/2002 (Sweden, Aid in favour of a congress hall in Visby), N 610/2001 (Germany, Tourism infrastructure program Baden-Württemberg), N 377/2007 (The Netherlands, Support to Bataviawerf — Reconstruction of a vessel from the 17th century). In order for the measure concerned to be considered as not having any effect on intra-EEA trade, these four precedent decisions require, most prominently, a demonstration by the EFTA State of the following features: 1. that the aid does not lead to investments being attracted in the region concerned; and 2. that the goods/services produced by the beneficiary are purely local and/or have a geographically limited attraction zone; and 3. that there is no more than marginal effect on consumers from neighbouring EEA States; and 4. that the market share of the beneficiary is minimal on any relevant market definition used and that the beneficiary does not belong to a wider group of undertakings. These features should be highlighted in the draft notification form referred to in point 14 of these Guidelines.

<sup>(25)</sup> OJ L 139, 25.5.2006, p. 37 and EEA Supplement No 26, 25.5.2006, p. 1. Amended by Decision 319/05/COL of 14.12.2005 (OJ L 113, 27.4.2006, p. 24 and EEA Supplement No 21, 27.4.2006, p. 46) and Decision 789/08/COL of 17.12.2008 (OJ L 340, 22.12.2010, p. 1 and EEA Supplement No 72, 22.12.2010, p. 1). Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.4.2004, p. 1).

<sup>(26)</sup> See for example the Commission’s Decisions in cases N 585/2007 (United Kingdom, Prolongation of Yorkshire R & D scheme), N 275/2007 (Germany, Prolongation of rescue and restructuring scheme for small and medium-sized enterprises in Bremen), N 496/2007 (Italy (Lombardia) Guarantee Fund for the development of risk capital) and N 625/2007 (Latvia, Aid to risk capital to small and medium-sized enterprises).

This list is illustrative, since the exact scope of this category may evolve in line with Authority decision-making practice. The Authority may review this illustrative list from time to time to keep it in line with evolving practice.

(c) Category 3: Prolongation or extension of existing schemes

Article 4 of the Authority's Decision No 195/04/COL foresees a simplified notification procedure for certain alterations to existing aid. Under that Article, the '[...] following alterations to existing aid shall be notified on the simplified notification form set out in Annex II to this Decision:

- (a) increases in the budget of an authorised aid scheme exceeding 20 %;
- (b) prolongation of an existing authorised aid scheme by up to six years, with or without an increase in the budget;
- (c) tightening of the criteria for the application of an authorised aid scheme, a reduction of aid intensity or a reduction of eligible expenses'.

The possibility of applying Article 4 of the Authority's Decision No 195/04/COL remains unaffected by these Guidelines. However, the Authority invites the notifying EFTA State to proceed in accordance with these Guidelines, including pre-notification of the aid measures concerned, while using the simplified notification form annexed to the Authority's Decision No 195/04/COL. The Authority will, in the context of this procedure, also invite the EFTA State concerned to agree on the publication on the Authority's website of the summary of its notification.

*Safeguards and exclusions*

- (6) Since the simplified procedure applies only to aid notified on the basis of Article 1(3) in Part I of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, unlawful aids are excluded. Moreover, to the extent that the EEA Agreement applies to the following sectors, the simplified procedure will not apply to aid favouring activities in the fishery and aquaculture sectors, activities in the primary production of agricultural products or activities in the processing or marketing of agricultural products due to the specificities of the sectors concerned. In addition, the simplified procedure will not be applied retroactively to measures pre-notified before 1 January 2010.
- (7) In assessing whether a notified aid measure falls into one of the eligible categories set out in point 5, the Authority will ensure that the applicable guidelines and/or established Authority decision-making practice on the basis of which the notified aid measure is to be assessed, as well as all relevant factual circumstances, are established with sufficient clarity. Given that the completeness of the notification constitutes a key element for determining whether the simplified procedure is to be applied, the notifying EFTA State is invited to provide all relevant information, including the precedent decisions relied upon, if appropriate, at the outset of the pre-notification phase (see point 14).
- (8) Where the notification form is not complete or contains misleading or incorrect information, the Authority will not apply the simplified procedure. In addition, to the extent that the notification involves novel legal issues of a general interest, the Authority will not normally apply the simplified procedure.
- (9) While it can normally be assumed that aid measures falling into the categories set out in point 5 will not raise doubts as to their compatibility with the EEA Agreement, there may none the less be special circumstances which require a closer investigation. In such cases, the Authority may revert to the normal procedure at any time.
- (10) Such special circumstances may include in particular: certain forms of aid as yet untested in the Authority's decision-making practice, precedent decisions which the Authority may be in the course of reassessing in the light of recent case-law or developments of the EEA, novel technical issues, or concerns as regards the measure's compatibility with other provisions of the EEA Agreement (for example, non-discrimination, the four freedoms, etc.).
- (11) The Authority will revert to the normal procedure where the notified aid measure could benefit an undertaking which is subject to an outstanding recovery order following a previous Authority decision declaring an aid unlawful and incompatible with the EEA Agreement (so-called Degendorf issue).

- (12) Finally, if a third party expresses substantiated concerns about the notified aid measure within the time-limit laid down in point 21 of these Guidelines, the Authority will revert to the normal procedure<sup>(27)</sup> and will inform the EFTA State to that effect.

### 3. Procedural provisions

#### *Pre-notification contacts*

- (13) The Authority has found pre-notification contacts with the notifying EFTA State beneficial even in seemingly unproblematic cases. Such contacts allow the Authority and the EFTA States, in particular, to determine at an early stage the relevant Authority instruments or precedent decisions, the degree of complexity which the Authority's assessment is likely to involve and the scope and depth of the information required for the Authority to make a full assessment of the case.
- (14) In view of the time constraints of the simplified procedure, the assessment of a state support measure under the simplified procedure is conditional upon the EFTA State holding pre-notification contacts with the Authority. In this context, the EFTA State is invited to submit a draft notification form with the necessary supplementary information sheets provided for in Article 2 of the Authority's Decision No 195/04/COL, and the relevant precedent decisions if appropriate, via the Authority's established IT application. The EFTA State may also request, at this stage, that the Authority waive the completion of certain parts of the notification form. The EFTA State and the Authority may also agree, in the context of the pre-notification contact, that the EFTA State does not need to provide a draft notification form and accompanying information in the pre-notification phase. Such an agreement may be appropriate, for instance, due to the repetitive nature of certain aid measures (for instance the category of aid set out in point 5(c) of these Guidelines). In this context, the EFTA State may be invited to proceed directly with the notification where detailed discussion about the envisaged aid measures is not considered necessary by the Authority.
- (15) Within two weeks from the receipt of the draft notification form, the Authority will organise a first pre-notification contact. The Authority will promote the holding of contacts via email or conference calls or, at the specific request of the EFTA State concerned, organise meetings. Within five working days after the last pre-notification contact, the Authority will inform the EFTA State concerned whether it considers that the case qualifies *prima facie* for treatment under the simplified procedure, which information still needs to be provided for the measure to qualify for treatment under that procedure, or whether the case will remain subject to the normal procedure.
- (16) The indication by the Authority that the case concerned can be treated under the simplified procedure implies that the EFTA State and the Authority agree *prima facie* that the information provided in the pre-notification context would, if submitted as a formal notification, constitute a complete notification. The Authority would thus, in principle, be in a position to approve the measure, once formally notified on the basis of a notification form embodying the result of the pre-notification contacts, without a further request for information.

#### *Notification*

- (17) The EFTA State must notify the aid measure(s) concerned no later than two months after it is informed by the Authority that the measure qualifies *prima facie* for treatment under the simplified procedure. If the notification includes any changes as compared to the information presented in the pre-notification documents, such changes must be highlighted prominently in the context of the notification form.
- (18) The submission of the notification by the EFTA State concerned triggers the start of the period referred to in point 2.
- (19) The simplified procedure does not provide for a specific simplified notification form. Except as regards cases which fall within the category of aid set out in point 5(c) of these Guidelines, the notification is to be carried out on the basis of the standard notification forms in the Authority's Decision No 195/04/COL.

#### *Publication of a summary of the notification*

- (20) The Authority will publish on its website a summary of the notification, based on the information provided by the EFTA State, in the standard form set out in the Annex to these Guidelines. The standard form contains an indication that, on the basis of the information provided by the EFTA State, the aid measure may qualify for the application of a simplified procedure. By requesting the Authority to treat a notified measure under these Guidelines, the EFTA State concerned will be considered to agree that the information provided in its notification, which is to be published on the website in the form set out in the Annex to these Guidelines, is non-confidential in nature. Furthermore, EFTA States are invited to clearly indicate whether the notification contains any business secrets.

<sup>(27)</sup> This does not imply any increase of third parties' rights in view of the case law of the EFTA Court and the Community Courts. See Case T-95/03 *Asociación de Empresarios de Estaciones de Servicio de la Comunidad Autónoma de Madrid and Federación Catalana de Estaciones de Servicio v Commission* [2006] ECR II-4739, paragraph 139 and Case T-73/98 *Prayon-Rupel v Commission* [2001] ECR II-867, paragraph 45.

- (21) Interested parties will then have 10 working days to submit observations (including a non-confidential version), in particular on circumstances which might require a more thorough investigation. In cases where substantiated competition concerns are raised by interested parties with respect to the notified measure, the Authority will revert to the normal procedure and inform the EFTA State and the interested party or parties concerned to that effect. The EFTA State concerned will also be informed of any substantiated concerns and will be given the opportunity to comment on them.

*Short-form decision*

- (22) If the Authority is satisfied that the notified measure fulfils the criteria for the simplified procedure (see, in particular, point 5), it will issue a short-form decision. The Authority will thus use its best endeavours to adopt a decision that the notified measure does not constitute aid or a decision not to raise objections pursuant to Article 4(2) or (3) in Part II of Protocol 3 within 20 working days from the date of notification, unless any safeguard or exclusion referred to in points 6 to 12 of these Guidelines is applicable.

*Publication of the short-form decision*

- (23) In accordance with Article 26(1) in Part II of Protocol 3 the Authority will publish a summary notice of the decision in the Official Journal of the European Union and the EEA Supplement thereto. The short-form decision will be made available on the Authority's website. It will contain a reference to the summary information about the notification as published on the Authority's website at the time of notification, a standard assessment of the measure under Article 61(1) of the EEA Agreement and, where applicable, a statement that the aid measure is declared compatible with the EEA Agreement because it falls within one or more of the categories set out in point 5 of these Guidelines, with the applicable category or categories being explicitly identified and a reference to the applicable horizontal instruments and/or precedent decisions included.

**4. Final provisions**

- (24) Upon request of the EFTA State concerned, the Authority will apply the principles set out in these Guidelines to measures notified pursuant to point 17 as from 1 January 2010.
- (25) The Authority may review these Guidelines on the basis of important competition policy considerations or in order to take account of the evolution of State aid law and decision-making practice. The Authority intends to carry out a first review of these Guidelines at the latest four years after its publication. In this context, the Authority will examine the extent to which specific simplified notification forms should be developed in order to facilitate the implementation of these Guidelines.
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## ANNEX II

**SUMMARY OF NOTIFICATION: INVITATION TO THIRD PARTIES TO SUBMIT COMMENTS  
NOTIFICATION OF A STATE AID MEASURE**

On ... the Authority received a notification of an aid measure pursuant to 1(3) in Part I of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice. On preliminary examination, the Authority finds that the notified measure could fall within the scope of the Authority's Guidelines on a simplified procedure for treatment of certain types of State aid (OJ C ..., p. ...).

The Authority invites interested third parties to submit their possible observations on the proposed measure to the Authority.

The main features of the aid measure are the following:

Reference number of the aid: N ...

EFTA State:

EFTA State reference number:

Region:

Granting authority:

Title of the aid measure:

National legal basis:

Proposed EEA basis for assessment: ... guidelines or established Authority practice as highlighted in Authority Decision (1, 2 and 3).

Type of measure: Aid scheme/Ad hoc aid

Amendment of an existing aid measure:

Duration (scheme):

Date of granting:

Economic sector(s) concerned:

Type of beneficiary (SMEs/large enterprises):

Budget:

Aid instrument (grant, interest rate subsidy, ...):

Observations raising competition issues relating to the notified measure must reach the Authority no later than 10 working days following the date of this publication and include a non-confidential version of these observations to be provided to the EFTA State concerned and/or other interested parties. Observations can be sent to the Authority by fax, by post or email under reference number N ... to the following address:

EFTA Surveillance Authority  
Rue Belliard 35  
1040 Brussels  
BELGIUM  
Fax (+32) (0) 22861800  
E-mail: registry@eftasurv.int

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