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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION 2012/344/CFSP

of 23 March 2012

on the signing and conclusion of the Agreement between the European Union and the Republic of Albania establishing a framework for the participation of the Republic of Albania in European Union crisis management operations

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on European Union, in particular Article 37 thereof, and the Treaty on the Functioning of the European Union, in particular Article 218(5) and (6) thereof,

The Agreement between the European Union and the Republic of Albania establishing a framework for the participation of the Republic of Albania in the European Union crisis management operations ('the Agreement') is hereby approved on behalf of the Union.

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy (HR),

The text of the Agreement is attached to this Decision.

Whereas:

Article 2

(1) Conditions regarding the participation of third States in European Union crisis management operations should be laid down in an agreement establishing a framework for such possible future participation, rather than defining those conditions on a case-by-case basis for each operation concerned.

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 16(1) of the Agreement.

Article 4

(2) Following the adoption of a Decision by the Council on 26 April 2010 authorising the opening of negotiations, the HR negotiated an agreement between the European Union and the Republic of Albania establishing a framework for the participation of the Republic of Albania in European Union crisis management operations ('the Agreement').

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

Done at Brussels, 23 March 2012.

(3) The Agreement should be approved,

For the Council
The President
C. ASHTON

AGREEMENT**between the European Union and the Republic of Albania establishing a framework for the participation of the Republic of Albania in the European Union crisis management operations**

THE EUROPEAN UNION,

of the one part, and

THE REPUBLIC OF ALBANIA

of the other part,

hereinafter referred to as the 'Parties',

Whereas:

- (1) The European Union may decide to take action in the field of crisis management.
- (2) The European Union will decide whether third States will be invited to participate in an EU crisis management operation. The Republic of Albania may accept the invitation by the European Union and offer its contribution. In such case, the European Union will decide on the acceptance of the proposed contribution of the Republic of Albania.
- (3) Conditions regarding the participation of the Republic of Albania in EU crisis management operations should be laid down in an agreement establishing a framework for such possible future participation, rather than defining these conditions on a case-by-case basis for each operation concerned.
- (4) Such an agreement should be without prejudice to the decision-making autonomy of the European Union, and should not prejudice the case-by-case nature of the decisions of the Republic of Albania to participate in an EU crisis management operation.
- (5) Such an agreement should only address future EU crisis management operations and should be without prejudice to any existing agreements regulating the participation of the Republic of Albania in an EU crisis management operation that has already been deployed,

HAVE AGREED AS FOLLOWS:

SECTION I**GENERAL PROVISIONS***Article 1***Decisions relating to the participation**

1. Following the decision of the European Union to invite the Republic of Albania to participate in an EU crisis management operation, and once the Republic of Albania has decided to participate, the Republic of Albania shall provide information on its proposed contribution to the European Union.
2. The assessment by the European Union of the Republic of Albania's contribution shall be conducted in consultation with the Republic of Albania.
3. The European Union shall provide the Republic of Albania with an early indication of the likely contribution to the common costs of the operation as soon as possible with a view to assisting the Republic of Albania in the formulation of its offer.
4. The European Union shall communicate the outcome of that assessment to the Republic of Albania by a letter with a view to securing the participation of the Republic of Albania in accordance with the provisions of this Agreement.

*Article 2***Framework**

1. The Republic of Albania shall associate itself with the Council Decision by which the Council of the European Union decides that the EU will conduct the crisis management operation, and with any other decision by which the Council of the European Union decides to extend the EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of the Republic of Albania to an EU crisis management operation shall be without prejudice to the decision-making autonomy of the European Union.

*Article 3***Status of personnel and forces**

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by the Republic of Albania shall be governed by the agreement on the status of forces/mission, if available, concluded between the European Union and the State(s) in which the operation is conducted.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the

EU crisis management operation takes place, shall be governed by arrangements between the headquarters and command elements concerned and the Republic of Albania.

3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1, the Republic of Albania shall exercise jurisdiction over its personnel participating in the EU crisis management operation.

4. The Republic of Albania shall be responsible for answering any claims linked to the participation in an EU crisis management operation, from or concerning any of its personnel. The Republic of Albania shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.

5. The Parties agree to waive any and all claims, other than contractual claims, against each other for damage to, loss, or destruction of assets owned/operated by either Party, or injury or death to personnel of either Party, arising out of the performance of their official duties in connection with activities under this Agreement, except in the case of gross negligence or wilful misconduct.

6. The Republic of Albania undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which the Republic of Albania participates, and to do so when signing this Agreement.

7. The European Union undertakes to ensure that European Union Member States make a declaration as regards the waiver of claims, for any future participation of the Republic of Albania in an EU crisis management operation, and to do so when signing this Agreement.

Article 4

Classified information

1. The Republic of Albania shall take appropriate measures to ensure that EU classified information is protected in accordance with the Council of the European Union's security regulations, contained in Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information⁽¹⁾ and in accordance with further guidance issued by competent authorities, including the EU Operation Commander concerning an EU military crisis management operation or by the EU Head of Mission concerning an EU civilian crisis management operation.

2. Where the EU and the Republic of Albania have concluded an agreement on security procedures for the exchange of classified information, the provisions of such an agreement shall apply in the context of an EU crisis management operation.

SECTION II

PROVISIONS ON PARTICIPATION IN CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5

Personnel seconded to an EU civilian crisis management operation

1. The Republic of Albania shall ensure that its personnel seconded to the EU civilian crisis management operation undertake their mission in accordance with:

- (a) the Council Decision and subsequent amendments as referred to in Article 2(1);
- (b) the Operation Plan;
- (c) implementing measures.

2. The Republic of Albania shall inform in due time the Head of Mission of the EU civilian crisis management operation ('Head of Mission') and the High Representative of the Union for Foreign Affairs and Security Policy ('HR') of any change to its contribution to the EU civilian crisis management operation.

3. Personnel seconded to the EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by a competent authority from the Republic of Albania. Personnel seconded to the EU civilian crisis management operation shall produce a copy of that certification.

Article 6

Chain of command

1. Personnel seconded by the Republic of Albania shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind.

2. All personnel shall remain under the full command of their national authorities.

3. National authorities shall transfer operational control to the European Union.

4. The Head of Mission shall assume responsibility and exercise command and control of the EU civilian crisis management operation at theatre level.

5. The Head of Mission shall lead the EU civilian crisis management operation and assume its day-to-day management.

6. The Republic of Albania shall have the same rights and obligations in terms of day-to-day management of the operation as European Union Member States taking part in the operation, in accordance with the legal instruments referred to in Article 2(1).

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

7. The Head of Mission shall be responsible for disciplinary control over EU civilian crisis management operation personnel. Where required, disciplinary action shall be taken by the national authority concerned.

8. A National Contingent Point of Contact (NPC) shall be appointed by the Republic of Albania to represent its national contingent in the operation. The NPC shall report to the Head of Mission on national matters and shall be responsible for day-to-day discipline of the contingent.

9. The decision to end the operation shall be taken by the European Union, following consultation with the Republic of Albania if it is still contributing to the EU civilian crisis management operation at the date of termination of the operation.

Article 7

Financial aspects

1. Without prejudice to Article 8, the Republic of Albania shall assume all the costs associated with its participation in the operation apart from the running costs, as set out in the operational budget of the operation.

2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Albania shall, when its liability has been established, pay compensation under the conditions foreseen in the applicable status of mission agreement referred to in Article 3(1).

Article 8

Contribution to operational budget

1. The Republic of Albania shall contribute to the financing of the budget of the EU civilian crisis management operation.

2. The financial contribution of the Republic of Albania to the operational budget shall be calculated on the basis of either of the following formulae, whichever produces the lower amount:

- (a) the share of the reference amount which is in proportion to the ratio of the Republic of Albania's GNI to the total GNIs of all States contributing to the operational budget of the operation; or
- (b) the share of the reference amount for the operational budget which is in proportion to the ratio of the number of personnel from the Republic of Albania participating in the operation to the total number of personnel of all States participating in the operation.

3. Notwithstanding paragraphs 1 and 2, the Republic of Albania shall not make any contribution towards the financing of per diem allowances paid to personnel of the European Union Member States.

4. Notwithstanding paragraph 1, the European Union shall, in principle, exempt the Republic of Albania from financial contributions to a particular EU civilian crisis management operation when:

(a) the European Union decides that the Republic of Albania provides a significant contribution which is essential for this operation; or

(b) the Republic of Albania has a GNI per capita which does not exceed that of any Member State of the European Union.

5. An arrangement on the payment of the contributions of the Republic of Albania to the operational budget of the EU civilian crisis management operation shall be signed between the Head of Mission and the relevant administrative services of the Republic of Albania. That arrangement shall, inter alia, include the following provisions:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION III

PROVISIONS ON PARTICIPATION IN MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in the EU military crisis management operation

1. The Republic of Albania shall ensure that its forces and personnel participating in the EU military crisis management operation undertake their mission in accordance with:

- (a) the Council Decision and subsequent amendments as referred to in Article 2(1);
- (b) the Operation Plan;
- (c) implementing measures.

2. Personnel seconded by the Republic of Albania shall carry out their duties and conduct themselves solely with the interest of the EU military crisis management operation in mind.

3. The Republic of Albania shall inform the EU Operation Commander in due time of any change to its participation in the operation.

Article 10

Chain of command

1. All forces and personnel participating in the EU military crisis management operation shall remain under the full command of their national authorities.

2. National authorities shall transfer the Operational and Tactical command and/or control of their forces and personnel to the EU Operation Commander, who is entitled to delegate his authority.

3. The Republic of Albania shall have the same rights and obligations in terms of the day-to-day management of the operation as participating European Union Member States.

4. The EU Operation Commander may, following consultations with the Republic of Albania, at any time request the withdrawal of the Republic of Albania's contribution.

5. A Senior Military Representative ('SMR') shall be appointed by the Republic of Albania to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for the day-to-day discipline of the Republic of Albania contingent.

Article 11

Financial aspects

1. Without prejudice to Article 12 of this Agreement, the Republic of Albania shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1) of this Agreement, as well as in Council Decision 2008/975/CFSP of 18 December 2008 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) ⁽¹⁾.

2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, the Republic of Albania shall, when its liability has been established, pay compensation under the conditions foreseen in the applicable status of forces agreement referred to in Article 3(1).

Article 12

Contribution to the common costs

1. The Republic of Albania shall contribute to the financing of the common costs of the EU military crisis management operation.

2. The financial contribution of the Republic of Albania to the common costs shall be calculated on the basis of either of the following two formulae, whichever produces the lower amount:

- (a) the share of the common costs which is in proportion to the ratio of the Republic of Albania's GNI to the total GNIs of all States contributing to the common costs of the operation; or
- (b) the share of the common costs which is in proportion to the ratio of the number of personnel from the Republic of Albania participating in the operation to the total number of personnel of all States participating in the operation.

In calculating 2(b), where the Republic of Albania contributes personnel only to the Operation or Force Headquarters, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. In other cases, the ratio shall be that of all personnel contributed by the Republic of Albania to that of the total personnel of the operation.

3. Notwithstanding paragraph 1, the European Union shall, in principle, exempt the Republic of Albania from financial contributions to the common costs of a particular EU military crisis management operation when:

- (a) the European Union decides that the Republic of Albania provides a significant contribution to assets and/or capabilities which are essential for the operation; or
- (b) the Republic of Albania has a GNI per capita which does not exceed that of any Member State of the European Union.

4. An arrangement shall be concluded between the Administrator provided for in Decision 2008/975/CFSP, and the competent administrative authorities of the Republic of Albania. That arrangement shall include, inter alia, provisions on:

- (a) the amount concerned;
- (b) the arrangements for payment of the financial contribution;
- (c) the auditing procedure.

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement the Agreement

Without prejudice to the provisions of Articles 8(5) and 12(4) any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the HR and the appropriate authorities of the Republic of Albania.

Article 14

Non-compliance

Should one of the Parties fail to comply with its obligations under this Agreement, the other Party shall have the right to terminate this Agreement by serving notice of one month.

Article 15

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 16

Entry into force

- 1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
- 2. This Agreement shall be provisionally applied from the date of signature.
- 3. This Agreement shall be subject to regular review.
- 4. This Agreement may be amended on the basis of a mutual written agreement between the Parties.

⁽¹⁾ OJ L 345, 23.12.2008, p. 96.

5. This Agreement may be denounced by either Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

Done at Brussels, this fifth day of June in the year two thousand and twelve, in two copies, each in the English language.

For the European Union



For the Republic of Albania



TEXT FOR DECLARATIONS**Text for the EU Member States:**

'The EU Member States applying an EU Council Decision on an EU crisis management operation in which the Republic of Albania participates will endeavour, in so far as their internal legal systems so permit, to waive as far as possible claims against the Republic of Albania for injury, death of their personnel, or damage to, or loss of, any assets owned by themselves and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel from the Republic of Albania in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
- arose from the use of any assets owned by the Republic of Albania, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel from the Republic of Albania using those assets.'

Text for the Republic of Albania:

'The Republic of Albania applying an EU Council Decision on an EU crisis management operation will endeavour, in so far as its internal legal system so permit, to waive as far as possible claims against any other State participating in the EU crisis management operation for injury, death of its personnel, or damage to, or loss of, any assets owned by itself and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct, or
 - arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.'
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REGULATIONS

COUNCIL REGULATION (EU) No 566/2012

of 18 June 2012

amending Regulation (EC) No 975/98 on denominations and technical specifications of euro coins intended for circulation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Central Bank ⁽²⁾,

Whereas:

(1) Commission Recommendation 2009/23/EC of 19 December 2008 on common guidelines for the national sides and the issuance of euro coins intended for circulation ⁽³⁾, endorsed by the Council conclusions of 10 February 2009, defines common principles for the designs used for the national sides of euro circulation coins and establishes procedures whereby Member States inform each other of draft designs, and for the approval of these designs.

(2) As the euro coins circulate in the whole euro area, their national design features are a matter of common interest. To permit their smooth circulation and in the interests of legal certainty and transparency it is appropriate that the rules defined in Recommendation 2009/23/EC concerning denominations and technical specifications of euro circulation coins, be made legally binding by integrating them into Council Regulation (EC) No 975/98 ⁽⁴⁾.

(3) Euro coins have a common European side and a distinctive national side. The common European sides of euro coins bear both the name of the single currency and the denomination of the coin. The national side should neither repeat the name of the single currency nor the denomination of the coin.

(4) A clear indication of the name of the issuing Member State should be put on the national side of the coin in order to allow interested coin users to easily identify the issuing Member State.

(5) The edge lettering of euro coins should be considered part of the national side and should therefore not repeat any indication of the denomination, except for the 2-euro coin, and provided that only the figure '2' or the term 'euro' in the relevant alphabet, or both, are used.

(6) The designs on the national side of euro coins are decided upon by each Member State whose currency is the euro and should take into account the fact that euro coins circulate in the whole euro area and not only in the issuing Member State. In order to ensure that coins are immediately recognisable as euro coins also from their national side, the design should be fully surrounded by the 12 stars of the Union flag.

(7) In order to facilitate the recognition of circulation coins and to ensure appropriate continuity in the minting, Member States should only be allowed to modify the designs used for the national sides of regular circulation coins once every 15 years, except if the Head of State referred to on a coin changes. This should, however, be without prejudice to changes necessary to prevent counterfeiting of the currency. Changes to the design of the common European side of circulation coins should be decided by the Council and voting rights should be restricted to Member States whose currency is the euro.

(8) Individual Member States should be allowed to issue commemorative coins to celebrate subjects of major national or European relevance, whereas commemorative coins issued collectively by all Member States whose currency is the euro should be reserved for subjects of the highest European relevance. The 2-euro coin constitutes the most suitable denomination for this purpose, principally on account of the large diameter of the coin and its technical characteristics, which offer adequate protection against counterfeiting.

⁽¹⁾ Opinion of the European Parliament of 22 May 2012 (not yet published in the Official Journal).

⁽²⁾ OJ C 273, 16.9.2011, p. 2.

⁽³⁾ OJ L 9, 14.1.2009, p. 52.

⁽⁴⁾ OJ L 139, 11.5.1998, p. 6.

- (9) Taking into account that euro coins circulate in the whole euro area, to avoid the use of inappropriate designs, issuing Member States should inform each other and the Commission about draft designs for the national side of euro coins in advance of the planned issue date. The Commission should verify the compliance of the designs with the technical requirements of this Regulation. Submission of draft designs to the Commission should be made sufficiently in advance of the planned issue date for issuing Member States to modify the design if necessary.
- (10) Furthermore, uniform conditions for the approval of the designs of the national sides of euro coins should be laid down to avoid the choice of designs which could be considered as inappropriate in some Member States. In view of the fact that the competence for an issue as sensitive as the design of the national sides of the euro coins belongs to the issuing Member States, implementing powers should therefore be conferred on the Council. Any implementing decisions taken on this basis by the Council would be closely connected to the acts adopted by the Council on the basis of Article 128(2) of the Treaty; therefore, the suspension of the voting rights of the members of the Council representing Member States whose currency is not the euro for the adoption by the Council of those decisions should apply as set out in Article 139(4) of the Treaty. The procedure should allow the issuing Member States to modify the design in due time if so required.
- (11) Regulation (EC) No 975/98 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 975/98

In Regulation (EC) No 975/98 the following Articles are inserted:

‘Article 1a

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

1. “circulation coins” means euro coins intended for circulation, the denominations and technical specifications of which are laid down in Article 1;
2. “regular coins” means circulation coins excluding commemorative coins;
3. “commemorative coins” means circulation coins, which are intended to commemorate a specific subject as specified in Article 1h.

Article 1b

Circulation coins shall have a common European side and a distinctive national side.

Article 1c

1. The national side of circulation coins shall not repeat any indication of the denomination, or any parts thereof, of the coin. It shall not repeat the name of the single currency or of its subdivision, unless such indication stems from the use of a different alphabet.

2. By derogation from paragraph 1, the edge lettering of the 2-euro coin may include an indication of the denomination, provided that only the figure “2” or the term “euro” in the relevant alphabet, or both, are used.

Article 1d

The national side of all denominations of circulation coins shall bear an indication of the issuing Member State by means of the Member State’s name or an abbreviation of it.

Article 1e

1. The national side of circulation coins shall bear a circle of 12 stars that shall fully surround the national design, including the year mark and the indication of the issuing Member State’s name. This shall not prevent some design elements from extending into the circle of stars, provided that the stars are all clearly and fully visible. The 12 stars shall be depicted as on the Union flag.

2. The designs for the national side of circulation coins shall be chosen taking into account that euro coins circulate in all Member States whose currency is the euro.

Article 1f

1. Changes to the designs used for the national sides of regular coins may only be made once every 15 years, without prejudice to changes necessary to prevent counterfeiting of the currency.

2. Without prejudice to paragraph 1, changes to the designs used for the national sides of regular coins may be made where the Head of State referred to on a coin changes. However, a temporary vacancy or the provisional occupation of the function of Head of State shall not give any additional right to such change.

Article 1g

Issuing Member States shall update their national sides of regular coins in order to fully comply with this Regulation by 20 June 2062.

Article 1h

1. Commemorative coins shall bear a different national design from that of the regular coins and shall only commemorate subjects of major national or European relevance. Commemorative coins issued collectively by all Member States whose currency is the euro shall only commemorate subjects of the highest European relevance and their design shall be without prejudice to the possible constitutional requirements of these Member States.

2. The edge lettering on commemorative coins shall be the same as on regular coins.
3. Commemorative coins may only have a face value of 2 euro.

Article 1i

1. Member States shall inform each other of the draft designs of new national sides of circulation coins, including the edge letterings, and, for commemorative coins, on the estimated volume of issuance, before the formal approval of those designs.
2. The power to approve designs for new or modified national sides of circulation coins shall be conferred on the Council acting by qualified majority in accordance with the procedure set out in paragraphs 3 to 7.

When taking the decisions referred to in this Article, the voting rights of the Member States whose currency is not the euro shall be suspended.

3. For the purpose of paragraph 1, draft designs of circulation coins shall be submitted by the issuing Member State to the Council, to the Commission and to the other Member States whose currency is the euro, in principle at least three months before the planned issue date.
4. Within seven days following the submission referred to in paragraph 3, any Member State whose currency is the euro may, in a reasoned opinion addressed to the Council and to the Commission, raise an objection to the draft design proposed by the issuing Member State if that draft design is likely to create adverse reactions among its citizens.

5. Where the Commission considers that the draft design does not respect the technical requirements set out by this Regulation, it shall, within seven days following the submission referred to in paragraph 3, submit a negative assessment to the Council.

6. If no reasoned opinion or negative assessment has been submitted to the Council within the time limit referred to in paragraphs 4 and 5 respectively, the decision approving the design is deemed to be adopted by the Council on the day following the expiry of the time limit referred to in paragraph 5.

7. In all other cases, the Council shall decide without delay on the approval of the draft design, unless, within seven days following the submission of a reasoned opinion or of a negative assessment, the issuing Member State withdraws its submission and informs the Council of its intention to submit a new draft design.

8. All relevant information on new national circulation coin designs shall be published by the Commission in the *Official Journal of the European Union*.

Article 1j

Articles 1c, 1d, 1e and 1h(2):

- (a) shall not apply to circulation coins which have been issued or produced prior to 19 June 2012;
- (b) shall, during a transitional period ending on 20 June 2062, not apply to the designs that are already legally in use on circulation coins on 19 June 2012. Circulation coins that have been issued or produced during the transitional period may remain legal tender without limit in time.'

Article 2

Entry into force

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

It shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Luxembourg, 18 June 2012.

For the Council
The President
M. GJERSKOV

COUNCIL IMPLEMENTING REGULATION (EU) No 567/2012

of 26 June 2012

amending Implementing Regulation (EU) No 917/2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China, by adding a company to the list of producers from the People's Republic of China listed in Annex I

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 9 thereof,

Having regard to Council Implementing Regulation (EU) No 917/2011 of 12 September 2011 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tiles originating in the People's Republic of China ⁽²⁾ ('Implementing Regulation (EU) No 917/2011') and in particular Article 3 thereof,

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

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Implementing Regulation (EU) No 917/2011, the Council imposed a definitive anti-dumping duty on imports into the Union of ceramic tiles originating in the People's Republic of China ('China'). Given the large number of cooperating exporting producers in China in the investigation that led to the imposition of the anti-dumping duty ('the original investigation'), a sample of Chinese exporting producers was selected and individual duty rates ranging from 26,3 % to 36,5 % were imposed on the companies included in the sample, while other cooperating companies not included in the sample were attributed a duty rate of 30,6 %. A duty rate of 69,7 % was imposed on all other Chinese companies.
- (2) Article 3 of Implementing Regulation (EU) No 917/2011 stipulates that where any new exporting producer in China provides sufficient evidence to the Commission that:

- it did not export to the Union the products described in Article 1(1) of that Regulation during the investigation period (1 April 2009 to 31 March 2010) ('the investigation period') (the first criterion),

- it is not related to any of the exporters or producers in China which are subject to the anti-dumping measures imposed by that Regulation (the second criterion), and

- it has actually exported to the Union the products concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union (the third criterion),

then Article 1(2) of that Regulation can be amended by granting the new exporting producer the duty rate applicable to the cooperating companies not included in the sample, i.e. 30,6 %.

B. NEW EXPORTING PRODUCER REQUEST

- (3) A Chinese company ('the applicant') has applied to be granted the same treatment as the companies cooperating in the original investigation not included in the sample ('new exporting producer treatment').
- (4) An examination has been carried out to determine whether the applicant fulfils the criteria for being granted new exporting producer treatment as set out in Article 3 of Implementing Regulation (EU) No 917/2011.
- (5) A questionnaire was sent to the applicant who was asked to supply evidence to demonstrate that it met the three criteria mentioned above.
- (6) The evidence provided by the Chinese exporting producer was considered sufficient to show that it fulfils the criteria set out in Article 3 of Implementing Regulation (EU) No 917/2011. This exporting producer can therefore be granted the duty rate applicable to the cooperating companies not included in the sample (i.e. 30,6 %) and consequently its name can be added to the list of exporting producers in Annex I to Implementing Regulation (EU) No 917/2011.
- (7) The applicant and the Union industry have been informed of the findings of the examination and were given the opportunity to submit their comments.
- (8) All arguments and submissions made by interested parties were analysed and duly taken into account where warranted,

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 238, 15.9.2011, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

The following company shall be added to the list of producers from the People's Republic of China listed in Annex I to Implementing Regulation (EU) No 917/2011:

Name	TARIC additional code
Onna Ceramic Industries (China) Co. Ltd	B293'

Article 2

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

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

Done at Luxembourg, 26 June 2012.

For the Council

The President

N. WAMMEN

COMMISSION IMPLEMENTING REGULATION (EU) No 568/2012**of 28 June 2012****amending Regulation (EC) No 555/2008 as regards the submission of support programmes in the wine sector**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

Article 1

Regulation (EC) No 555/2008 is amended as follows:

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) ⁽¹⁾, and in particular Article 103za, in conjunction with Article 4 thereof,

(1) Article 2 is replaced by the following:

Whereas:

*"Article 2***Submission of support programmes**

1. The first submission of the draft support programme referred to in the first subparagraph of Article 103k(1) of Regulation (EC) No 1234/2007 shall refer to the five financial years 2009 to 2013.

For the financial years 2014 to 2018, Member States shall submit their draft support programme to the Commission by 1 March 2013. If the national envelopes foreseen from the financial year 2014 and onwards are modified after that date, the Member States shall adapt the support programmes accordingly.

Member States shall make their draft support programme available to the Commission by electronic means using the form in Annex I.

Member States shall submit their financial planning for the draft support programme referred to in the first and second subparagraphs to the Commission in the form set out in Annex II.

2. Member States shall notify the Commission their legislation related to the draft support programmes referred to in paragraph 1 once adopted or modified. This notification can be done by informing the Commission about the site where the legislation concerned is publicly available.

3. Member States deciding to transfer all the amount of their national envelope from the 2010 financial year onwards and for all the period referred to in the first subparagraph of paragraph 1, into the Single Payment Scheme shall submit the form provided for in Annex II of this Regulation, duly completed in the relevant line and once for all before the 30 June 2008.

Member States deciding to transfer amounts of their national envelope from the 2014 financial year onwards and for all the period referred to in the second subparagraph of paragraph 1, into the Single Payment Scheme shall submit the form provided for in Annex II, duly completed in the relevant line, before 1 December 2012.

(1) Article 103k(1), first subparagraph of Regulation (EC) No 1234/2007 provides that each producer Member State referred to in Annex Xb of that Regulation is to submit to the Commission a draft five-year support programme containing measures to assist the wine sector.

(2) Article 2(1) of Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector ⁽²⁾ provides that the first submission of support programmes is to refer to the five financial years 2009 to 2013.

(3) In order to prepare for the second submission of draft support programmes for the financial years 2014 to 2018, the framework and specific requirements for the new programming period should be established. It is also necessary to set a deadline for the second submission of the draft support programmes.

(4) A deadline should be set for Member States wishing to transfer, from 2014, amounts of their national envelope into the Single Payment Scheme as provided for in Article 103o of Regulation (EC) No 1234/2007.

(5) Regulation (EC) No 555/2008 should therefore be amended accordingly.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 170, 30.6.2008, p.1.

4. Member States deciding to set up their support programme including regional particularities may also submit details by region in the form provided for in Annex III.

5. Member States shall bear the responsibility for expenditure between the date on which their support programme is received by the Commission and the date of its applicability according to Article 103k(2), first subparagraph of Regulation (EC) No 1234/2007"

(2) Annexes I, II, III, IV, V, VI, VII, VIII, VIIIa and VIIIb are amended in accordance with the Annex to this Regulation.

Article 2

Entry into force

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

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

Done at Brussels, 28 June 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

(1) Annex I is replaced by the following:

'ANNEX I

WINE CMO

Submission of support programme

A. FINANCIAL YEARS 2009-2013

Member State ⁽¹⁾:

Period ⁽²⁾: **Date of submission:** **Revision number:**

If modification requested by the Commission / modification requested by the Member State ⁽³⁾

A. Description of the measures proposed as well as their quantified objectives

(a) *Single Payment Scheme support in accordance with Article 103o ⁽⁴⁾*

Introduced in the support programme: yes/no:

(b) *Promotion in accordance with Article 103p*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(c) *Restructuring and conversion of vineyard in accordance with Article 103q*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed ⁽⁵⁾:

Quantified objectives:

(d) *Green harvesting in accordance with Article 103r*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(e) *Mutual funds in accordance with Article 103s*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(f) *Harvest insurance in accordance with Article 103t*

Introduced in the support programme: yes/no, if yes:

⁽¹⁾ OPOCE acronym to be used.

⁽²⁾ Wine years.

⁽³⁾ Strikethrough the wrong element.

⁽⁴⁾ All the articles indicated in this Annex refer to Regulation (EC) No 1234/2007.

⁽⁵⁾ Including the outcome of the ongoing operations under Article 10 of this Regulation.

Description of the measures proposed:

Quantified objectives:

State aid:

(g) *Investments in enterprises in accordance with Article 103u*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(h) *By-product distillation in accordance with Article 103v*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed (including level of the aid):

Quantified objectives:

(i) *Potable alcohol distillation in accordance with Article 103w*

Introduced in the support programme: yes/no, if yes:

Length of transitional period (wine years):

Description of the measures proposed (including level of the aid):

Quantified objectives:

(j) *Crisis distillation in accordance with Article 103x*

Introduced in the support programme: yes/no, if yes:

Length of transitional period (wine years):

Description of the measures proposed (including level of the aid):

Quantified objectives:

State aid:

(k) *Use of concentrated grape must in accordance with Article 103y*

Introduced in the support programme: yes/no, if yes:

Length of transitional period (wine years):

Description of the measures proposed (including level of the aid):

Quantified objectives:

B. Results of consultations held

C. Appraisal showing the expected technical, economic, environmental and social impact ⁽¹⁾

D. Schedule for implementing the measures

E. General financing table given in the format of Annex II (revision number to be specified)

⁽¹⁾ Member States referred to in Article 103o(4) of Regulation (EC) No 1234/2007 shall not have an obligation to fill point C and F.

F. Criteria and quantitative indicators to be used for monitoring and evaluation**Steps taken to ensure that the programmes are implemented appropriately and effectively****G. Designation of competent authorities and bodies responsible for implementing the programme****B. FINANCIAL YEARS 2014-2018****Member State ⁽¹⁾:****Period ⁽²⁾:** **Date of submission:** **Revision number:**If modification requested by the Commission / modification requested by the Member State ⁽³⁾**A. Description of the measures proposed as well as their quantified objectives***(a) Single Payment Scheme support in accordance with Article 103o ⁽⁴⁾*

Introduced in the support programme: yes/no:

(b) Promotion in accordance with Article 103p

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(c) Restructuring and conversion of vineyard in accordance with Article 103q

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(d) Green harvesting in accordance with Article 103r

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(e) Mutual funds in accordance with Article 103s

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(f) Harvest insurance in accordance with Article 103t

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(g) Investments in enterprises in accordance with Article 103u

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

⁽¹⁾ OPOCE acronym to be used.⁽²⁾ Wine years.⁽³⁾ Strikethrough the wrong element.⁽⁴⁾ All the articles indicated in this Annex refer to Regulation (EC) No 1234/2007.

Quantified objectives:

State aid:

(h) *By-product distillation in accordance with Article 103v*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed (including level of the aid):

Quantified objectives:

B. Results of consultations held

C. Appraisal showing the expected technical, economic, environmental and social impact ⁽¹⁾

D. Schedule for implementing the measures

E. General financing table given in the format of Annex II (revision number to be specified)

F. Criteria and quantitative indicators to be used for monitoring and evaluation

Steps taken to ensure that the programmes are implemented appropriately and effectively

G. Designation of competent authorities and bodies responsible for implementing the programme

⁽¹⁾ Member States referred to in Article 103o(4) of Regulation (EC) No 1234/2007 shall not have an obligation to fill point C and F.

(2) Annex II is replaced by the following:

‘ANNEX II

Submission of the financial table of the national support programmes according to Article 103l(e) of Regulation (EC) No 1234/2007

A. FINANCIAL YEARS 2009-2013

(in EUR 1 000)

Member State ⁽¹⁾:

Date of communication, due by **30 June 2008 at the latest**:

		Financial year					
Measures	Regulation (EC) No 1234/2007	2009	2010	2011	2012	2013	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 - Single Payment Scheme	Article 103o						
2 - Promotion on third-country markets	Article 103p						
3a - Restructuring and conversion of vineyards	Article 103q						
3b - Ongoing plans	Regulation (EC) No 1493/1999						
4 - Green harvesting	Article 103r						
5 - Mutual funds	Article 103s						
6 - Harvest insurance	Article 103t						
7 - Investments in enterprise	Article 103u						
8 - By-products distillation	Article 103v						
9 - Potable alcohol distillation – area support	Article 103w						
10 - Crisis distillation	Article 103x(1)						
11 - Use of concentrated grape must for enrichment	Article 103y						
Total							

⁽¹⁾ OPOCE acronym to be used.

For measures which are not introduced in the national support programme "0" must be indicated

If relevant:

10a - Crisis distillation State aid	Article 103x(5)						
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B. FINANCIAL YEARS 2014-2018 ⁽¹⁾

(in EUR 1 000)

Member State ⁽¹⁾:Date of communication ⁽²⁾:

		Financial year					
Measures	Regulation (EC) No 1234/2007	2014	2015	2016	2017	2018	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 - Single Payment Scheme	Article 103o						
2 - Promotion on third-country markets	Article 103p						
3 - Restructuring and conversion of vineyards	Article 103q						
4 - Green harvesting	Article 103r						
5 - Mutual funds	Article 103s						
6 - Harvest insurance	Article 103t						
7 - Investments in enterprise	Article 103u						
8 - By-products distillation	Article 103v						
Total							

⁽¹⁾ OPOCE acronym to be used.⁽²⁾ Communication deadline: by 1 December 2012 for Single Payment Scheme and by 1 March 2013 at the latest for other measures.

⁽¹⁾ The amounts also include the expenses of actions launched in the framework of the first five-year programme 2009-2013 and for which payments will be done in the second five-year programme 2014-2018'

(3) Annex III is replaced by the following:

'ANNEX III

Facultative submission of the financial table of the national support programmes according to Article 103l(e) of Regulation (EC) 1234/2007 — detailed at regional level

A. FINANCIAL YEARS 2009-2013

(in EUR 1 000)

Member State ⁽¹⁾:

Region:

Date of communication, due by **30 June 2008 at the latest**:

Measures	Regulation (EC) No 1234/2007	Financial year					
		2009	2010	2011	2012	2013	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 - Single Payment Scheme	Article 103o						
2 - Promotion on third-country markets	Article 103p						
3a - Restructuring and conversion of vineyards	Article 103q						
3b - Ongoing plans	Regulation (EC) No 1493/1999						
4 - Green harvesting	Article 103r						
5 - Mutual funds	Article 103s						
6 - Harvest insurance	Article 103t						
7 - Investments in enterprise	Article 103u						
8 - By-products distillation	Article 103v						
9 - Potable alcohol distillation – area support	Article 103w						
10 - Crisis distillation	Article 103x						
11 - Use of concentrated grape must for enrichment	Article 103y						
Total							

⁽¹⁾ OPOCE acronym to be used.

For measures which are not introduced in the national support programme "0" in the amounts cells of the table must be indicated.

If relevant:

10a - Crisis distillation State aid	Article 103x(5)						
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B. FINANCIAL YEARS 2014-2018 ⁽¹⁾

(in EUR 1 000)

Member State ⁽¹⁾:

Region:

Date of communication, due by **1 March 2013 at the latest**:

		Financial year					
Measures	Regulation (EC) No 1234/2007	2014	2015	2016	2017	2018	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 - Single Payment Scheme	Article 103o						
2 - Promotion on third-country markets	Article 103p						
3 - Restructuring and conversion of vineyards	Article 103q						
4 - Green harvesting	Article 103r						
5 - Mutual funds	Article 103s						
6 - Harvest insurance	Article 103t						
7 - Investments in enterprise	Article 103u						
8 - By-products distillation	Article 103v						
Total							

⁽¹⁾ OPOCE acronym to be used.

⁽¹⁾ The amounts also include the expenses of actions launched in the framework of the first five-year programme 2009-2013 and for which payments will be done in the second five-year programme 2014-2018'

(4) Annex IV is replaced by the following:

'ANNEX IV

Amendments to financial table of the national support programmes according to Article 103l(e) of Regulation (EC) 1234/2007

A. FINANCIAL YEARS 2009-2013

(in EUR 1 000)

Member State ⁽¹⁾:

Date of communication ⁽²⁾:

Date of previous communication:

Number of this amended table:

Reason: modification requested by the Commission / modification requested by the Member State ⁽³⁾

Measures	Regulation (EC) No 1234/2007		Financial year					Total
			2009	2010	2011	2012	2013	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 - Single Payment Scheme	Article 103o	Previous submission						
		Amended amount						
2 - Promotion on third-country markets	Article 103p	Previous submission						
		Amended amount						
3a - Restructuring and conversion of vineyards	Article 103q	Previous submission						
		Amended amount						
3b - Ongoing plans	Regulation(EC) No1493/1999	Previous submission						
		Amended amount						
4 - Green harvesting	Article 103r	Previous submission						
		Amended amount						
5 - Mutual funds	Article 103s	Previous submission						
		Amended amount						
6 - Harvest insurance	Article 103t	Previous submission						
		Amended amount						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
7 - Investments in enterprise	Article 103u	Previous submission						
		Amended amount						
8 - By-products distillation	Article 103v	Previous submission						
		Amended amount						
9 - Potable alcohol distillation – area support	Article 103w	Previous submission						
		Amended amount						
10 - Crisis distillation	Article 103x	Previous submission						
		Amended amount						
11 - Use of concentrated grape must for enrichment	Article 103y	Previous submission						
		Amended amount						
Total		Previous submission						
		Amended amount						

⁽¹⁾ OPOCE acronym to be used.

⁽²⁾ Communication deadline: 1 March and 30 June.

⁽³⁾ Strikethrough the wrong element.

Communication deadline:

If relevant:

10a - Crisis distillation State aid	Article 103x(5)	Previous submission						
		Amended amount						

B. FINANCIAL YEARS 2014-2018

(in EUR 1 000)

Member State ⁽¹⁾:Date of communication ⁽²⁾:

Date of previous communication:

Number of this amended table:

Reason: modification requested by the Commission / modification requested by the Member State ⁽³⁾

			Financial year					
Measures	Regulation (EC) No 1234/2007		2014	2015	2016	2017	2018	Total
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1 - Single Payment Scheme	Article 103o	Previous submission						
		Amended amount						
2 - Promotion on third-country markets	Article 103p	Previous submission						
		Amended amount						
3 - Restructuring and conversion of vineyards	Article 103q	Previous submission						
		Amended amount						
4 - Green harvesting	Article 103r	Previous submission						
		Amended amount						
5 - Mutual funds	Article 103s	Previous submission						
		Amended amount						
6 - Harvest insurance	Article 103t	Previous submission						
		Amended amount						
7 - Investments in enterprise	Article 103u	Previous submission						
		Amended amount						
8 - By-products distillation	Article 103v	Previous submission						
		Amended amount						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Total		Previous submission						
		Amended amount						

⁽¹⁾ OPOCE acronym to be used.

⁽²⁾ Communication deadline: 1 March and 30 June.

⁽³⁾ Strikethrough the wrong element.'

(5) Annex V is replaced by the following

‘ANNEX V

Reporting on Support programme

A. FINANCIAL YEARS 2009-2013

Member State ⁽¹⁾:

Period: **Date of submission:** **Revision number:**

A. Global assessment:

B. Conditions and results of the implementation of measures proposed ⁽²⁾

(a) *Single Payment Scheme support in accordance with Article 103o* ⁽³⁾

(b) *Promotion in accordance with Article 103p*

Conditions of the implementation:

Results ⁽⁴⁾

State aid:

(c) *Restructuring and conversion of vineyard in accordance with Article 103q*

Conditions of the implementation:

Results:

(d) *Green harvesting in accordance with Article 103r*

Conditions of the implementation:

Results:

(e) *Mutual funds in accordance with Article 103s*

Conditions of the implementation:

Results:

(f) *Harvest insurance in accordance with Article 103t*

Conditions of the implementation:

Results:

State aid:

(g) *Investments in enterprises in accordance with Article 103u*

Conditions of the implementation:

Results:

State aid:

(h) *By-product distillation in accordance with Article 103v*

Conditions of the implementation (including level of the aid)

Results:

(i) *Potable alcohol distillation in accordance with Article 103w*

Conditions of the implementation (including level of the aid)

Results:

⁽¹⁾ OPOCE acronym to be used.

⁽²⁾ Only paragraphs concerning the measures which were introduced in the support programme must be filled in.

⁽³⁾ All the articles indicated in this Annex refer to Regulation (EC) No 1234/2007.

⁽⁴⁾ Appraisal of the technical, economic, environmental and social impact based on criteria and quantitative indicators defined for monitoring and evaluation in the programme submitted.

(j) *Crisis distillation in accordance with Article 103x*

Conditions of the implementation (including level of the aid):

Results:

State aid:

(k) *Use of concentrated grape must in accordance with Article 103y*

Conditions of the implementation (including level of the aid):

Results:

C. Conclusions (and, if needed, envisaged modifications)**B. FINANCIAL YEARS 2014-2018****Member State ⁽¹⁾:****Period:** **Date of submission:** **Revision number:****A. Global assessment:****B. Conditions and results of the implementation of measures proposed ⁽²⁾**(a) *Single Payment Scheme support in accordance with Article 103o ⁽³⁾*(b) *Promotion in accordance with Article 103p*

Conditions of the implementation:

Results ⁽⁴⁾

State aid:

(c) *Restructuring and conversion of vineyard in accordance with Article 103q*

Conditions of the implementation:

Results:

(d) *Green harvesting in accordance with Article 103r*

Conditions of the implementation:

Results:

(e) *Mutual funds in accordance with Article 103s*

Conditions of the implementation:

Results:

(f) *Harvest insurance in accordance with Article 103t*

Conditions of the implementation:

Results:

State aid:

(g) *Investments in enterprises in accordance with Article 103u*

Conditions of the implementation:

Results:

State aid:

⁽¹⁾ OPOCE acronym to be used.⁽²⁾ Only paragraphs concerning the measures which were introduced in the support programme must be filled in.⁽³⁾ All the articles indicated in this Annex refer to Regulation (EC) No 1234/2007.⁽⁴⁾ Appraisal of the technical, economic, environmental and social impact based on criteria and quantitative indicators defined for monitoring and evaluation in the programme submitted.

(h) *By-product distillation in accordance with Article 103v*

Conditions of the implementation (including level of the aid):

Results:

C. Conclusions (and, if needed, envisaged modifications)

(6) Annex VI is replaced by the following:

‘ANNEX VI

Financial table of the execution of national support programmes according to Article 188a(5) of Regulation (EC) No 1234/2007

A. FINANCIAL YEARS 2009-2013

(in EUR 1 000)

Member State ⁽¹⁾:

Date of communication ⁽²⁾:

Amended table: Yes / No ⁽³⁾

If yes number:

		Financial year					
Measures	Regulation (EC) No 1234/2007	2009	2010	2011	2012	2013	Total
		Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 - Single Payment Scheme	(...)	(...)	(...)	(...)	(...)	(...)	(...)
2 - Promotion on third-country markets	Article 103p						
3a - Restructuring and conversion of vineyards	Article 103q						
3b - Ongoing plans	Regulation (EC) No 1493/1999						
4 - Green harvesting	Article 103r						
5 - Mutual funds	Article 103s						
6 - Harvest insurance	Article 103t						
7 - Investments in enterprise	Article 103u						
8 - By-products distillation	Article 103v						
9 - Potable alcohol distillation – area support	Article 103w						
10 - Crisis distillation	Article 103x						
11 - Use of concentrated grape must for enrichment	Article 103y						
Total							

⁽¹⁾ OPOCE acronym to be used.

⁽²⁾ Communication deadline: 1 March and 30 June.

⁽³⁾ Strikethrough the wrong element.

If relevant:

10a - Crisis distillation	Article 103x(5)						
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B. FINANCIAL YEARS 2014-2018

Member State ⁽¹⁾:Date of communication ⁽²⁾:Amended table: Yes / No ⁽³⁾

If yes number:

		Financial year					
Measures	Regulation (EC) No 1234/2007	2014	2015	2016	2017	2018	Total
		Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	Forecast/ Execution ⁽³⁾	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1 - Single Payment Scheme	(...)	(...)	(...)	(...)	(...)	(...)	(...)
2 - Promotion on third-country markets	Article 103p						
3 - Restructuring and conversion of vineyards	Article 103q						
4 - Green harvesting	Article 103r						
5 - Mutual funds	Article 103s						
6 - Harvest insurance	Article 103t						
7 - Investments in enterprise	Article 103u						
8 - By-products distillation	Article 103v						
Total							

⁽¹⁾ OPOCE acronym to be used.⁽²⁾ Communication deadline: 1 March and 30 June.⁽³⁾ Strikethrough the wrong element.'

(7) Annex VII is replaced by the following:

'ANNEX VII

Technical data concerning the national support programmes according to Article 103l(c) of Regulation (EC) No 1234/2007

A. FINANCIAL YEARS 2009-2013

(financial amount in EUR 1 000)

Member State ⁽¹⁾:

Date of communication (2):

Date of previous communication:

Number of this amended table:

[illegible]

[illegible]

⁽⁹⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of hectolitres concerned in this Annex.

B. FINANCIAL YEARS 2014-2018

(financial amount in EUR 1 000)

Member State ⁽¹⁾:

Date of communication (2):

Date of previous communication:

Number of this amended table:

[illegible]

[illegible]

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
7.6 Investments in enterprise in other than convergence regions	Article 103u(4)(b)	Community contribution											(Cumulative)
7.7 Investments in enterprise in outermost regions	Article 103u(4)(c)	Community contribution											(Cumulative)
7.8 Investments in enterprise in small Aegean Islands regions	Article 103u(4)(d)	Community contribution											(Cumulative)
8 - By-products distillation	Article 103v	Range of max aid (EUR/%vol/hl) ⁽⁸⁾											
		Mio hl											
		Average Community support ⁽⁹⁾											

⁽¹⁾ OPOCE acronym to be used.

⁽²⁾ Communication deadline: for forecast 1 March 2013 for the first time and then every 1 March and 30 June; for execution every 1 March (2015 for the first time).

⁽³⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of projects concerned in this Annex.

⁽⁴⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the area concerned in this Annex.

⁽⁵⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of funds concerned in this Annex.

⁽⁶⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of producers concerned in this Annex.

⁽⁷⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of beneficiaries concerned in this Annex.

⁽⁸⁾ Details to be given in Annexes I and V.

⁽⁹⁾ Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of hectolitres concerned in this Annex.'

(8) Annexes VIII, VIIIa and VIIIb are replaced by the following:

‘ANNEX VIII

Communication on promotion measure according to Articles 103p and 188a(5) of Regulation (EC) No 1234/2007

A. FINANCIAL YEARS 2009-2013

Member State:

Forecasts/ execution ⁽¹⁾

Date of communication ⁽²⁾:

Date of previous communication:

Number of this amended table:

Beneficiaries	Eligible measure (Article 103p(3) of Regulation (EC) No 1234/2007)	Description ⁽³⁾	Targeted market	Period	Eligible expenditure (EUR)	of which Community contribution (EUR)	of which other public support if any (EUR)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
...							

⁽¹⁾ Strikethrough the wrong element.

⁽²⁾ Communication deadline: for forecast 30 June 2008 for the first time and then every 1 March and 30 June; for execution every 1 March (2010 for the first time).

⁽³⁾ Including if the promotion measure is organised in cooperation with one or more other Member States.

B. FINANCIAL YEARS 2014-2018

Member State:

Forecasts/ execution ⁽¹⁾

Date of communication ⁽²⁾:

Date of previous communication:

Number of this amended table:

Beneficiaries	Eligible measure (Article 103p(3) of Regulation (EC) No 1234/2009)	Description ⁽³⁾	Targeted market	Period	Eligible expenditure (EUR)	of which Community contribution (EUR)	of which other public support if any (EUR)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
...							

⁽¹⁾ Strikethrough the wrong element.

⁽²⁾ Communication deadline: for forecast 1 March 2013 for the first time and then every 1 March and 30 June; for execution every 1 March (2015 for the first time).

⁽³⁾ Including if the promotion measure is organised in cooperation with one or more other Member States.

Annual report on the control on the spot carried out over Restructuring and conversion of vineyards according to Article 103q of Regulation (EC) No 1234/2007

A. FINANCIAL YEARS 2009-2013

Member State ⁽¹⁾:

Financial year:

Date of communication ⁽²⁾:

Region	Restructuring and conversion operations globally approved		Restructuring operations concerned by previous grubbing up ⁽³⁾		Control before grubbing-up ⁽⁴⁾				Control after Restructuring/ conversion		surface finally admitted after control (ha)	surface not admitted after control (ha)	requested premiums refused (EUR)	Sanctions ⁽⁴⁾
					administratively		On the spot							
	Number of applications	area (ha)	number	area concerned by previous grubbing up (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1														
2														
...														
Total of Member State														

⁽¹⁾ OPOCE acronyms to be used.⁽²⁾ Communication deadline: 1 December each year and for the first time 1 December 2009.⁽³⁾ Partly included in column 2 and 3.⁽⁴⁾ Where applicable.

B. FINANCIAL YEARS 2014-2018

Member State ⁽¹⁾:

Financial year:

Date of communication ⁽²⁾:

Region	Restructuring and conversion operations globally approved		Restructuring operations concerned by previous grubbing up ⁽³⁾		Control before grubbing-up ⁽⁴⁾				Control after Restructuring/ conversion		surface finally admitted after control (ha)	surface not admitted after control (ha)	requested premiums refused (EUR)	Sanctions ⁽⁴⁾
					administratively		On the spot							
	Number of applications	area (ha)	number	area concerned by previous grubbing up (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1														
2														
...														
Total of Member State														

⁽¹⁾ OPOCE acronyms to be used.⁽²⁾ Communication deadline: 1 December each year and for the first time 1 December 2014.⁽³⁾ Partly included in column 2 and 3.⁽⁴⁾ Where applicable.

**Annual report on the control on the spot carried out over green harvesting according to Article 103r of
Regulation (EC) No 1234/2007**

A. FINANCIAL YEARS 2009-2013

Member State ⁽¹⁾

Financial year:

Date of communication ⁽²⁾

Region	Applications approved by the Member State		Control on the spot		surface finally admitted after control (ha)	surface not admitted after control (ha)	requested premiums refused (EUR)	Sanctions ⁽³⁾
	number of applications	area (ha)	number of applications	area controlled (ha)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1								
2								
...								
Total of Member State								

⁽¹⁾ OPOCE acronyms to be used.⁽²⁾ Communication deadline: 1 December each year and for the first time 1 December 2009.⁽³⁾ Where applicable.

B. FINANCIAL YEARS 2014-2018

Member State ⁽¹⁾:

Financial year:

Date of communication ⁽²⁾:

Region	Applications approved by the Member State		Control on the spot		surface finally admitted after control (ha)	surface not admitted after control (ha)	requested premiums refused (EUR)	Sanctions ⁽³⁾
	number of applications	area (ha)	number of applications	area controlled (ha)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1								
2								
...								
Total of Member State								

⁽¹⁾ OPOCE acronyms to be used.⁽²⁾ Communication deadline: 1 December each year and for the first time 1 December 2014.⁽³⁾ Where applicable.

COMMISSION IMPLEMENTING REGULATION (EU) No 569/2012**of 28 June 2012****temporarily suspending customs duties on imports of certain cereals for the 2012/2013 marketing year**

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') ⁽¹⁾, and in particular Article 187 in conjunction with Article 4 thereof,

Whereas:

(1) In order to promote the supply of cereals on the Community market during the last six months of the 2011/2012 marketing year, Commission Implementing Regulation (EU) No 1350/2011 ⁽²⁾ suspended customs duties for the import tariff quotas for common wheat of low and medium quality and feed barley opened by Commission Regulations (EC) No 1067/2008 ⁽³⁾ and (EC) No 2305/2003 ⁽⁴⁾ respectively, until 30 June 2012.

(2) On the basis of communications made in accordance with Article 3(3) of Regulation (EC) No 2305/2003, by means of Commission Implementing Regulation (EU) No 20/2012 ⁽⁵⁾, with effect from 13:00 Brussels time on 6 January 2012, the Commission suspended issue of the import licences for barley from the quota referred to in Article 1(1) of Regulation (EC) No 2305/2003 for the current quota period.

(3) The outlook for the cereals market for the start of the next marketing year (2012/2013) would suggest that prices will remain high, given the low stock levels and current estimates from the Commission regarding the quantities which will actually be available under the 2012 harvest. In order to make it easier to maintain a flow of imports conducive to EU market equilibrium, there is a need to ensure continuity in cereal imports policy by keeping the temporary suspension of customs duties on imports of common wheat during the

2012/2013 marketing year until 31 December 2012 for the import tariff quotas opened by Regulation (EC) No 1067/2008. Given that the issue of import licences for barley has been suspended until 31 December 2012, the suspension of customs duties for this product during the same period becomes unnecessary.

(4) Moreover, traders should not be penalised in cases where cereals are en route for importation into the Union. Therefore, the time required for transport should be taken into account and traders allowed to release cereals for free circulation under the customs-duty suspension regime provided for in this Regulation, for all products whose direct transport to the Union has started at the latest on 31 December 2012. The evidence to be provided showing direct transport to the Union and the date on which the transport commenced should also be established.

(5) In order to ensure sound management of the procedure for issuing import licences as from 1 July 2012, this Regulation should enter into force on the day after its publication in the *Official Journal of the European Union*.

(6) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

1. The application of customs duties on imports of common wheat falling within CN code 1001 99 00, of a quality other than high quality as defined in Annex II to Commission Regulation (EU) No 642/2010 ⁽⁶⁾, shall be suspended for the 2012/2013 marketing year for all imports under the reduced-duty tariff quotas opened by Regulation (EC) No 1067/2008.

2. Where the cereals referred to in paragraph 1 of this Article undergo direct transport to the Union and such transport began at the latest by 31 December 2012, the suspension of customs duties under this Regulation shall continue to apply for the purposes of the release into free circulation of the products concerned.

Proof of direct transport to the Union and of the date on which the transport commenced shall be provided, to the satisfaction of the relevant authorities, by the original transport document.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 338, 21.12.2011, p. 27.

⁽³⁾ OJ L 290, 31.10.2008, p. 3.

⁽⁴⁾ OJ L 342, 30.12.2003, p. 7.

⁽⁵⁾ OJ L 8, 12.1.2012, p. 35.

⁽⁶⁾ OJ L 187, 21.7.2010, p. 5.

Article 2

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

It shall apply from 1 July 2012 to 31 December 2012.

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

Done at Brussels, 28 June 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 570/2012

of 28 June 2012

amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of benzoic acid — benzoates (E 210-213) in alcohol-free counterparts of wine

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3) and Article 30(5) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be amended in accordance with the procedure referred to in Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings ⁽²⁾.
- (3) Pursuant to Article 3(1) of Regulation (EC) No 1331/2008, the Union list of food additives may be updated either on the initiative of the Commission or following an application.
- (4) An application for authorisation of the use of benzoic acid — benzoates (E 210-213) as preservative in alcohol-free counterparts of wine was submitted and has been made available to the Member States.
- (5) These alcohol-free counterparts of wine are produced by removing the alcohol from the wine after fermentation. In order to avoid secondary fermentation in the bottle, sorbic acid — sorbates (E 200-203) are used and subsequent pasteurisation is required. However, pasteurisation alters and degrades the natural fruit aromas and flavours of the product. Addition of benzoates has a synergistic effect with sorbates, allowing a better preservation and reducing the need to pasteurise.
- (6) Alcohol-free counterparts of wine are presented and marketed as alternative to wine to adults who choose not to drink alcoholic beverages. Consumption of these

counterparts does not substitute consumption of soft drinks. The additional exposure to benzoic acid — benzoates (E 210-213) based on this new use will therefore remain limited and will not lead to exceedance of the acceptable daily intake established by the Scientific Committee for Food ⁽³⁾. It is therefore appropriate to allow the use of benzoic acid — benzoates (E 210-213) for the preservation of alcohol-free counterparts of wine.

- (7) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the European Food Safety Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where the update in question is not liable to have an effect on human health. Since the authorisation of use of benzoic acid — benzoates (E 210-213) for the preservation of alcohol-free counterparts of wine constitutes an update of that list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the European Food Safety Authority.
- (8) Pursuant to the transitional provisions of Commission Regulation (EU) No 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives ⁽⁴⁾, Annex II establishing the Union list of food additives approved for use in foods and conditions of use applies from 1 June 2013. In order to allow the use of benzoic acid — benzoates (E 210-213) in alcohol-free counterparts of wine before that date, it is necessary to specify an earlier date of application with regard to this use of that food additive.
- (9) Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ http://ec.europa.eu/food/fs/sc/scf/reports/scf_reports_35.pdf

⁽⁴⁾ OJ L 295, 12.11.2011, p. 1.

Article 2

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

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

Done at Brussels, 28 June 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

In Part E of Annex II to Regulation (EC) No 1333/2008 the following entry is inserted in the food category 14.2.2 'Wine and other products defined by Regulation (EC) No 1234/2007, and alcohol-free counterparts' after the entry for E 200-203:

	E 210-213	Benzoic acid — benzoates	200	(1) (2)	only alcohol-free	Period of application: From 19 July 2012'
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COMMISSION IMPLEMENTING REGULATION (EU) No 571/2012

of 28 June 2012

amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substances aluminium silicate, hydrolysed proteins and 1,4-diaminobutane (putrescine)

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2)(c) thereof,

Whereas:

(1) The active substances aluminium silicate, hydrolysed proteins and 1,4-diaminobutane (putrescine) were included in Annex I to Council Directive 91/414/EEC ⁽²⁾ by Commission Directive 2008/127/EC ⁽³⁾ in accordance with the procedure provided for in Article 24b of Commission Regulation (EC) No 2229/2004 of 3 December 2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁴⁾. Since the replacement of Directive 91/414/EEC by Regulation (EC) No 1107/2009, these substances are deemed to have been approved under that Regulation and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances ⁽⁵⁾.

(2) In accordance with Article 25a of Regulation (EC) No 2229/2004, the European Food Safety Authority, hereinafter 'the Authority', presented to the Commission its views on the draft review reports for aluminium silicate ⁽⁶⁾, hydrolysed proteins ⁽⁷⁾ and 1,4-diaminobutane (putrescine) ⁽⁸⁾ on 16 December 2011. The draft review

reports and the views of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 1 June 2012 in the format of the Commission review reports for aluminium silicate, hydrolysed proteins and 1,4-diaminobutane (putrescine).

(3) The Authority communicated its views on aluminium silicate, hydrolysed proteins and 1,4-diaminobutane (putrescine) to the notifiers, and the Commission invited them to submit comments on the review reports.

(4) It is confirmed that the active substances aluminium silicate, hydrolysed proteins and 1,4-diaminobutane (putrescine) are to be deemed to have been approved under Regulation (EC) No 1107/2009.

(5) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is necessary to amend the conditions of approval of aluminium silicate, hydrolysed proteins and 1,4-diaminobutane (putrescine). It is, in particular, appropriate to require further confirmatory information as regards aluminium silicate and hydrolysed proteins. At the same time certain technical adaptations should be made, in particular the name of the active substance 'putrescin (1,4-diaminobutane)' should be replaced by '1,4-diaminobutane (putrescine)'. The Annex to Regulation (EU) No 540/2011 should therefore be amended accordingly.

(6) A reasonable period of time should be allowed before the application of this Regulation in order to allow Member States, notifiers and holders of authorisations for plant protection products to meet the requirements resulting from amendment to the conditions of the approval.

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

HAS ADOPTED THIS REGULATION:

Article 1

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 344, 20.12.2008, p. 89.

⁽⁴⁾ OJ L 379, 24.12.2004, p. 13.

⁽⁵⁾ OJ L 153, 11.6.2011, p. 1.

⁽⁶⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance aluminium silicate. EFSA Journal 2012; 10(1):2517. Available online: www.efsa.europa.eu/efsajournal.

⁽⁷⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance hydrolysed proteins. EFSA Journal 2012; 10(2):2545. Available online: www.efsa.europa.eu/efsajournal.

⁽⁸⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance 1,4-diaminobutane (putrescine). EFSA Journal 2012;10(1):2516. Available online: www.efsa.europa.eu/efsajournal.

Article 2

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

It shall apply from 1 November 2012.

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

Done at Brussels, 28 June 2012.

For the Commission
The President
José Manuel BARROSO

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) Row 220 on the active substance aluminium silicate is replaced by the following:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'220	Aluminium silicate CAS No 1332-58-7 CIPAC No 841	Not available Chemical name: Aluminium silicate	≥ 999,8 g/kg	1 September 2009	31 August 2019	PART A Only uses as repellent may be authorised. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on aluminium silicate (SANCO/2603/08) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 1 June 2012 shall be taken into account. In this overall assessment Member States shall pay particular attention to the operator safety; conditions of use shall include the application of adequate personal and respiratory protective equipment, where appropriate. Conditions of use shall include, where appropriate, risk mitigation measures. The Member States concerned shall ensure that the applicant submits to the Commission confirmatory information as regards: (a) the specification of the technical material, as commercially manufactured, supported by appropriate analytical data; (b) the relevance of the test material used in the toxicity dossier in view of the specification of the technical material. The Member States concerned shall ensure that the applicant submits such information to the Commission by 1 May 2013.'

(*) Further details on identity and specification of active substances are provided in their review report.

(2) Row 234 on the active substance hydrolysed proteins is replaced by the following:

'Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
234	Hydrolysed proteins CAS No not allocated CIPAC No 901	Not available	Review report (SANCO/2615/2008)	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. Hydrolysed proteins of animal origin must be in compliance with Regulation (EC) No 1069/2009 (**) and Commission Regulation (EU) No 142/2011 (***).

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
						PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on hydrolysed proteins (SANCO/2615/08) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 1 June 2012 shall be taken into account. In this overall assessment Member States shall pay particular attention to the operator and worker safety; conditions of use shall include the application of adequate personal protective equipment, where appropriate. Conditions of use shall include, where appropriate, risk mitigation measures. The Member States concerned shall ensure that the applicant submits to the Commission confirmatory information as regards: (a) the specifications of the technical material, as commercially manufactured, supported by appropriate analytical data; (b) the risk to aquatic organisms. The Member States concerned shall ensure that the applicant submits to the Commission the information set out in point (a) by 1 May 2013, the information set out in point (b) by 1 November 2013.

(*) Further details on identity and specification of active substances are provided in their review report.

(**) OJ L 300, 14.11.2009, p. 1.

(***) OJ L 54, 26.2.2011, p. 1.'

(3) Row 245 on the active substance 1,4-diaminobutane (putrescine) is replaced by the following:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'245	1,4-diaminobutane (putrescine) CAS No 110-60-1 CIPAC No 854	Butane-1,4-diamine	≥ 990 g/kg	1 September 2009	31 August 2019	PART A Only uses as attractant may be authorised. PART B For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on 1,4-diaminobutane (putrescine) (SANCO/2626/08) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 1 June 2012 shall be taken into account. Conditions of use shall include, where appropriate, risk mitigation measures.'

(*) Further details on identity and specification of active substances are provided in their review report.

COMMISSION REGULATION (EU) No 572/2012**of 28 June 2012****making imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to the judgment of the European Court of Justice ('ECJ') of 22 March 2012 in Case C-338/10,

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Articles 10(4) and 14(5) thereof,

After consulting the Advisory Committee,

Whereas:

The European Commission ('the Commission') has received a request, pursuant to Article 14(5) of the basic Regulation, to make imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China subject to registration.

A. PRODUCT CONCERNED

- (1) The product concerned by this registration is prepared or preserved mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids, not containing added spirit, whether or not containing added sugar or other sweetening matter, and as defined under CN heading 2008, currently falling within CN codes 2008 30 55, 2008 30 75 and ex 2008 30 90 (TARIC codes 2008 30 90 61, 2008 30 90 63, 2008 30 90 65, 2008 30 90 67, 2008 30 90 69) originating in the People's Republic of China.

B. THE COURT JUDGEMENT

- (2) On 22 March 2012, in Case C-338/10, the European Court of Justice ('ECJ') declared Council Regulation (EC) No 1355/2008 of 18 December 2008 imposing a definitive anti-dumping duty and collecting definitively the provisional duty on imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China ⁽²⁾ ('definitive anti-dumping Regulation' or 'the contested Regulation') invalid.

- (3) The ECJ judgment was based on the ground that the Commission had not taken all due care to determine the normal value on the basis of the price or constructed value in a market economy third country as prescribed by Article 2(7)(a) of the basic Regulation.

- (4) As a consequence of that judgment, imports into the European Union of certain prepared or preserved citrus fruits (namely mandarins, etc.) are no longer subject to the anti-dumping measures imposed by Regulation (EC) No 1355/2008.

- (5) Following the ECJ judgment, the Commission has thus decided to reopen the anti-dumping investigation concerning imports of certain prepared or preserved citrus fruits (namely mandarins, etc.) originating in the People's Republic of China initiated pursuant to the basic Regulation. The reopening is limited in scope to the implementation of the finding of the ECJ as recalled above. ⁽³⁾

C. REQUEST

- (6) Following the ECJ judgement, the Spanish National Federation of Associations of Processed Fruit and Vegetables ('FENAVAL', previously named 'FNACV') ('the applicant') requested that imports of the product concerned are made subject to registration pursuant to Article 14(5) of the basic Regulation so that measures may subsequently be applied against those imports from the date of such registration.

D. GROUNDS FOR THE REGISTRATION

- (7) The applicant submitted that the declaration of invalidity by the ECJ of the anti-dumping measures concerned more than one and a half year before their envisaged expiry, for reasons other than the absence of dumping and subsequent injury, heavily jeopardizes its viability. In this respect it pointed in particular at the immediate risk of significant stockpiling of imports concerned, as had already been seen in the past. It therefore requested the registration of such imports.
- (8) According to Article 14(5) of the basic Regulation, the Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 350, 30.12.2008, p. 35.

⁽³⁾ OJ C 175, 19.6.2012, p. 19.

may subsequently be applied against those imports from the date of such registration. Imports may be made subject to registration following a request from the Union industry which contains sufficient evidence to justify such action.

(9) The request contains sufficient evidence to justify registration. It should be recalled that the product is seasonal and fungible, that it is normally canned and that it can easily be stored for extended periods and easily transported. All this makes it possible to rapidly build-up inventories.

(10) In Commission Regulation (EC) No 642/2008, which imposed provisional anti-dumping duties on imports of the product concerned, it was already described that, prior to the imposition of provisional anti-dumping measures, imports of the product concerned had also increased very sharply within a relatively short period ⁽¹⁾. The applicant's fear that a surge of imports is to reoccur now that the measures have been found to be invalid is therefore considered justified. It is corroborated by statistical data from Member States which already reported a very sharp increase in imports in March 2012, to levels twice as high as in March 2011 and 3-4 times higher than in any other preceding month in 2011 and 2012.

(11) The ECJ judgement is limited to the determination of the normal value on the basis of the price or constructed value in a market economy third country. Therefore, the existence of injury is not challenged. In its request, the applicant also pointed at the immediate risk of severe injury to the EU industry as importers would still be able to switch from EU products to Chinese products, leaving EU industry with massive stocks in their warehouses.

(12) In view of the above it is considered that the remedial effect of any definitive anti-dumping duties is likely to be seriously undermined, unless such duties would be applied retroactively. Accordingly, the conditions for registration in this case are met.

E. PROCEDURE

(13) In view of the above, the Commission has concluded that the applicant's request contains sufficient evidence to make imports of the product concerned subject to registration, in accordance with Article 14(5) of the basic Regulation.

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

F. REGISTRATION

(15) Pursuant to Article 14(5) of the basic Regulation, imports of the product concerned should be made subject to registration in order to ensure that, should the reopened investigation result in findings leading to the re-imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively in accordance with applicable legal provisions. Any future liability would emanate from the findings of the reopened anti-dumping investigation.

G. PROCESSING OF PERSONAL DATA

(16) Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.

HAS ADOPTED THIS REGULATION:

Article 1

1. The Customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 1225/2009, to take the appropriate steps to register the imports into the European Union of prepared or preserved mandarins (including tangerines and satsumas), clementines, wilkings and other similar citrus hybrids, not containing added spirit, whether or not containing added sugar or other sweetening matter, and as defined under CN heading 2008, currently falling within CN codes 2008 30 55, 2008 30 75 and ex 2008 30 90 (TARIC codes 2008 30 90 61, 2008 30 90 63, 2008 30 90 65, 2008 30 90 67, 2008 30 90 69) originating in the People's Republic of China. Registration shall expire nine months following the date of entry into force of this Regulation.

2. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 20 days from the date of publication of this Regulation.

Article 2

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

⁽¹⁾ OJ L 178, 5.7.2008, p. 35 (recital 131).

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

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

Done at Brussels, 28 June 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 573/2012**of 28 June 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) ⁽¹⁾,

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 ⁽²⁾, 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, 28 June 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ 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 ⁽¹⁾	Standard import value
0702 00 00	TR	52,3
	ZZ	52,3
0707 00 05	TR	103,2
	ZZ	103,2
0709 93 10	TR	105,9
	ZZ	105,9
0805 50 10	AR	86,8
	UY	89,3
	ZA	113,3
	ZZ	96,5
0808 10 80	AR	111,4
	BR	93,3
	CL	99,4
	NZ	121,0
	US	121,2
	UY	57,1
	ZA	94,7
	ZZ	99,7
0809 10 00	TR	188,4
	ZZ	188,4
0809 29 00	TR	430,8
	ZZ	430,8

⁽¹⁾ 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'.

COMMISSION IMPLEMENTING REGULATION (EU) No 574/2012**of 28 June 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year**

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) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 550/2012 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

- (3) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

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, 28 June 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 165, 26.6.2012, p. 43.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 29 June 2012

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 ⁽¹⁾	39,85	0,00
1701 12 90 ⁽¹⁾	39,85	2,65
1701 13 10 ⁽¹⁾	39,85	0,00
1701 13 90 ⁽¹⁾	39,85	2,95
1701 14 10 ⁽¹⁾	39,85	0,00
1701 14 90 ⁽¹⁾	39,85	2,95
1701 91 00 ⁽²⁾	48,85	2,81
1701 99 10 ⁽²⁾	48,85	0,00
1701 99 90 ⁽²⁾	48,85	0,00
1702 90 95 ⁽³⁾	0,49	0,22

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION IMPLEMENTING REGULATION (EU) No 575/2012**of 28 June 2012****amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin**

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) ⁽¹⁾, and in particular Article 143 in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.

(3) Regulation (EC) No 1484/95 should be amended accordingly.

(4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication.

(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

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 June 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

'ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security pursuant to Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "70 % chickens", frozen	125,3	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	130,3	0	AR
		127,5	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	271,7	9	AR
		240,1	18	BR
		322,1	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	215,7	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	346,2	0	BR
		365,0	0	CL
0408 91 80	Eggs, not in shell, dried	408,9	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	293,6	0	BR
		347,6	0	CL
3502 11 90	Egg albumin, dried	533,5	0	AR

⁽¹⁾ 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".

COMMISSION IMPLEMENTING REGULATION (EU) No 576/2012**of 28 June 2012****on the allocation of import rights for applications lodged for the period 1 July 2012 to 30 June 2013 under the tariff quota opened by Regulation (EC) No 431/2008 for frozen meat of bovine animals**

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) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 431/2008 of 19 May 2008 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals

covered by CN code 0202 and products covered by CN code 0206 29 91 ⁽³⁾ opens an import tariff quota for beef and veal products.

- (2) The applications for import rights lodged for the period 1 July 2012 to 30 June 2013 relate to quantities exceeding those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import right applications covered by the quota with the serial number 09.4003 have been lodged for the period 1 July 2012 to 30 June 2013 under Regulation (EC) No 431/2008 shall be multiplied by an allocation coefficient of 30,632325 %.

Article 2

This Regulation shall enter into force on 29 June 2012.

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

Done at Brussels, 28 June 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 130, 20.5.2008, p. 3.

DECISIONS

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

of 20 June 2012

appointing Judges and Advocates-General to the Court of Justice

(2012/345/EU)

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 19 thereof,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 253 and 255 thereof,

Whereas:

- (1) The terms of office of 14 Judges and four Advocates-General of the Court of Justice are due to expire on 6 October 2012. For the period from 7 October 2012 to 6 October 2018, 14 Judges and four Advocates-General have to be appointed to the Court of Justice.
- (2) On 25 April 2012, by Decision 2012/244/EU ⁽¹⁾, the Representatives of the Governments of the Member States appointed 11 Judges and three Advocates-General to the Court of Justice for the period from 7 October 2012 to 6 October 2018.
- (3) To complete the partial replacement of the Judges and Advocates-General of the Court of Justice, the Representatives of the Governments of the Member States should appoint a further three Judges and one Advocate-General to the posts remaining to be filled.
- (4) The Governments of the Member States have proposed the reappointment of Mr Antonio TIZZANO and the appointment of Mr Christopher VAJDA as Judges of the Court of Justice as well as the reappointment of Mr Paolo MENGGOZZI as an Advocate-General of the Court of Justice. The panel set up by Article 255 of the Treaty on the Functioning of the European Union has given an

opinion on the suitability of the aforementioned candidates to perform the duties of Judge or Advocate-General of the Court of Justice.

- (5) Two Judges and one Advocate-General of the Court of Justice should therefore be appointed for the period from 7 October 2012 to 6 October 2018. The remaining post of a Judge of the Court of Justice will be filled at a later date,

HAVE ADOPTED THIS DECISION:

Article 1

1. The following are hereby appointed Judges to the Court of Justice for the period from 7 October 2012 to 6 October 2018:

Mr Antonio TIZZANO

Mr Christopher VAJDA.

2. Mr Paolo MENGGOZZI is hereby appointed Advocate-General to the Court of Justice for the period from 7 October 2012 to 6 October 2018.

Article 2

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

Done at Brussels, 20 June 2012.

The President

J. TRANHOLM-MIKKELSEN

⁽¹⁾ OJ L 121, 8.5.2012, p. 21.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2012 OF THE EU-CHILE SPECIAL COMMITTEE ON CUSTOMS COOPERATION AND RULES OF ORIGIN

of 27 March 2012

relating to Annex III to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, concerning the definition of the concept of originating products and methods of administrative cooperation

(2012/346/EU)

THE SPECIAL COMMITTEE,

Having regard to the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ⁽¹⁾ ('Association Agreement'), signed on 18 November 2002, and in particular to the terms 'customs territory of the Community' in Article 36(2) of Annex III thereof on the definition of the concept of originating products and methods of administrative cooperation,

Whereas:

- (1) Annex III to the Association Agreement sets out the rules of origin for the products originating in the territories of the Parties to that Agreement.
- (2) Annex III to the Association Agreement refers to the term 'Community' in its text.
- (3) For the purposes of Annex III to the Association Agreement, it is appropriate to define the terms 'Community' and 'customs territory of the Community' in order to ensure the correct territorial application of that Annex by means of an Explanatory Note thereto,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 36(2) of Annex III to the Association Agreement, the terms 'customs territory of the

Community' shall cover the customs territory of the European Community (now the European Union) as indicated in Article 3(1) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾, without prejudice to any future amendment or repeal of existing legislation.

This Explanatory Note to Annex III shall be without prejudice to Title VII on Ceuta and Melilla of that Annex.

Article 2

For the purposes of Annex III to the Association Agreement, the term 'Community' means the customs territory of the European Community (now the European Union) as referred to in Article 1 of this Decision.

Article 3

This Decision shall enter into force sixty days after the date on which the last Party has notified that its internal requirements concerning the implementation of this Decision have been fulfilled.

Done at Santiago, Chile, 27 March 2012.

For the Special Committee

The President

Paulina NAZAL

⁽¹⁾ OJ L 352, 30.12.2002, p. 3.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2012/346/EU:
Decision No 1/2012 of the EU-Chile Special Committee on Customs Cooperation and Rules of Origin
of 27 March 2012 relating to Annex III to the Agreement establishing an association between the
European Community and its Member States, of the one part, and the Republic of Chile, of the other
part, concerning the definition of the concept of originating products and methods of administrative
cooperation 61

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