

Official Journal

of the European Union

L 280



English edition

Legislation

Volume 55

13 October 2012

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 937/2012 of 12 October 2012 amending Regulations (EC) No 1122/2009 and (EU) No 65/2011 as regards the method for determining applicable interest on undue payments to be recovered from beneficiaries of the direct support schemes for farmers under Council Regulation (EC) No 73/2009, of support for rural development under Council Regulation (EC) No 1698/2005 and of support for the wine sector under Council Regulation (EC) No 1234/2007** 1
- ★ **Commission Implementing Regulation (EU) No 938/2012 of 12 October 2012 fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2013 EAGF accounting year** 3
- Commission Implementing Regulation (EU) No 939/2012 of 12 October 2012 establishing the standard import values for determining the entry price of certain fruit and vegetables 5
- Commission Implementing Regulation (EU) No 940/2012 of 12 October 2012 amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 892/2012 for the 2012/13 marketing year 7

Price: EUR 3

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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 937/2012

of 12 October 2012

amending Regulations (EC) No 1122/2009 and (EU) No 65/2011 as regards the method for determining applicable interest on undue payments to be recovered from beneficiaries of the direct support schemes for farmers under Council Regulation (EC) No 73/2009, of support for rural development under Council Regulation (EC) No 1698/2005 and of support for the wine sector under Council Regulation (EC) No 1234/2007

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, and in particular Article 51(4), Article 74(4) and Article 91 thereof,

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) ⁽²⁾, and in particular Articles 85x and 103za, in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽³⁾, and in particular points (c) and (o) of Article 142 thereof,

Whereas:

(1) Article 80(2) of Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the

support scheme provided for the wine sector ⁽⁴⁾ and Article 5(2) of Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures ⁽⁵⁾ set out the method for determining applicable interest on undue payments to be recovered from beneficiaries of the support covered by those Regulations.

- (2) The interest applies for a period from the notification of the repayment obligation until actual repayment or deduction of the amount to be repaid. This leads to an obligation for the national authorities to collect interest in practically all cases of recoveries, with a separate recovery order once the time elapsed is known.
- (3) For the sake of simplification and in order to improve administrative efficiency, interest should be due only from a reasonable payment deadline for the debtor indicated in the recovery order.
- (4) Regulations (EC) No 1122/2009 and (EU) No 65/2011 should therefore be amended accordingly.
- (5) In the interest of legal certainty, it should be specified that the measures provided for in this Regulation apply in respect of recovery orders issued from 16 October 2012.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Rural Development Committee, the Management Committee for the Common Organisation of Agricultural Markets and of the Management Committee for Direct Payments,

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 30, 31.1.2009, p. 16.

⁽⁴⁾ OJ L 316, 2.12.2009, p. 65.

⁽⁵⁾ OJ L 25, 28.1.2011, p. 8.

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 1122/2009

In Article 80(2) of Regulation (EC) No 1122/2009, the first subparagraph is replaced by the following:

‘2. Interest shall be calculated for the period elapsing between the payment deadline for the farmer indicated in the recovery order, which shall not be set at more than 60 days, and the date of either repayment or deduction.’.

Article 2

Amendment of Regulation (EU) No 65/2011

In Article 5(2) of Regulation (EU) No 65/2011, the first subparagraph is replaced by the following:

‘2. Interest shall be calculated for the period elapsing between the payment deadline for the beneficiary indicated in the recovery order, which shall not be set at more than 60 days, and the date of either repayment or deduction.’.

Article 3

Entry into force and application

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 in respect of recovery orders issued from 16 October 2012.

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

Done at Brussels, 12 October 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 938/2012**of 12 October 2012****fixing the interest rates to be used for calculating the costs of financing intervention measures comprising buying-in, storage and disposal for the 2013 EAGF accounting year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 3(3) thereof,

Whereas:

- (1) Article 4(1)(a) of Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States ⁽²⁾ provides that expenditure relating to the financial costs incurred by Member States in mobilising funds to buy in products is to be determined in accordance with the methods set out in Annex IV to that Regulation.
- (2) The first paragraph of point I.1 of Annex IV to Regulation (EC) No 884/2006 provides that the financial costs in question are to be calculated on the basis of a uniform interest rate for the Union fixed by the Commission at the beginning of every accounting year. This interest rate corresponds to the average of the three-month and 12-month forward Euribor rates, recorded in the six months preceding the notification from the Member States provided for in the first paragraph of point I.2 of the aforementioned Annex IV, with a weighting of one third and two thirds respectively. That rate must be fixed at the beginning of each accounting year of the EAGF.
- (3) However, if the interest rate notified by a Member State is lower than the uniform interest rate fixed for the Union, in accordance with the second paragraph of point I.2 of Annex IV to Regulation (EC) No 884/2006, the interest rate is to be fixed at the level of the rate notified.
- (4) Furthermore, in accordance with the third paragraph of point I.2 of Annex IV to Regulation (EC) No 884/2006, in the absence of any notification from a Member State, in the form and by the deadline referred to in the first paragraph of point I.2 of the aforementioned Annex IV, the interest rate borne by that Member State is to be considered as being 0 %. Where a Member State

declares that it did not bear any interest costs because it did not have agricultural products in public storage during the reference period, the uniform interest rate fixed by the Commission applies to that Member State. Austria, Bulgaria, the Czech Republic, Denmark, Estonia, Greece, Spain, Italy, Cyprus, Latvia, Luxembourg Malta, Poland, Portugal, Romania, Slovenia and Slovakia have declared that they did not bear any interest costs as they did not have any agricultural products in public storage during the reference period.

- (5) Given the Member States' notifications to the Commission, the interest rates applicable for the 2013 EAGF accounting year should be fixed taking the various factors into account.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the Agricultural Funds,

HAS ADOPTED THIS REGULATION:

Article 1

For expenditure relating to the financial costs incurred by Member States in mobilising funds to buy in products chargeable to the 2013 accounting year of the European Agricultural Guarantee Fund (EAGF), the interest rates provided for in Annex IV to Regulation (EC) No 884/2006 in accordance with Article 4(1)(a) of that Regulation shall be fixed at:

- (a) 0,2 % in the case of the specific interest rate applicable in Finland;
- (b) 0,3 % in the case of the specific interest rate applicable in Germany;
- (c) 0,5 % in the case of the specific interest rate applicable in the United Kingdom and in Ireland;
- (d) 0,9 % in the case of the specific interest rate applicable in Belgium;
- (e) 1,0 % in the case of the uniform interest rate for the Union applicable to the other Member States.

Article 2

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

It shall apply from 1 October 2012.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 171, 23.6.2006, p. 35.

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

Done at Brussels, 12 October 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 939/2012**of 12 October 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, 12 October 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	MA	72,4
	MK	39,0
	TR	59,9
	ZZ	57,1
0707 00 05	MK	34,4
	TR	118,1
	ZZ	76,3
0709 93 10	TR	116,6
	ZZ	116,6
0805 50 10	AR	80,1
	CL	108,8
	TR	82,8
	UY	65,5
	ZA	91,8
	ZZ	85,8
0806 10 10	BR	262,6
	MK	30,0
	TR	131,4
	ZZ	141,3
0808 10 80	BR	79,8
	CL	99,9
	MK	29,8
	NZ	122,6
	ZA	99,0
	ZZ	86,2
0808 30 90	CN	66,3
	TR	105,8
	ZZ	86,1

⁽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 940/2012**of 12 October 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 892/2012 for the 2012/13 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 2012/13 marketing year are fixed by Commission Implementing Regulation (EU) No 892/2012 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 906/2012 ⁽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 892/2012 for the 2012/13 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, 12 October 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 263, 28.9.2012, p. 37.

⁽⁴⁾ OJ L 269, 4.10.2012, p. 5.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 13 October 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⁾	36,84	0,10
1701 12 90 ⁽¹⁾	36,84	3,56
1701 13 10 ⁽¹⁾	36,84	0,23
1701 13 90 ⁽¹⁾	36,84	3,85
1701 14 10 ⁽¹⁾	36,84	0,23
1701 14 90 ⁽¹⁾	36,84	3,85
1701 91 00 ⁽²⁾	44,05	4,25
1701 99 10 ⁽²⁾	44,05	1,12
1701 99 90 ⁽²⁾	44,05	1,12
1702 90 95 ⁽³⁾	0,44	0,25

⁽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.

2012 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 200 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 310 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 840 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 100 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 200 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN