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Price: EUR 3

(¹) Text with EEA relevance

EN

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

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 23 July 2012

on the position to be taken by the European Union within the ACP-EU Committee of Ambassadors concerning the reassignment of a part of the unallocated resources of the 10th European Development Fund to Intra-ACP cooperation

(2012/491/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 209(2) in conjunction with Article 218(9) thereof,

Having regard to the Internal Agreement between the representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽¹⁾, and in particular Article 1 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽²⁾, was first amended in Luxembourg on 25 June 2005 ⁽³⁾ and was amended for the second time in Ouagadougou on 22 June 2010 ⁽⁴⁾ ('the ACP-EU Partnership Agreement'). The second amendment has been provisionally applied since 31 October 2010.
- (2) Article 15 of the ACP-EU Partnership Agreement establishes an ACP-EU Council of Ministers with powers to take decisions in accordance with the ACP-EU Partnership Agreement.

- (3) In accordance with paragraph 6 of Annex Ib to the ACP-EU Partnership Agreement, the ACP-EU Committee of Ambassadors, acting on behalf of the ACP-EU Council of Ministers, may reassign funds between allocations provided for in paragraph 2 of that Annex, in order to meet programming requirements under one such allocation.
- (4) The balance of funds available under the 10th European Development Fund (EDF) envelope for Intra-ACP cooperation is insufficient to meet the programming requirements that emerged from its Mid-Term Review. It is necessary to transfer EUR 195 million from the 10th EDF unallocated resources to the envelope for Intra-ACP cooperation so as to allow for the financing of actions based on both EU and ACP existing priorities, including a replenishment of the African Peace Facility amounting to EUR 100 million.
- (5) The Union should determine the position to be taken within the ACP-EU Committee of Ambassadors concerning the reassignment of a part of the unallocated resources of the 10th EDF to the benefit of the appropriation intended for Intra-ACP cooperation,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union within the ACP-EU Committee of Ambassadors concerning the reassignment of a part of the unallocated resources of the 10th European Development Fund to Intra-ACP cooperation shall be based on the draft Decision of the ACP-EU Committee of Ambassadors attached to this Decision.

Formal and minor changes to the draft Decision may be agreed without requiring that this Decision be amended.

⁽¹⁾ OJ L 317, 15.12.2000, p. 376.

⁽²⁾ OJ L 317, 15.12.2000, p. 3.

⁽³⁾ Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 209, 11.8.2005, p. 27).

⁽⁴⁾ Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).

Article 2

In order to support the efforts of the African Union and regional organisations to address security challenges across Africa, EUR 100 million out of the EUR 195 million financial reallocation shall be earmarked for the African Peace Facility.

Article 3

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

Done at Brussels, 23 July 2012.

For the Council
The President
C. ASHTON

DRAFT

DECISION No .../2012 OF THE ACP-EU COMMITTEE OF AMBASSADORS

of ...

concerning the reassignment of a part of the unallocated resources of the 10th European Development Fund to Intra-ACP cooperation

THE ACP-EU COMMITTEE OF AMBASSADORS,

HAS ADOPTED THIS DECISION:

*Article 1***Intra-ACP cooperation**

Having regard to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as first amended in Luxembourg on 25 June 2005 ⁽²⁾, and amended for the second time in Ouagadougou on 22 June 2010 ⁽³⁾ ('the ACP-EU Partnership Agreement'), and in particular paragraph 6 of Annex Ib thereto,

An amount of EUR 195 million shall be transferred from the unallocated resources of the 10th EDF to the envelope for Intra-ACP cooperation, in accordance with the objectives set out in Articles 11, 28, 29 and 30 of the ACP-EU Partnership Agreement.

*Article 2***Financing request**

Whereas:

- (1) The 10th European Development Fund (EDF) Intra-ACP remaining funds are insufficient to meet the programming requirements which emerged from the 10th EDF Intra-ACP Mid-Term Review.
- (2) In order to continue providing a rapid and efficient response to situations of violent conflicts in Africa, the replenishment of the African Peace Facility is required.
- (3) To allow for the financing of EU and ACP priorities, the necessary amount should be transferred from the unallocated resources of the 10th EDF to the envelope for Intra-ACP cooperation.
- (4) It is appropriate for the ACP-EU Committee of Ambassadors to adopt this decision without delay,

In accordance with Article 12b (a) of Annex IV to the ACP-EU Partnership Agreement, the ACP-EU Committee of Ambassadors requests the Commission to finance the activities proposed by the EU and the ACP Group of States, respectively, and notably to provide additional funding to the African Peace Facility for a total amount of EUR 100 million, in order to support the efforts of the African Union and regional organisations to address security challenges across Africa.

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

Done at ...

For the ACP-EU Committee of Ambassadors
The President

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ Agreement amending the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 (OJ L 209, 11.8.2005, p. 27).

⁽³⁾ Agreement amending for the second time the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as first amended in Luxembourg on 25 June 2005 (OJ L 287, 4.11.2010, p. 3).

REGULATIONS

COMMISSION REGULATION (EU) No 784/2012

of 30 August 2012

amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by Germany and correcting Article 59(7) thereof

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC⁽¹⁾, and in particular Articles 3d(3) and 10(4) thereof,

Whereas:

(1) Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community⁽²⁾, allows Member States not participating in the joint action as provided in Article 26(1) and (2) to appoint their own auction platform for the auctioning of their share of the volume of allowances covered by Chapters II and III of Directive 2003/87/EC. The appointment of such auction platforms is subject to listing of the auction platform concerned in Annex III, pursuant to the third paragraph of Article 30(5) of that Regulation.

(2) In accordance with Article 30(4) of Regulation (EU) No 1031/2010, Germany informed the Commission of its decision not to participate in the joint action as provided in Article 26(1) and (2) of that Regulation, and to appoint its own auction platform.

(3) On 9 March 2012, Germany notified the Commission of its intention to appoint European Energy Exchange AG ('EEX') as an auction platform referred to in Article 30(2) of Regulation (EU) No 1031/2010.

(4) On 22 March 2012, Germany presented the notification to the Climate Change Committee. In addition, Germany has provided further information and clarification to the Commission, supplementing the notification accordingly.

(5) The proposed appointment of EEX as an auction platform referred to in Article 30(2) of Regulation (EU) No 1031/2010 is compatible with the requirements of that Regulation and is in conformity with the objectives set out in Article 10(4) of Directive 2003/87/EC.

(6) In accordance with point (e) of Article 35(3) of Regulation (EU) No 1031/2010, an auction platform must not abuse the contract appointing it to unduly leverage the competitiveness of its other activities, notably the secondary market it organises. Therefore, the listing of EEX as an auction platform should be conditional upon EEX providing the option to candidate bidders to be admitted to bid in the auctions without being required to become a member of or a participant in the secondary market organised by EEX or of any other trading place operated by EEX or by any third party.

(7) In accordance with point (h) of Article 35(3) of Regulation (EU) No 1031/2010, when appointing an auction platform, the Member States have to take into account the extent to which adequate measures are provided to require an auction platform to hand over all tangible and intangible assets necessary for the conduct of the auctions by an auction platform's successor. Such measures should be laid down in a clear and timely manner in an exit strategy that should be reviewed by the auction monitor. EEX should develop such an exit strategy and take into utmost account the auction monitor's opinion thereon.

(8) An auction platform is required to obtain the auction monitor's opinion on the methodology for the application of Articles 7(6) and 8(3) of Regulation (EU) No 1031/2010. However, where the auction monitor has not been appointed before the start of the auction

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ OJ L 302, 18.11.2010, p. 1.

concerned, the auction platform should be allowed to proceed without having obtained the auction monitor's opinion.

- (9) Regulation (EU) No 1031/2010 should therefore be amended accordingly.
- (10) Moreover, certain references in Article 59(7) of Regulation (EU) No 1031/2010 should be corrected.
- (11) In order to ensure predictable and timely auctions by the auction platform to be appointed by Germany, this Regulation should enter into force as a matter of urgency.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Climate Change Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 1031/2010

Regulation (EU) No 1031/2010 is amended as follows:

- (1) in Article 3, the following point is added:

‘44. “exit strategy” means one or more documents determined in accordance with the contracts appointing the auction monitor or the auction platform concerned, setting out detailed measures planned to ensure the following:

- (a) the transfer of all tangible and intangible assets necessary for the uninterrupted continuation of the auctions and the smooth operation of the auction process by an auction platform's successor;
- (b) the provision to the contracting authorities or the auction monitor, or both, of all information relating to the auction process, that is necessary for the procurement procedure for the appointment of the auction platform's successor;
- (c) the provision to the contracting authorities, or the auction monitor or the auction platform's successor, or any combination of these, of the technical assistance that enables the contracting authorities, or the auction monitor or the auction platform's successor, or any combination of these, to understand, access or use the relevant information provided pursuant to points (a) and (b).’;

- (2) in Article 7, paragraph 7 is replaced by the following:

‘7. Before an auction is started, the auction platform shall determine the methodology for the application of paragraph 6, after consulting the auction monitor and obtaining its opinion thereon and notifying the competent national authorities referred to in Article 56.

In between two bidding windows on the same auction platform, the auction platform concerned may modify the methodology after having consulted the auction monitor, obtained its opinion thereon, and notified the competent national authorities referred to in Article 56.

Where the auction monitor has not been appointed at least one month prior to the start of the auction concerned, the auction platform may apply the intended methodology without having obtained the auction monitor's opinion.

The auction platform concerned shall take the utmost account of the auction monitor's opinion.’;

- (3) in Article 8, paragraph 3, the following subparagraph is added:

‘Where the auction monitor has not yet been appointed at least one month prior to the start of the auction concerned, the auction platform may proceed with the intended change of time.’;

- (4) in Article 25, paragraph 6 is replaced by the following:

‘6. The auction monitor shall provide opinions pursuant to Articles 7(7) and 8(3), and as provided in Annex III. Opinions shall be delivered within a reasonable time.’;

- (5) Annex III is amended in accordance with the Annex to this Regulation.

Article 2

Correction to Regulation (EU) No 1031/2010

In Article 59, paragraph 7 is replaced by the following:

‘7. Clients of bidders referred to in paragraph 1 may direct any complaints that they may have with regard to compliance with the conduct rules provided for in paragraphs 2 and 3 to the competent authorities mentioned in paragraph 4 in accordance with the procedural rules laid down for the handling of such complaints in the Member State where the persons referred to in paragraph 1 are supervised.’.

*Article 3***Entry into force**

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

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

Done at Brussels, 30 August 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

In Annex III to Regulation (EU) No 1031/2010, the table is replaced by the following:

'Auction platforms appointed by Germany		
1	Auction Platform	European Energy Exchange AG (EEX)
	Term of appointment	From 1 September 2012 at the earliest until at least 31 March 2013 and 31 December 2013 at the latest, without prejudice to the second subparagraph of Article 30(5).
	Conditions	Admission to the auctions shall not be dependent on becoming a member of or a participant in the secondary market organised by EEX or of any other trading place operated by EEX or by any third party.
	Obligations	Within two months from 1 September 2012, EEX shall submit its exit strategy to Germany for consultation of the auction monitor. Within two months from receiving the auction monitor's opinion, EEX shall review its exit strategy, taking the utmost account of that opinion. Germany shall notify the Commission of any substantive changes in relevant contractual relations with EEX.'

COMMISSION IMPLEMENTING REGULATION (EU) No 785/2012**of 30 August 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, 30 August 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	MK	66,1
	ZZ	66,1
0707 00 05	MK	43,1
	TR	95,4
	ZZ	69,3
0709 93 10	TR	108,7
	ZZ	108,7
0805 50 10	AR	102,1
	CL	88,4
	TR	96,0
	UY	84,7
	ZA	93,5
	ZZ	92,9
0806 10 10	BA	54,5
	CL	206,9
	EG	197,6
	TR	147,1
	XS	91,2
	ZZ	139,5
0808 10 80	AR	114,4
	BR	75,4
	CL	110,7
	NZ	127,0
	US	153,8
	ZA	101,0
	ZZ	113,7
0808 30 90	CN	75,8
	TR	135,1
	ZA	103,8
	ZZ	104,9
0809 30	TR	162,0
	ZZ	162,0
0809 40 05	BA	60,8
	HR	73,9
	IL	73,7
	MK	67,5
	ZZ	69,0

⁽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'.

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