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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 1209/2012

of 13 December 2012

establishing a prohibition of fishing for Hake in EU waters of IIa and IV by vessels flying the flag of Germany

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2012.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*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, 13 December 2012.

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

Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 25, 27.01.2012, p. 1.

ANNEX

No	78/TQ43
Member State	Germany
Stock	HKE/2AC4-C
Species	Hake (<i>Merluccius merluccius</i>)
Zone	EU waters of IIa and IV
Date	29.11.2012

COMMISSION REGULATION (EU) No 1210/2012**of 13 December 2012****establishing a prohibition of fishing for whiting in VI; EU and international waters of Vb;
international waters of XII and XIV by vessels flying the flag of United Kingdom**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2012.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*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, 13 December 2012.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 25, 27.1.2012, p. 1.

ANNEX

No	79/TQ43
Member State	United Kingdom
Stock	WHG/56-14
Species	Whiting (<i>Merlangius merlangus</i>)
Zone	VI; EU and international waters of Vb; international waters of XII and XIV
Date	19.8.2012

COMMISSION REGULATION (EU) No 1211/2012**of 13 December 2012****establishing a prohibition of fishing for blue marlin in the Atlantic Ocean by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2012.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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, 13 December 2012.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 25, 27.1.2012, p. 55.

ANNEX

No	77/TQ44
Member State	Spain
Stock	BUM/ATLANT
Species	Blue marlin (<i>Makaira nigricans</i>)
Zone	Atlantic Ocean
Date	26.11.2012

COMMISSION IMPLEMENTING REGULATION (EU) No 1212/2012

of 17 December 2012

amending Regulations (EC) No 2535/2001, (EC) No 917/2004, (EC) No 382/2008, (EC) No 748/2008, (EC) No 810/2008 and (EC) No 610/2009 as regards the notification obligations within the common organisation of agricultural markets

THE EUROPEAN COMMISSION,

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

Having regard to 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 192(2), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽²⁾, lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.
- (2) Pursuant to Regulation (EC) No 792/2009, the obligation to use the information systems in accordance with that Regulation has to be provided for in the Regulations establishing a specific notification obligation.
- (3) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.
- (4) It is considered that several notification obligations can be fulfilled via that system in accordance with Regulation (EC) No 792/2009, in particular those provided for in Commission Regulations (EC) No 2535/2001 of 14 December 2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk

products and opening tariff quotas ⁽³⁾, (EC) No 917/2004 of 29 April 2004 on detailed rules to implement Council Regulation (EC) No 797/2004 on measures improving general conditions for the production and marketing of apiculture products ⁽⁴⁾, (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁵⁾, (EC) No 748/2008 of 30 July 2008 on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 ⁽⁶⁾, (EC) No 810/2008 of 11 August 2008 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽⁷⁾ and (EC) No 610/2009 of 10 July 2009 laying down detailed rules for the application of the tariff quota for beef and veal originating in Chile ⁽⁸⁾.

- (5) In the interest of efficient administration and taking account of the experience, some notifications should be either simplified and specified or deleted in those Regulations.
- (6) Regulations (EC) No 2535/2001, (EC) No 917/2004, (EC) No 382/2008, (EC) No 748/2008, (EC) No 810/2008 and (EC) No 610/2009 should therefore be amended accordingly.
- (7) 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

Regulation (EC) No 2535/2001 is amended as follows:

- (1) In Article 10, paragraph 3 is replaced by the following:

"3. Member States shall notify the Commission of their lists of approved importers broken down by the approved importers who have given their consent in accordance with paragraph 2, and the other approved importers. That notification shall contain the approval number, name, address, telephone number and email address of the approved importers."

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 228, 1.9.2009, p. 3.

⁽³⁾ OJ L 341, 22.12.2001, p. 29.

⁽⁴⁾ OJ L 163, 30.4.2004, p. 83.

⁽⁵⁾ OJ L 115, 29.4.2008, p. 10.

⁽⁶⁾ OJ L 202, 31.7.2008, p. 28.

⁽⁷⁾ OJ L 219, 14.8.2008, p. 3.

⁽⁸⁾ OJ L 180, 11.7.2009, p. 5.

(2) Article 39 is deleted.

(3) In Article 40, paragraph 2 is replaced by the following:

"2 Member States shall notify the Commission of the results of the monitoring carried out for each quarter under Annex IV by the 10th of the following month. That notification shall contain the following information:

(a) general information:

- (i) name of the butter manufacturer;
- (ii) lot identification code;
- (iii) size of the lot in kg;
- (iv) date of the checks (day/ month/ year);

(b) weight check:

- (i) size of the random sample (number of cartons);
- (ii) data in respect of the mean:
 - arithmetic mean of the net weight per carton in kg (as specified on the IMA 1 certificate- box 9),
 - arithmetic mean of the net weight of the sample cartons in kg,
 - whether the arithmetic mean of the net weight determined in the Union shows a significant difference to the declared value (N= no, Y = yes);
- (iii) data in respect of the standard deviation:
 - standard deviation of the net weight per carton in kg (as specified on the IMA 1 certificate – box 9),
 - standard deviation of the net weight of the sample cartons (kg),
 - whether the standard deviation of the net weight of the net weight determined in the Union shows a significant difference to the declared value (N= no, Y = yes);

(c) check of the fat content:

- (i) size of the random sample (number of cartons);
- (ii) data in respect of the mean:
 - arithmetic mean of the fat content of the sample cartons in % of fat,
 - whether the arithmetic mean of the fat content determined in the Union exceeds 84,4 % (N= no, Y = yes)."

(4) Article 45 is replaced by the following:

"Article 45

Within the framework of import tariff quotas, Member States shall notify the Commission of the details of the quantities of products put into free circulation, in accordance with Article 4 of Regulation (EC) No 1301/2006."

(5) The following Article 45a is inserted:

"Article 45a

The notifications referred to in this Regulation, except those referred to in Article 15, Article 35a(1) and Article 45, shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

(6) Annexes V and XIV are deleted.

Article 2

Regulation (EC) No 917/2004 is amended as follows:

(1) Article 1 is replaced by the following:

"Article 1

The national programmes referred to in Article 105 of Council Regulation (EC) No 1234/2007 (*) (hereinafter referred to as 'the apiculture programmes') shall:

- (a) describe the situation in the sector making it possible to update regularly the structural data in the study referred to in Article 107 of Regulation (EC) No 1234/2007, covering in particular the following:
 - (i) total number of beekeepers;
 - (ii) number of professional beekeepers with more than 150 hives each;
 - (iii) total number of hives;
 - (iv) honey production;
 - (v) list of aims of the programme;
- (b) give a detailed description of the measures involved, with estimated costs and financing plan broken down by year at national and regional level, according to the following headings:
 - (i) technical assistance to beekeepers;
 - (ii) control of varroasis;
 - (iii) rationalisation of transhumance;
 - (iv) analyses of honey;
 - (v) restocking of hives;
 - (vi) applied research programmes;
- (c) refer to the applicable laws, regulations and administrative provisions;
- (d) list the representative organisations and bee-keeping cooperatives that collaborated with the competent authority of the Member State in drawing up the apiculture programmes;
- (e) set up the monitoring and assessment arrangements of the apiculture programmes.

(*) OJ L 299, 16.11.2007, p. 1."

- (2) In Article 6, the third paragraph is replaced by the following:

"By 15 December each year, Member States shall notify the Commission of a summary of the implementation of expenditure broken down according to the headings referred to in Article 1(b)."

- (3) The following Article 6a is inserted:

"Article 6a

The notifications referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

Article 3

Regulation (EC) No 382/2008 is amended as follows:

- (1) Article 6 is replaced by the following:

"Article 6

1. No later than the 10th day of each month, Member States shall notify the Commission of the quantities of products, in kilograms product weight or heads, broken down per country of origin, for which import licences were issued in the previous month in relation to out of quota imports.

2. No later than 31 October each year, Member States shall notify the Commission of the quantities of products, in kilograms product weight or heads, broken down per country of origin, for which import licences issued during the period from 1 July of the previous year to 30 June of the year in question were unused in relation to out of quota imports.

3. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Commission Regulation (EC) No 1301/2006 (*).

(*) OJ L 238, 1.9.2006, p. 13."

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

"Article 7

The notifications referred to in Article 6(1) and (2) shall be made using the product categories indicated in Annex V."

- (3) Article 16a is replaced by the following

"Article 16a

The notifications referred to in this Regulation with the exception of Article 6(3) shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

- (4) Annexes II, III and IV are deleted.

Article 4

Regulation (EC) No 748/2008 is amended as follows:

- (1) In Article 8, paragraphs 2 and 3 are replaced by the following:

"2. At the latest on the 17th day of the month in which applications are submitted, the Member States shall notify the Commission of the total quantity per country of origin covered by applications.

3. Import licences shall be issued as from the 25th and no later than at the end of the month in which the applications were submitted."

- (2) Article 9 is amended as follows:

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

"1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify the Commission:

(a) no later than 10 August, of the quantities of products, including nil returns, for which import licences were issued in the previous month, regarding the quantities referred to in Article 1(3)(b) of this Regulation;

(b) no later than 31 August following the end of each import tariff quota period, of the quantities of products, including nil returns, for which import licences were issued in the previous import tariff quota period, regarding the quantities referred to in Article 1(3)(a) of this Regulation;

(c) no later than 31 October following the end of each import tariff quota period, of the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006."

- (b) In paragraph 3, the second subparagraph is replaced by the following:

"The notifications regarding the quantities referred to in Article 1(3)(a) of this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

- (3) Annexes IV, V and VI are deleted.

Article 5

Regulation (EC) No 810/2008 is amended as follows:

- (1) In Article 5, paragraphs 2 and 3 are replaced by the following:

"2. At the latest on the 10th day of the month in which applications are submitted, Member States shall notify the Commission of the total quantity per country of origin covered by applications.

3. Import licences shall be issued as from the 17th and no later than the 21st of the month in which the applications were submitted. Each licence issued shall specify per CN code or group of CN codes the quantity concerned."

- (2) Article 11 is amended as follows:

- (a) paragraph 2 is replaced by the following:

"2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006."

- (b) in paragraph 3, the second subparagraph is replaced by the following:

"The notifications regarding the quantities referred to in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) of this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3."

- (3) Annexes IV, V and VI are deleted.

Article 6

Regulation (EC) No 610/2009 is amended as follows:

- (1) In Article 10, paragraphs 2 and 3 are replaced by the following:

"2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*) and the product categories indicated in Annex V to Regulation (EC) No 382/2008 shall be used.

(*) OJ L 228, 1.9.2009, p. 3."

- (2) Annexes V, VI and VII are deleted.

Article 7

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

It shall apply from 1 January 2013.

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

Done at Brussels, 17 December 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1213/2012**of 17 December 2012****suspending the tariff preferences for certain GSP beneficiary countries in respect of certain GSP sections in accordance with Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 978/2012 of the European Parliament and of the Council of 25 October 2012 applying a scheme of generalised tariff preferences and repealing Council Regulation (EC) No 732/2008 ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 978/2012 the tariff preferences of the general arrangement of the Generalised Scheme of Preferences (GSP) are to be suspended in respect of products of a GSP section originating in a GSP beneficiary country when the average value of Union imports of such products over three consecutive years from that GSP beneficiary country exceeds the thresholds listed in Annex VI of that Regulation.
- (2) Prior to the application of the tariff preferences under the general arrangement, a list of GSP sections for which the

tariff preferences are suspended in respect of the GSP beneficiary countries concerned should be established by the Commission. The list should be based on data available on 1 September 2012 and of the two preceding years.

- (3) The measures provided for in this Regulation are in accordance with the opinion of the Generalised Preferences Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The list of products of GSP sections for which the tariff preferences referred to in Article 7 of Regulation (EU) No 978/2012 are suspended in respect of the GSP beneficiary countries concerned is established in the Annex to this Regulation.

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 January 2014 until 31 December 2016.

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

Done at Brussels, 17 December 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 303, 31.10.2012, p. 1.

ANNEX

The list of GSP sections for which the tariff preferences referred to in Article 7 of Regulation (EU) No 978/2012 are suspended in respect of a GSP beneficiary country concerned.

Column A: name of country

Column B: GSP section (Article 2(j) of GSP Regulation)

Column C: description

A	B	C
China	S-1a	Live animals and animal products excluding fish
	S-1b	Fish, crustaceans, molluscs and other aquatic invertebrates
	S-2b	Vegetables, fruit and nuts
	S-2c	Coffee, tea, mate and spices
	S-2d	Cereals, flour, seeds and resins
	S-4b	Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
	S-6a	Inorganic and organic chemicals
	S-6b	Chemicals, other than organic and inorganic chemicals
	S-7a	Plastics
	S-7b	Rubber
	S-8a	Raw hides and skins and leather
	S-8b	Articles of leather and furskins
	S-9a	Wood and wood charcoal
	S-9b	Cork manufactures of straw and other plaiting materials
	S-11a	Textiles
	S-11b	Articles of apparel and clothing accessories
	S-12a	Footwear
	S-12b	Headgear, umbrellas, sun umbrellas, sticks, whips and prepared feathers and down
	S-13	Articles of stone, ceramic products and glass
	S-14	Pearls and precious metals
	S-15a	Ferro-alloys and articles of iron and steel
	S-15b	Base metals (excl. iron and steel), articles of base metals (excl. articles of iron and steel)
	S-16	Machinery and equipment
	S-17a	Railway and tramway vehicles and products
	S-17b	Motor vehicles, bicycles, aircraft and spacecraft, ships and boats
	S-18	Optical instruments, clocks and watches, musical instruments

A	B	C
	S-20	Miscellaneous
Costa Rica	S-2b	Vegetables, fruit and nuts
Ecuador	S-2a	Live plants and floricultural products
	S-4a	Preparations of meat and fish
India	S-5	Mineral products
	S-6a	Inorganic and organic chemicals
	S-6b	Chemicals, other than organic and inorganic chemicals
	S-8a	Raw hides and skins and leather
	S-11a	Textiles
	S-17b	Motor vehicles, bicycles, aircraft and spacecraft, ships and boats
Indonesia	S-1a	Live animals and animal products excluding fish
	S-3	Animal or vegetable oils, fats and waxes
	S-6b	Chemicals, other than organic and inorganic chemicals
Nigeria	S-8a	Raw hides and skins and leather
Ukraine	S-17a	Railway and tramway vehicles and products
Thailand	S-4a	Preparations of meat and fish
	S-4b	Prepared foodstuffs (excl. meat and fish), beverages, spirits and vinegar
	S-14	Pearls and precious metals

COMMISSION IMPLEMENTING REGULATION (EU) No 1214/2012**of 17 December 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, 17 December 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	AL	25,0
	MA	82,5
	TN	110,0
	TR	111,7
	ZZ	82,3
0707 00 05	AL	88,1
	TR	137,1
	ZZ	112,6
0709 93 10	MA	143,7
	TR	63,6
	ZZ	103,7
0805 10 20	MA	63,8
	TR	60,5
	ZA	51,4
	ZZ	58,6
0805 20 10	MA	73,9
	ZZ	73,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	100,7
	JM	129,1
	MA	106,4
	TR	85,7
	ZZ	105,5
0805 50 10	TR	75,4
	ZZ	75,4
0808 10 80	MK	36,4
	NZ	165,3
	US	125,8
	ZA	123,7
	ZZ	112,8
0808 30 90	CN	45,2
	TR	135,1
	US	154,6
	ZZ	111,6

⁽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'.

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE 2012/50/EU

of 10 October 2012

amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing lead

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(a) thereof,

Whereas:

- (1) Directive 2011/65/EU prohibits the use of lead in electrical and electronic equipment placed on the market.
- (2) The substitution of lead in PZT based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors is still technically impracticable. The use of lead in those materials should therefore be exempted from the prohibition.
- (3) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this

Directive by 2 January 2013 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 October 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

ANNEX

In Annex III to Directive 2011/65/EU the following point 7(c)-IV is inserted:

'7(c)-IV	Lead in PZT based dielectric ceramic materials for capacitors which are part of integrated circuits or discrete semiconductors	Expires on 21 July 2016'
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COMMISSION DELEGATED DIRECTIVE 2012/51/EU**of 10 October 2012****amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing cadmium****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(a) thereof,

Whereas:

- (1) Directive 2011/65/EU prohibits the use of cadmium in electrical and electronic equipment placed on the market.
- (2) The substitution of cadmium in photoresistors for analogue optocouplers applied in professional audio equipment is still technically impracticable. The use of cadmium in those photoresistors should therefore be exempted from the prohibition. However, that exemption should be limited in time as the research for cadmium free technology is in progress and substitutes could become available by the end of 2013.
- (3) Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 2 January 2013 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 10 October 2012.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

ANNEX

In Annex III to Directive 2011/65/EU the following point 40 is added:

'40	Cadmium in photoresistors for analogue optocouplers applied in professional audio equipment	Expires on 31 December 2013'
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DECISIONS

COMMISSION IMPLEMENTING DECISION

of 12 December 2012

on the European Union financial contribution to national programmes of five Member States (Ireland, Spain, France, Malta and Portugal) in 2012 for the collection, management and use of data in the fisheries sector

*(notified under document C(2012) 9187)***(Only the English, Spanish, French, Maltese and Portuguese texts are authentic)**

(2012/788/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea ⁽¹⁾, and in particular Article 24(1) thereof,

Whereas:

- (1) Regulation (EC) No 861/2006 lays down the conditions whereby Member States may receive a contribution from the European Union for expenditure incurred in their national programmes of collection and management of data.
- (2) Those programmes are to be drawn up in accordance with Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽²⁾ and Commission Regulation (EC) No 665/2008 of 14 July 2008 laying down detailed rules for the application of Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽³⁾.
- (3) Belgium, Bulgaria, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Finland, Sweden and the United Kingdom submitted national programmes for the collection, management and use of data in the fisheries sector for the years 2011-2013 as provided for in Article 4(4) and

4(5) of Regulation (EC) No 199/2008. Those programmes were approved in 2011 in accordance with Article 6(3) of Regulation (EC) No 199/2008.

- (4) Belgium, Bulgaria, Denmark, Estonia, Greece, Italy, Cyprus, Latvia, Romania, Slovenia and Finland have not amended their national programmes 2011-2013 for the year 2012. By Commission Implementing Decision 2012/276/EU ⁽⁴⁾, the Commission decided on the contribution to those national programmes for the year 2012, for these Member States, except Greece.

- (5) Germany, Ireland, Spain, France, Lithuania, Malta, the Netherlands, Poland, Portugal, Sweden and the United Kingdom submitted amendments to their national programmes for the year 2012, pursuant to Article 5(2) of Regulation (EC) No 199/2008. The amendments for Germany, Lithuania, the Netherlands, Poland, Sweden and the United Kingdom were adopted by the Commission in 2012 in accordance with Article 6(3) of Regulation (EC) No 199/2008. By Commission Implementing Decision 2012/654/EU ⁽⁵⁾, the Commission decided on the contribution to those national programmes for the year 2012, for these Member States.

- (6) Ireland, Spain, France, Malta and Portugal also submitted annual budget forecasts for the year 2012 according to Article 2(2) of Commission Regulation (EC) No 1078/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States for the collection and management of the basic fisheries data ⁽⁶⁾. The Commission has evaluated Member States' annual budget forecasts, as laid down in Article 4 of Regulation (EC) No 1078/2008, by taking into account the approved amendments to the national programmes in accordance with Article 6(3) of Regulation (EC) No 199/2008.

⁽¹⁾ OJ L 160, 14.6.2006, p. 1.

⁽²⁾ OJ L 60, 5.3.2008, p. 1.

⁽³⁾ OJ L 186, 15.7.2008, p. 3.

⁽⁴⁾ OJ L 134, 24.5.2012, p. 27.

⁽⁵⁾ OJ L 293, 23.10.2012, p. 34.

⁽⁶⁾ OJ L 295, 4.11.2008, p. 24.

- (7) Article 5 of Regulation (EC) No 1078/2008 establishes that the Commission is to approve the annual budget forecast and is to decide on the annual Union financial contribution to each national programme in accordance with the procedure laid down in Article 24 of Regulation (EC) No 861/2006 and on the basis of the outcome of the evaluation of the annual budget forecasts as referred to in Article 4 of Regulation (EC) No 1078/2008.
- (8) Article 24(3)(b) of Regulation (EC) No 861/2006 establishes that a Commission Decision is to fix the rate of the financial contribution. Article 16 of that Regulation provides that Union financial measures in the area of basic data collection are not to exceed 50 % of the costs incurred by Member States in carrying out the programme of collection, management and use of data in the fisheries sector.
- (9) This Decision constitutes the financing decision within the meaning of Article 75(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾.

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

HAS ADOPTED THIS DECISION:

Article 1

The maximum global amounts of the Union financial contribution to be granted to each Member State for the collection, management and use of data in the fisheries sector for 2012 and the rate of the Union financial contribution, are established in the Annex.

Article 2

This Decision is addressed to Ireland, the French Republic, the Kingdom of Spain, the Republic of Malta and the Portuguese Republic.

Done at Brussels, 12 December 2012.

For the Commission

Maria DAMANAKI

Member of the Commission

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

ANNEX

NATIONAL PROGRAMMES 2011-2013

ELIGIBLE EXPENDITURE AND MAXIMUM UNION CONTRIBUTION FOR 2012

(EUR)		
Member State	Eligible expenditure	Maximum Union contribution (Rate of 50 %)
Ireland	5 771 583	2 885 791
France	14 898 076	7 449 038
Spain	15 661 034	7 830 517
Malta	658 560	329 280
Portugal	3 411 870	1 705 935
Total	40 401 123	20 200 561

COMMISSION IMPLEMENTING DECISION

of 14 December 2012

on a Union financial contribution pursuant to Council Directive 2000/29/EC for 2012 to cover expenditure incurred by Germany, Spain, France, Italy, Cyprus, the Netherlands and Portugal for the purpose of combating organisms harmful to plants or plant products

(notified under document C(2012) 9280)

(Only the Dutch, French, German, Greek, Italian, Portuguese and Spanish texts are authentic)

(2012/789/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 23(5) thereof,

Whereas:

- (1) Pursuant to Article 22 of Directive 2000/29/EC, Member States may receive a 'plant health control' financial contribution from the Union to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Union, in order to eradicate or, if that is not possible, to contain them.
- (2) Germany introduced four requests for financial contribution. The first one was introduced on 19 December 2011 and relates to measures taken in 2011 to eradicate or contain *Diabrotica virgifera* in Nordrhein-Westfalen. The outbreak of that harmful organism was detected there in 2010.
- (3) The second one was introduced on 25 April 2012 and relates to measures taken from August 2010 until August 2011 to control *Anoplophora glabripennis* in Nordrhein-Westfalen. The outbreak of that harmful organism was detected there in 2009.
- (4) The third request of Germany was introduced on 27 April 2012 and relates to measures taken in 2011 to eradicate or contain *Diabrotica virgifera* in Baden-Württemberg. The outbreaks of that harmful organism were detected in different rural or city districts of that State (Breisgau-Hochschwarzwald, Emmendingen, Freiburg city, Konstanz, Lörrach, Ortenaukreis and Rastatt — city district of Baden-Baden) in different years, i.e. 2008, 2009, 2010 and 2011. The measures taken in 2008, 2009, 2010 and 2011 have also been the subject to co-financing in 2009, 2010 and 2011.
- (5) The fourth request of Germany was introduced on 27 April 2012 and relates to measures taken in 2011 to eradicate or contain *Diabrotica virgifera* in Hessen. The outbreak of that harmful organism was detected there in 2011.
- (6) Spain introduced four requests for financial contribution. The first one was introduced on 20 April 2012 and relates to measures taken or planned for 2012 in Extremadura to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2008 in the Sierra de Dios Padres. The measures taken in November – December 2008, and in 2009, 2010 and 2011 have also been the subject of co-financing in 2009, 2010 and 2011. A follow-up request for measures from January 2012 until October 2012, i.e. to cover the maximum duration of four years, has been accepted.
- (7) The second request of Spain was introduced on 23 April 2012. It relates to measures taken or planned for 2012 in Galicia to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2010 in the area of As Neves.
- (8) The third request of Spain was introduced on 25 April 2012. It relates to measures taken or planned for 2012 in Catalonia to control *Pomacea insularum*. The outbreak of that harmful organism was detected in 2010.
- (9) The fourth request of Spain was introduced on 27 April 2012. It relates to measures taken or planned for 2012 in Extremadura to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2012 in the area of Valverde del Fresno.
- (10) France introduced two requests for financial contribution. The first one was introduced on 30 December 2011 and relates to measures taken or planned from September 2011 until September 2012 to control *Rhynchophorus ferrugineus*. The initial outbreaks of that harmful organism were detected in 2009. Measures taken from September 2009 until September 2011 have also been the subject of co-financing in 2010.
- (11) The second request was introduced on 30 April 2012 and relates to measures taken or planned from November 2011 until December 2012 to control

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

- Anoplophora glabripennis* in Alsace. Measures were taken in France as a consequence of findings in 2011 of that harmful organism in the bordering area of Germany.
- (12) Italy introduced two requests for financial contribution on 30 April 2012. The first request of Italy relates to the measures taken or planned for 2012 in Veneto, province of Treviso, area of Cornuda, to control *Anoplophora glabripennis*. The outbreak of that harmful organism was detected in 2009. The measures taken in 2009, 2010 and 2011 have also been the subject of co-financing in 2010 and 2011.
- (13) The second request of Italy relates to measures taken in 2011 in Emilia-Romagna, provinces of Bologna, Ferrara, Ravenna and Forlì-Cesena, to control *Pseudomonas syringae* pv. *actinidiae*. The outbreak of that harmful organism was confirmed in 2010. The measures taken in 2010 have also been the subject of co-financing in 2011.
- (14) Cyprus introduced a request for financial contribution on 30 April 2012 relating to measures taken or planned for 2012 to control *Rhynchophorus ferrugineus*. The initial outbreaks of that harmful organism occurred in 2009. Measures taken in 2010 and 2011 have also been the subject of co-financing in 2010 and 2011.
- (15) The Netherlands introduced one request for financial contribution on 23 December 2011. That request relates to measures taken from November 2010 until December 2011 in the area of Almere to control *Anoplophora glabripennis*. The appearance of that harmful organism was detected in November 2010.
- (16) Portugal introduced two requests for financial contribution on 30 April 2012 relating to measures taken to control *Bursaphelenchus xylophilus*. The first request relates to measures taken or planned in the first half of 2012 in continental Portugal, with the exception of the originally infested zone of Setúbal of 1999, to control the outbreaks detected in 2008. The measures taken in the second half of 2008, in 2009, 2010 and 2011 have also been the subject of co-financing in 2009, 2010 and 2011. A follow-up request for measures from January 2012 until June 2012, i.e. to cover the maximum duration of four years, has been accepted.
- (17) The second request of Portugal concerns exclusively measures of heat treatment of wood or wood packaging material in the area of Setúbal, in 2012. The measures taken in 2010 and 2011 have also been the subject of co-financing in 2011.
- (18) Germany, Spain, France, Italy, Cyprus, the Netherlands and Portugal have each established a programme of actions to eradicate or contain the above harmful organisms introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost.
- (19) All the above measures consist of a variety of plant health measures, including destruction of contaminated trees or crops, application of plant protection products, sanitation techniques, inspections and testings carried out officially or upon official request to monitor the presence or extent of contamination by the respective harmful organisms, and replacement of destroyed plants, within the meaning of Article 23(2)(a), (b) and (c) of Directive 2000/29/EC.
- (20) Germany, Spain, France, Italy, Cyprus, the Netherlands and Portugal have applied for the allocation of a Union financial contribution to these programmes in accordance with the requirements laid down in Article 23 of Directive 2000/29/EC, in particular paragraph 1 and 4 thereof, and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Union for plant-health control and repealing Regulation (EC) No 2051/97⁽¹⁾.
- (21) The technical information provided by Germany, Spain, France, Italy, Cyprus, the Netherlands and Portugal has enabled the Commission to analyse the situation accurately and comprehensively. The Commission has concluded that the conditions for the granting of a Union financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have been met. Accordingly, it is appropriate to provide a Union financial contribution to cover part of the expenditure on those programmes.
- (22) In accordance with the second subparagraph of Article 23(5) of Directive 2000/29/EC, the Union financial contribution may cover up to 50 % of eligible expenditure for measures that have been taken within a period of not more than two years after the date of detection of the appearance or that are planned for that period. However, in accordance with the third subparagraph of that Article, that period may be extended if it has been established that the objective of the measures will be achieved within a reasonable additional period, in which case the rate of the Union financial contribution shall be digressive over the years concerned. Having regard to the conclusions of the Working Group on evaluation of the respective requests, it is appropriate to extend the two-year period for the programmes concerned, while reducing the rate of the Union financial contributions for these measures to 45 % of eligible expenditure for the third year and to 40 % for the fourth year of these programmes.
- (23) The Union financial contribution up to 50 % of eligible expenditure should therefore apply to Germany, Baden-Württemberg, *Diabrotica virgifera*, rural district of Breisgau-Hochschwarzwald and Freiburg city, rural district of Rastatt and city district of Baden-Baden (2011), Germany, *Diabrotica virgifera*, Hessen (2011), Germany, *Diabrotica virgifera*, Nordrhein Westfalen

⁽¹⁾ OJ L 157, 15.6.2002, p. 38.

(2011), France, *Anoplophora glabripennis*, (November 2011 to December 2012), Italy, Emilia-Romagna, *Pseudomonas syringae* pv. *Actinidiae*, provinces of Bologna, Ferrara, Ravenna and Forlì-Cesena (2011), the Netherlands, *Anoplophora glabripennis*, Almere area (November 2010 to December 2011).

- (24) The Union financial contribution up to 45 % of eligible expenditure should therefore apply to the third year of the following programmes: Germany, Nordrhein-Westfalen, *Anoplophora glabripennis* (2011), Germany, Baden-Württemberg, *Diabrotica virgifera*, rural districts of Emmendingen, Konstanz, and Lörrach (2011), Spain, Catalonia, *Pomacea insularum* (2012), Spain, Galicia, *Bursaphelenchus xylophilus* (2012), France, PACA Region, *Rhynchophorus ferrugineus* (September 2011 until September 2012), Cyprus, *Rhynchophorus ferrugineus* (2012) and Portugal, *Bursaphelenchus xylophilus*, Setubal area (2012) as the measures concerned have already been the subject of a Union financial contribution under Commission Decision 2010/772/EU ⁽¹⁾ (Germany, *Diabrotica virgifera*, France, Italy, Cyprus) and/or Commission Implementing Decision 2011/868/EU ⁽²⁾ (Germany, Italy, Spain, Portugal) for the first two years of their implementation.
- (25) Moreover, a Union contribution up to 40 % should apply to the fourth year of the following programmes: Spain, Extremadura, *Bursaphelenchus xylophilus*, outbreak 2008 (2012), Italy, Veneto, *Anoplophora glabripennis* (2012), Portugal, *Bursaphelenchus xylophilus* (2012), area of continental Portugal with the exception of the originally infested zone of Setubal of 1999, as the measures have been the subject of a Union financial contribution under Commission Decision 2009/996/EU ⁽³⁾, Decision 2010/772/EU and Implementing Decision 2011/868/EU for the first three years of their implementation.
- (26) In accordance with the conclusions of the audit mission in Portugal from 19 to 28 March 2012 of the Food and Veterinary Office of the Commission, only 85 % of the number of coniferous host trees infested by pinewood nematode, or showing any symptoms of poor health, had been felled and destroyed at the date of 1 April 2012, which represents an under-implementation of 15 %. In addition, the sampling and testing of the suspicious coniferous trees was applied at an intensity of about 1 %, which is far below the requirements of Commission Decision 2006/133/EC of 13 February 2006 requiring Member States temporarily to take additional measures against the dissemination of *Bursaphelenchus xylophilus* (Steiner et Buhner) Nickle et al. (the pine wood nematode) as regards areas in Portugal, other than those in which it is known not to occur ⁽⁴⁾.
- (27) In view of this, the level of eligible expenditure in the request relating to measures in continental Portugal, with exception of the originally infested zone of Setubal, should be reduced as regards the cost of felling coniferous trees and the costs of laboratory tests

executed by the National Forestry Authority. Taking into account that in 2011 already, the felling of the trees and the testing intensity was not properly implemented, a reduction higher than the level of under-implementation should be applied in 2012. Therefore, a reduction of 25 % to the expenditure of tree felling should be applied and the testing activities should not be eligible.

- (28) Moreover, in accordance with the conclusions of the financial audit by the Commission of heat treatments costs for wood and wood packaging material in Portugal, the unit cost per equivalent-pallet should be fixed to EUR 0,30 in place of EUR 0,43. Therefore, the amount of eligible expenditure for those heat treatment measures should be adapted in the two dossiers introduced by Portugal in order to reflect those conclusions.
- (29) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁵⁾, plant-health measures are financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures, Articles 9, 36 and 37 of the above Regulation should apply.
- (30) In accordance with Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾ and Article 90(1) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁷⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution to which powers have been delegated, setting out the essential elements of the action involving the expenditure.
- (31) The present decision constitutes a financing decision for the expenditure provided in the co-financing requests presented by Member States.
- (32) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the information and documents submitted by the Member States and analysed by the Commission, the allocation of a Union financial contribution for 2012 to cover expenditure incurred by Germany, Spain, France, Italy, Cyprus, the Netherlands and Portugal relating to necessary measures as specified in Article 23(2)(a), (b) and (c) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication or containment programmes listed in the Annex, is hereby approved.

⁽¹⁾ OJ L 330, 15.12.2010, p. 9.

⁽²⁾ OJ L 341, 22.12.2011, p. 57.

⁽³⁾ OJ L 339, 22.12.2009, p. 49.

⁽⁴⁾ OJ L 52, 23.2.2006, p. 34.

⁽⁵⁾ OJ L 209, 11.8.2005, p. 1.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ OJ L 357, 31.12.2002, p. 1.

Article 2

The total amount of the Union financial contribution referred to in Article 1 is EUR 7 271 741,06. The maximum amounts of the Union financial contribution for each of the programmes shall be as indicated in the Annex.

Article 3

The Union financial contribution as set out in the Annex shall be paid on the following conditions:

- (a) evidence of the measures taken has been submitted by the Member State concerned in accordance with the provisions laid down in Regulation (EC) No 1040/2002;
- (b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice to the verifications by the Commission under Article 23(8) 2nd paragraph, Article 23(10) and Article 24 of Directive 2000/29/EC.

Article 4

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Kingdom of the Netherlands and the Portuguese Republic.

Done at Brussels, 14 December 2012.

For the Commission

Tonio BORG

Member of the Commission

ANNEX
ERADICATION/CONTAINMENT PROGRAMMES

Section I:

Programmes whose Union financial contribution corresponds to 50 % of eligible expenditure.

(EUR)

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure	Maximum Union contribution per programme
Germany, NordRhein Westfalen	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	08.2010 - 09.2011	1 and 2	133 400,32	66 700,16
Germany, Hessen	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2011	1	55 374,84	27 687,42
Germany, Baden-Württemberg, rural district of Rastatt and city district Baden-Baden (year 1 of the measures), Breisgau-Hochschwarzwald and Freiburg city (year 2 of the measures)	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2011	1 or 2	31 750,29	15 875,14
Spain, Extremadura (outbreak 2012)	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2012	1	1 081 399,69	540 699,84
France, Alsace	<i>Anoplophora glabripennis</i>	Various tree species	11.2011-12.2012	1 and 2	213 993,15	106 996,57
Italy, Emilia-Romagna (Provinces of Bologna, Ferrara, Ravenna and Forlì-Cesena)	<i>Pseudomonas syringae</i> pv. <i>actinidiae</i>	<i>Actinidia</i> sp.	2011	2	152 330,13	76 165,06
The Netherlands, Almere area	<i>Anoplophora glabripennis</i>	Various tree species	11.2010 - 12.2011	1 and 2	583 436	291 718

Section II:

Programmes whose Union financial contribution rates differ, in application of the principle of degressivity

(EUR)

Member State	Harmful organisms combated	Affected plants or plant products	Year	a	Eligible expenditure	Rate (%)	Maximum Union contribution
Germany, Nordrhein-Westfalen	<i>Anoplophora glabripennis</i>	Various tree species	08.2010 - 09.2011	3	207 314,64	45	93 291,58
Germany, Baden-Württemberg, rural district of Emmendingen, Lörrach, Konstanz	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2011	3	33 675,54	45	15 153,99
Spain, Catalonia	<i>Pomacea insularum</i>	<i>Oryza sativa</i>	2012	3	1 914 477,44	45	861 514,84
Spain, Extremadura (outbreak 2008)	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2012, (January-October)	4	316 519,91	40	126 607,96

(EUR)							
Member State	Harmful organisms combated	Affected plants or plant products	Year	a	Eligible expenditure	Rate (%)	Maximum Union contribution
Spain, Galicia	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2012	3	1 652 201,49	45	743 490,67
France, PACA region	<i>Rhynchophorus ferrugineus</i>	<i>Palmaceae</i>	September 2011 until September 2012	3	421 173,40	45	189 528,03
Italy, Veneto (Cornuda area)	<i>Anoplophora glabripennis</i>	Various tree species	2012	4	281 945	40	112 778
Cyprus	<i>Rhynchophorus ferrugineus</i>	<i>Palmaceae</i>	2012	3	299 814	45	134 916,30
Portugal, Continental Portugal, area outside the area of Setubal	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2012 (January to June)	4	Measures 1,2,3,4,5,9	40	Measures 1,2,3,4,5,9
					1 473 813,32		589 525,32
					Measure 6 (testing-sampling)		Measures 6 (testing-sampling)
					0		0
					Measure 7 (HT measures), i.e. 16 800 000 equivalent-pallets at 0,30 EUR		Measure 7 (HT measures)
					5 040 000		2 016 000
					Measure 8 (tree felling), i.e. reduced to 75 % of 1 894 606,34		Measure 8 (tree felling)
					1 420 954,75		568 381,90
					Sum		Sum
					7 934 768,07		3 173 907,23
Portugal, Setubal area, heat treatment measures	<i>Bursaphelenchus xylophilus</i>	Wood and wood packaging material	2012	3	Measures 1 and 2	45	Measures 1 and 2
					9 582,92		4 312,31
					Measure 3 (HT measures), i.e. 5 114 059 equivalent-pallets at 0,30 EUR		Measure 3 (HT measures),
					1 534 217,70		690 397,96
					Sum		Sum
					1 543 800,62		694 710,27

Total Union contribution: EUR 7 271 741,06

Legend:

— a = year of implementation of the eradication programme.

COMMISSION IMPLEMENTING DECISION

of 14 December 2012

for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratory for Residue Testing from 1 January to 31 December 2012

(notified under document C(2012) 9286)

(Only the Dutch text is authentic)

(2012/790/EU)

THE EUROPEAN COMMISSION,

approved work programmes are implemented effectively and that the beneficiaries supply all the necessary information within certain time limits.

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 31(1) and (2) thereof,

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to insure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽²⁾, and in particular Article 32(7) thereof,

Whereas:

(1) European Union reference laboratories may be granted a Union financial aid in accordance with Article 31 of Decision 2009/470/EC.

(2) In accordance with Article 75 of Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾ (hereinafter referred to as the 'Financial Regulation') and Article 90(1) of Commission Regulation (EC, Euratom) No 2342/2002 ⁽⁴⁾ (hereinafter referred to as the 'Implementing Rules'), the commitment of expenditure from the EU budget shall be preceded by a financing decision setting out the essential elements of action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(3) Commission Implementing Regulation (EU) No 926/2011 of 12 September 2011 for the purposes of Council Decision 2009/470/EC as regards Union financial aid to the EU reference laboratories for feed and food and the animal health sector ⁽⁵⁾ provides that the financial aid from the Union is to be granted if the

(4) The Institute for Food Safety in Wageningen, the Netherlands (RIKILT) — has been designated as EU reference laboratory for residue testing in Commission Regulation (EU) No 563/2012 of 27 June 2012, amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the list of EU reference laboratories ⁽⁶⁾ with retroactive effect as of 1 January 2012.

(5) In September 2011 RIKILT introduced a provisional work programme for the year 2012 as a part of its candidacy. Following its designation, an updated work programme and corresponding budget estimates were transmitted by RIKILT. The Commission has assessed and approved the updated work programme and corresponding budget estimates submitted by the European Union reference laboratories for the year 2012.

(6) The work programme is being performed since 1 January 2012. A financing is therefore needed as of 1 January 2012.

(7) The 2012 work plan being a sufficiently detailed framework in the meaning of Article 90(2) and (3) of the Implementing Rules, the present decision constitutes a financing decision.

(8) Accordingly, a Union financial aid should be granted to the European Union reference laboratories designated in order to co-finance their activities to carry out the functions and duties provided for in Article 32 of Regulation (EC) No 882/2004. The Union's financial aid should be at the rate of 100 % of eligible costs as defined in Implementing Regulation (EU) No 926/2011.

(9) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽⁷⁾, animal disease eradication and control programmes (veterinary measures)

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 165, 30.4.2004, p. 1.

⁽³⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁴⁾ OJ L 357, 31.12.2002, p. 1.

⁽⁵⁾ OJ L 241, 17.9.2011, p. 2.

⁽⁶⁾ OJ L 168, 28.6.2012, p. 24.

⁽⁷⁾ OJ L 209, 11.8.2005, p. 1.

shall be financed from the European Agricultural Guarantee Fund (EAGF). Furthermore, Article 13, second paragraph of that regulation foresees that in duly justified exceptional cases, for measures and programmes covered by Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, expenditure relating to administrative and personnel costs incurred by Member States and beneficiaries of aid from the EAGF shall be borne by the Fund. For financial control purposes, Article 9, 36 and 37 of Regulation (EC) No 1290/2005 are to apply.

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

HAS ADOPTED THIS DECISION:

Article 1

1. The 2012 work programme submitted by RIKILT — Institute for Food Safety, part of Wageningen University & Research Centre on 27 September 2011 is hereby approved.
2. For Residue Testing, the Union grants financial aid to RIKILT — Institute for Food Safety, part of Wageningen

University & Research Centre. The Laboratory shall carry out the functions and duties set out in Annex VII, part I, of Regulation (EC) No 882/2004, point 12a.

3. The Union's financial assistance shall be at the rate of 100 % of the eligible costs as defined in Implementing Regulation (EU) No 926/2011 to be incurred by that institute for the work programme and shall amount to a maximum of EUR 470 000 for the period of 1 January to 31 December 2012, of which a maximum of EUR 25 000 shall be dedicated to the organization of a technical workshop on Residue Testing.

Article 2

This Decision is addressed to RIKILT — Institute for Food safety, part of Wageningen University & Research Centre, Akkermaalsbos 2, Building No 123, 6708 WB Wageningen, the Netherlands.

Done at Brussels, 14 December 2012.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 224, 18.8.1990, p. 19.

GUIDELINES

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 26 November 2012

amending Guideline ECB/2011/14 on monetary policy instruments and procedures of the Eurosystem

(ECB/2012/25)

(2012/791/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendment to Annex I

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Annex I to Guideline ECB/2011/14 is amended in accordance with the Annex to this Guideline.

Article 2

Verification

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, and Articles 12.1, 14.3 and 18.2, and the first paragraph of Article 20 thereof,

The national central banks of the Member States whose currency is the euro (hereinafter the 'NCBs') shall forward details of the texts and means by which they intend to comply with this Guideline to the European Central Bank (ECB) by 19 December 2012 at the latest.

Whereas:

Article 3

Entry into force

- (1) Achieving a single monetary policy entails defining the instruments and procedures to be used by the Eurosystem in order to implement such a policy in a uniform manner throughout the Member States whose currency is the euro.

This Guideline shall enter into force two days following its adoption.

It shall apply from 3 January 2013.

Article 4

Addressees

- (2) A number of updates are required to address, *inter alia*, the phasing-in of asset-backed security loan-level data reporting requirements, specifications regarding coupon definitions, performance monitoring data and the calculation of financial penalties for non-compliance with counterparty obligations.

This Guideline is addressed to all Eurosystem central banks.

- (3) Therefore, Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾ should be amended accordingly,

Done at Frankfurt am Main, 26 November 2012.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

⁽¹⁾ OJ L 331, 14.12.2011, p. 1.

ANNEX

Annex I to Guideline ECB/2011/14 is amended as follows:

1. In Section 5.1.3, the following sentence is added:

‘The ECB reserves the right to take any action it deems appropriate in order to correct an error in the tender announcement, including cancelling or interrupting a tender under execution.’;

2. In Section 5.1.6, the following sentence is added:

‘If the tender result contains erroneous information with respect to any of the above, the ECB reserves the right to take any action it deems appropriate to correct such erroneous information.’;

3. Section 6.2.1.1 is replaced by the following:

‘6.2.1.1. Type of asset

1. Common eligibility requirements

It must be a debt instrument having:

- (a) a fixed, unconditional principal amount (*); and
- (b) a coupon that cannot result in a negative cash flow and is one of the following:
 - (i) fixed, zero and multi-step coupons, i.e. instruments with a predefined coupon schedule and predefined coupon values;
 - (ii) flat floating coupons linked to only one index corresponding to a euro money market rate, e.g. EURIBOR, LIBOR and similar indices, or a constant maturity swap rate, e.g. CMS, EIISDA, EUSA indices;
 - (iii) leveraged and de-leveraged floating coupons linked to only one index corresponding to a euro money market rate, e.g. EURIBOR, LIBOR and similar indices, or a constant maturity swap rate, e.g. CMS, EIISDA, EUSA indices;
 - (iv) flat, leveraged and de-leveraged floating coupons linked to the yield of one euro area government bond that has a maturity of one year or less (either an index or a gross benchmark yield);
 - (v) flat inflation-floaters linked to euro area inflation indices, containing no discrete range, range accrual, ratchet or similar complex structures.

The following coupon structures are notably excluded: all floaters linked to foreign currency interest rates, commodity and equity indices and exchange rates, dual floaters and floaters linked to swap spreads or to another combination of indices, and any kind of ratchet and range accrual coupons, as well as inverse floaters and coupons that depend on a credit rating. Moreover, complex term structures such as target redemption notes and options to change the coupon type by making use of additional calling rights are excluded.

Eligible coupons should have no issuer optionalities, i.e. they should not allow changes in the coupon definition during the life of the instrument that are contingent on an issuer's decision. In addition, if caps or floors exist, these shall be fixed and pre-defined. The classification of an instrument as regards its coupon, in case the coupon is multi-step, will be based on a forward-looking perspective.

Non-compliance with the above-mentioned eligibility criteria also precludes assets from being eligible even if they only apply to parts of the remuneration structure (such as a premium) and even if a non-negative coupon payment and a repayment of at least the principal amount is explicitly guaranteed.

The requirements under paragraph 1(a) and (b) apply until the obligation has been redeemed. Debt instruments may not give rise to rights to the principal and/or the interest that are subordinated to the rights of holders of other debt instruments of the same issuer.

2. Additional eligibility criteria applicable to asset-backed securities

For the purpose of the Eurosystem legal framework related to monetary policy, covered bonds are not considered asset-backed securities.

Paragraph 1(a) does not apply to asset-backed securities. The Eurosystem assesses the eligibility of asset-backed securities against the additional criteria laid down in this Section.

The cash flow generating assets backing the asset-backed securities must fulfil the following requirements:

- (a) the acquisition of such assets must be governed by the law of an EU Member State;
- (b) they must be acquired from the originator or from an intermediary by the securitisation special purpose vehicle in a manner which the Eurosystem considers to be a “true sale” that is enforceable against any third party, and is beyond the reach of the originator and its creditors or the intermediary and its creditors, including in the event of the originator’s or the intermediary’s insolvency (**);
- (c) they must be originated and sold to the issuer by an originator incorporated in the EEA and, if applicable, an intermediary incorporated in the EEA;
- (d) they must not consist, in whole or in part, actually or potentially, of tranches of other asset-backed securities (***). In addition, they must not consist, in whole or in part, actually or potentially, of credit-linked notes, swaps or other derivatives instruments (****) or synthetic securities;
- (e) if they are credit claims, the obligors and the creditors must be incorporated (or, if natural persons, resident) in the EEA and, if relevant, the related security must be located in the EEA. The law governing those credit claims must be the law of an EEA country. If they are bonds, the issuers must be incorporated in the EEA, they must be issued in an EEA country under the law of an EEA country and any related security must be located in the EEA.

As laid down in Section 6.2.1.7, the issuer of an asset-backed security must be established in the EEA.

In cases where originators or, if applicable, intermediaries, were incorporated in the euro area, or in the United Kingdom, the Eurosystem has verified that there were no severe clawback provisions in those jurisdictions. If the originator or, if applicable, the intermediary, is incorporated in another EEA country, the asset-backed securities can only be considered eligible if the Eurosystem ascertains that its rights would be protected in an appropriate manner against clawback provisions considered relevant by the Eurosystem under the law of the relevant EEA country. For this purpose, an independent legal assessment in a form acceptable to the Eurosystem must be submitted setting out the applicable clawback rules in the country, before the asset-backed securities can be considered eligible. To decide whether its rights are adequately protected against clawback rules, the Eurosystem may require other documents, including a solvency certificate from the transferee, for the suspect period. Clawback rules which the Eurosystem considers to be severe and therefore not acceptable include rules under which the sale of cash flow generating assets backing the asset-backed securities can be invalidated by the liquidator solely on the basis that it was concluded within a certain period (suspect period) before the declaration of insolvency of the seller (originator/intermediary), or where such invalidation can only be prevented by the transferee if they can prove that they were not aware of the insolvency of the seller (originator/intermediary) at the time of the sale.

Within a structured issue, in order to be eligible, a tranche (or sub-tranche) may not be subordinated to other tranches of the same issue. A tranche (or sub-tranche) is considered to be non-subordinated vis-à-vis other tranches (or sub-tranches) of the same issue if, in accordance with the priority of payment applicable after the delivery of an enforcement notice, as set out in the prospectus, no other tranche (or sub-tranche) is given priority over that tranche or sub-tranche in respect of receiving payment (principal and interest), and thereby such tranche (or sub-tranche) is last in incurring losses among the different tranches or sub-tranches of a structured issue. For structured issues where the prospectus provides for the delivery of an acceleration and an enforcement notice, non-subordination of a tranche (or sub-tranche) must be ensured under both acceleration and enforcement notice-related priority of payments.

For asset-backed securities to become or to remain eligible for Eurosystem monetary policy operations, the Eurosystem requires comprehensive and standardised loan-level data on the pool of cash flow generating assets underlying an asset-backed security to be submitted by the relevant parties in the asset-backed security, in accordance with Appendix 8.

To determine the eligibility of asset-backed securities, the Eurosystem takes into account the data entered in the mandatory fields in the relevant loan-level data reporting template, within the meaning of Appendix 8. In its eligibility assessment the Eurosystem takes account of: (a) any failure to deliver data; and (b) how frequently individual loan-level data fields are found to contain no meaningful data.

In order to be eligible, an asset-backed security must be backed by cash flow generating assets which the Eurosystem considers to be homogeneous, i.e. that cash flow generating assets backing an asset-backed security consist of only one type of assets belonging to either residential mortgages, commercial real estate mortgages, loans to small- and medium-sized enterprises, auto loans, consumer finance loans or leasing receivables. Asset-backed securities are not eligible for Eurosystem monetary policy operations if the pool of assets underlying them is comprised of heterogeneous assets, because they cannot be reported using a single template for the specific asset class (****).

The Eurosystem reserves the right to request from any relevant third party, e.g. the issuer, the originator or the arranger, any clarification and/or legal confirmation that it considers necessary to assess the eligibility of asset-backed securities and with regard to the provision of loan-level data. Non-compliance with such requests may lead to suspension of or refusal to grant eligibility to the asset-backed security transaction in question.

3. Additional eligibility criteria applicable to covered bonds

Covered bonds shall be subject, from 31 March 2013, to the following additional requirements:

The cover pool of a covered bond shall not contain asset-backed securities, with the exception of asset-backed securities which:

- (a) comply with the requirements laid down in Directives 2006/48/EC and 2006/49/EC in respect of asset-backed securities in covered bonds;
- (b) were originated by a member of the same consolidated group of which the issuer of the covered bonds is also a member or by an entity affiliated to the same central body to which the issuer of the covered bonds is also affiliated;
- (c) are used as a technical tool to transfer mortgages or guaranteed real-estate loans from the originating entity into the cover pool.

Covered bonds which were on the list of eligible asset-backed securities from 28 November 2012 and did not comply with requirements (a) to (c) will remain eligible until 28 November 2014.

(*) Bonds with warrants or other similar rights attached are not eligible.

(**) An asset-backed security shall not be considered eligible if any of the assets, which are part of the cash flow generating assets backing the asset-backed securities were originated directly by the Special Purpose Vehicle (SPV) issuing the ABS notes.

(***) This requirement does not exclude asset-backed securities where the issuance structure includes two special-purpose vehicles and the "true sale" requirement is met in respect of those special-purpose vehicles so that the debt instruments issued by the second special-purpose vehicle are directly or indirectly backed by the original pool of assets and all cash flows from the cash flow generating assets are transferred from the first to the second special-purpose vehicle.

(****) This restriction does not include swaps used in asset-backed securities transactions strictly for hedging purposes.

(*****) Asset-backed securities that do not comply with the loan-level data reporting requirements because they consist of mixed pools of heterogeneous underlying assets and/or do not conform to any of the loan level templates will remain eligible until 31 March 2014.;

4. In Section 6.2.1.7, footnote 58 is deleted;

5. In Section 6.2.2, footnote 60 is deleted;

6. Section 6.2.2.1 is amended as follows:

(a) paragraph (b) is replaced by the following:

'(b) The credit claim must have: (i) a fixed, unconditional principal amount; and (ii) an interest rate that cannot result in a negative cash flow. These features must be maintained until the redemption of the obligation. In addition, the interest rate should be one of the following: (i) zero coupon-style; (ii) fixed; (iii) floating linked to another interest rate reference. Furthermore, credit claims with their interest rate linked to the inflation rate are also eligible.;

(b) paragraph (f) is replaced by the following:

‘(f) *Minimum size*: At the time of submission for use as collateral (mobilisation) by the counterparty, the credit claim must meet a minimum size threshold. Each NCB may apply a minimum size of its choice for domestic credit claims. For cross-border use, a common minimum threshold of EUR 500 000 is applicable.’;

7. In Section 6.2.3, the following paragraph is inserted:

‘Despite their eligibility, national central banks may decide not to accept the following marketable or non-marketable assets as collateral from a counterparty:

(a) debt instruments falling due in the immediate future; and

(b) debt instruments with an income flow, e.g. a coupon payment, occurring in the immediate future.’;

8. Section 6.2.3.2 is replaced by the following:

‘6.2.3.2. Rules for the use of eligible assets

Marketable assets can be used for all monetary policy operations which are based on underlying assets, i.e. reverse and outright open market transactions and the marginal lending facility. Non-marketable assets can be used as underlying assets for reverse open market transactions and the marginal lending facility. They are not used in Eurosystem outright transactions. All marketable and non-marketable assets can also be used as underlying assets for intraday credit.

Irrespective of the fact that a marketable or non-marketable asset fulfils all eligibility criteria, a counterparty may not submit as collateral any asset issued or guaranteed by itself or by any other entity with which it has close links (*).

“Close links” means any of the following situations where the counterparty is linked to an issuer/debtor/guarantor of eligible assets:

- (a) the counterparty owns directly, or indirectly, through one or more other undertakings, 20 % or more of the capital of the issuer/debtor/guarantor;
- (b) the issuer/debtor/guarantor owns directly, or indirectly through one or more other undertakings, 20 % or more of the capital of the counterparty;
- (c) a third party owns more than 20 % of the capital of the counterparty and more than 20 % of the capital of the issuer/debtor/guarantor, either directly or indirectly, through one or more undertakings.

For monetary policy implementation purposes, in particular for the monitoring of compliance with the rules for the use of eligible assets concerning close links, the Eurosystem internally shares information on capital holdings provided by supervisory authorities for such purposes. The information is subject to the same secrecy standards as applied by supervisory authorities.

The above provisions concerning close links do not apply to: (a) close links between the counterparty and an EEA public sector entity which has the right to levy taxes, or in the case where a debt instrument is guaranteed by an EEA public sector entity which has the right to levy taxes; (b) covered bank bonds issued in accordance with the criteria set out in Part 1, points 68 to 70 of Annex VI to Directive 2006/48/EC; (c) cases in which debt instruments are protected by specific legal safeguards comparable to those instruments given under (b) such as in the case of: (i) non-marketable RMBDs which are not securities; or (ii) covered bank bonds for which all criteria set out in Part 1, points 68 to 70 of Annex VI to Directive 2006/48/EC are complied with, except for the limits on guaranteed loans in the cover pool.

Moreover, a counterparty may not submit as collateral any asset-backed security if the counterparty (or any third party with which it has close links) provides a currency hedge to the asset-backed security by entering into a currency hedge transaction with the issuer as a hedge counterparty or provides liquidity support for 20 % or more of the outstanding amount of the asset-backed security.

All eligible marketable and non-marketable assets must be usable in a cross-border context throughout the euro area. This implies that all Eurosystem counterparties must be able to use eligible assets either through links with their domestic SSSs in the case of marketable assets or through other eligible arrangements to receive credit from the NCB of the Member State in which the counterparty is established (see Section 6.6).

A counterparty submitting an asset-backed security which has close links to the originator of the underlying assets of the asset-backed security must inform the Eurosystem of any planned modification to that asset-backed security that could potentially have an impact on its credit quality, e.g. alteration in

the interest rate due on the notes, a change in the swap agreement, changes in the composition of underlying loans not provided for in the prospectus, changes to the priority of payments. The Eurosystem must be given one month prior notice of any modification to be made to a submitted asset-backed security. Moreover, at the time of the asset-backed security's submission, the counterparty should provide information on any modification that took place in the preceding six months. In line with Section 6.2, the Eurosystem does not give pre-modification advice.

Table 4

Eligible assets for Eurosystem monetary policy operations

Eligibility criteria	Marketable assets ⁽¹⁾	Non-marketable assets ⁽²⁾	
Type of asset	ECB debt certificates Other marketable debt instruments ⁽³⁾	Credit claims	RMBDs
Credit standards	The asset must meet high credit standards. The high credit standards are assessed using ECAF rules for marketable assets ⁽³⁾ .	The debtor/guarantor must meet high credit standards. The creditworthiness is assessed using ECAF rules for credit claims.	The asset must meet high credit standards. The high credit standards are assessed using ECAF rules for RMBDs.
Place of issue	EEA ⁽³⁾	Not applicable	Not applicable
Settlement/handling procedures	Place of settlement: euro area Instruments must be centrally deposited in book-entry form with NCBs or a SSS fulfilling the ECB's minimum standards	Eurosystem procedures	Eurosystem procedures
Type of issuer/debtor/guarantors	NCBs Public sector Private sector International and supranational institutions	Public sector Non-financial corporations International and supranational institutions	Credit institutions
Place of establishment of the issuer, debtor and guarantor	Issuer ⁽³⁾ : EEA or non-EEA G10 countries Debtor: EEA Guarantor ⁽³⁾ : EEA	euro area	euro area
Acceptable markets	Regulated markets Non-regulated markets accepted by the ECB	Not applicable	Not applicable
Currency	euro	euro	euro
Minimum size	Not applicable	Minimum size threshold at the time of submission of the credit claim — for domestic use: choice of the NCB, — for cross-border use: common threshold of EUR 500 000.	Not applicable

Eligibility criteria	Marketable assets ⁽¹⁾	Non-marketable assets ⁽²⁾	
Governing laws	For asset-backed securities the acquisition of the underlying assets must be governed by the law of an EU Member State. The law governing underlying credit claims must be the law of an EEA country	Governing law for credit claim agreement and mobilisation: law of a Member State The total number of different laws applicable to (a) the counterparty; (b) the creditor; (c) the debtor; (d) the guarantor (if relevant); (e) the credit claim agreement; and (f) the mobilisation agreement shall not exceed two	Not applicable
Cross-border use	Yes	Yes	Yes

⁽¹⁾ Further details are set out in Section 6.2.1.

⁽²⁾ Further details are set out in Section 6.2.2.

⁽³⁾ The credit standard of non-rated marketable debt instruments issued or guaranteed by non-financial corporations is determined on the basis of the credit assessment source chosen by the relevant counterparty in accordance with the ECAF rules applicable to credit claims, as set out in Section 6.3.3. In the case of these marketable debt instruments, the following eligibility criteria for marketable assets have been amended: place of establishment of the issuer/guarantor: euro area; place of issue: euro area.

(*) In the event of a counterparty using assets that, owing to an identity with the issuer/debtor/guarantor or the existence of close links, it may not or no longer use to secure an outstanding credit, it is obliged to immediately notify the relevant national central bank thereof. The assets are valued at zero on the next valuation date and a margin call may be triggered (see also Appendix 6). In addition, the counterparty has to remove the asset on the earliest possible date.;

9. In Section 6.3.2, footnote 72 is deleted;

10. In Section 6.3.4.1, the following paragraph is added:

‘An ECAI participating in the ECAF is subject to the Eurosystem performance monitoring process (see Section 6.3.5). Together with the performance monitoring data submitted, a signed certification from the CEO, or authorised signatory with responsibility for the audit or compliance function within the ECAI, of the ECAI confirming the accuracy and validity of the performance monitoring information shall also be submitted.’;

11. In Section 6.3.4.4, the third subparagraph is replaced by the following:

‘An RT provider participating in the ECAF needs to subject itself by agreement to the Eurosystem performance monitoring process (*) (see Section 6.3.5). The RT provider is obliged to set up and maintain the necessary infrastructure for monitoring the static pool. Construction and evaluation of the static pool have to be in line with the general requirements on performance monitoring under the ECAF. The RT provider has to undertake to inform the Eurosystem of the results of the performance evaluation as soon as it has been carried out by the RT provider. Together with the performance monitoring data submitted, a signed certification from the CEO, or authorised signatory with responsibility for the audit or compliance function within the RT, confirming the accuracy and validity of the performance monitoring data must also be submitted. They have to undertake to keep internal records of static pools and default details for five years.

(*) The counterparty must inform the RT provider promptly about any credit event that may indicate a deterioration of the credit quality.’;

12. Section 6.3.5 is replaced by the following:

‘6.3.5. Performance monitoring of credit assessment systems

All credit assessment systems are subject to performance monitoring within the ECAF. For each credit assessment system, the ECAF performance monitoring process consists of an annual *ex-post* comparison of: (a) the observed default rates for all eligible entities and instruments rated by the credit assessment system, where these entities and instruments are grouped into static pools based on certain characteristics, e.g. credit rating, asset class, industry sector, credit assessment model; and (b) the appropriate credit quality threshold of the Eurosystem given by the benchmark PD (two benchmark PDs are considered: a 0,10 % PD over a one-year horizon which is considered equivalent to a credit assessment of credit quality step 2; and a 0,40 % PD over a one-year horizon which is considered equivalent to a credit assessment of credit quality step 3 of the Eurosystem harmonised rating scale). The aim of this process is to ensure that the mapping of the ratings provided by the credit assessment system to the Eurosystem harmonised rating scale remains appropriate and that the results from credit assessments are comparable across systems and sources.

The first element of the process is the annual compilation by the credit assessment system provider of the list of entities and instruments with credit assessments that satisfy the Eurosystem credit quality threshold at the beginning of the monitoring period. This list shall then be submitted by the credit assessment system provider to the Eurosystem, using the template provided by the Eurosystem, which includes identification, classification and credit assessment related fields. The second element of the process takes place at the end of the 12-month monitoring period when the credit assessment system provider updates the performance data for the entities and instruments on the list. The Eurosystem reserves the right to request any additional information required to conduct performance monitoring.

The observed default rate of the static pools of a credit assessment system recorded over a one-year horizon serves as input to the ECAF performance monitoring process, which comprises an annual rule and a multi-period assessment. In case of a significant deviation between the observed default rate of the static pools and the credit quality threshold over an annual and/or a multi-annual period, the Eurosystem consults the credit assessment system provider to analyse the reasons for that deviation. This procedure may result in a correction of the credit quality threshold applicable to the system in question.

The Eurosystem may decide to suspend or exclude the credit assessment system where no improvement in performance is observed over a number of years. In addition, in the event of an infringement of the rules governing the ECAF, the credit assessment system will be excluded from the ECAF. If inaccurate or incomplete information is provided by a representative of the credit assessment system for the purposes of performance monitoring, the Eurosystem may abstain from exclusion in case of minor irregularities;’

13. Section 6.4.2 is amended as follows:

(a) point (f) is deleted;

(b) table 8 is deleted;

14. In Section 6.5.1, paragraphs (a) and (b) are replaced by the following:

‘(a) For each eligible marketable asset, the Eurosystem defines the most representative price to be used for the calculation of the market value.

(b) The value of a marketable asset is calculated on the basis of the most representative price on the business day preceding the valuation date. In the absence of a representative price for a particular asset on the business day preceding the valuation date, the Eurosystem defines a theoretical price;’

15. In Appendix 6, Section 1 is replaced by the following:

‘1. Financial Penalties

If a counterparty infringes the rules on tender operations (*), bilateral transactions (**), the use of underlying assets (***), end-of-day procedures or access conditions for the marginal lending facility (****), the Eurosystem shall apply financial penalties as follows:

(a) For infringements of rules related to tender operations, bilateral transactions and the use of underlying assets, for the first and for the second infringements that occur within a 12-month period a financial penalty shall be applied to each infringement. The financial penalties are calculated using the marginal lending rate that applied when the infringement began plus 2,5 percentage points.

- (i) For infringements of rules related to tender operations and bilateral transactions, the financial penalties are calculated on the basis of the amount of collateral or cash that the counterparty could not settle, multiplied by the coefficient $X/360$, where X is the number of calendar days, with a maximum of seven, during which the counterparty was unable to collateralise or supply the allotted amount during the maturity of an operation. A flat penalty of EUR 500 applies where the calculation results in an amount of less than EUR 500; and
 - (ii) For infringements of rules related to the use of underlying assets (****), the financial penalties are calculated on the basis of the amount of ineligible assets, or assets that may not be used by the counterparty, which are either: provided by the counterparty to an NCB or the ECB; or not removed by the counterparty by or before the start of the eighth calendar day following an event after which the eligible assets become ineligible or may no longer be used by the counterparty, multiplied by the coefficient $X/360$. Where X is the number of calendar days, with a maximum of seven, during which the counterparty was in breach of the rules relating to the use of underlying assets. A flat penalty of EUR 500 applies where the calculation results in an amount less than EUR 500.
- (b) The first time the rules for end-of-day procedures or for access to the marginal lending facility are infringed, the applicable financial penalties are calculated using the marginal lending rate that applied when the infringement began plus 5 percentage points. For repeated infringements, the penalty interest rate increases by a further 2,5 percentage points each time this occurs within a 12-month period, calculated on the basis of the amount of the unauthorised access to the marginal lending facility. A flat penalty of EUR 500 applies where the calculation results in an amount less than EUR 500.

(*) This applies if a counterparty fails to transfer a sufficient amount of underlying assets or cash (when applicable, as regards margin calls) to settle on the settlement day, or to collateralise, until the maturity of the operation by means of corresponding margin calls, the amount of liquidity it has been allotted in a liquidity-providing operation, or if it fails to transfer a sufficient amount of cash to settle the amount it has been allotted in a liquidity-absorbing operation.

(**) This applies if a counterparty fails to transfer a sufficient amount of eligible underlying assets or if it fails to transfer a sufficient amount of cash to settle the amount agreed in bilateral transactions, or if it fails to collateralise an outstanding bilateral transaction at any time until its maturity by means of corresponding margin calls.

(***) This applies if a counterparty is using assets that are or have become ineligible or that may not be used by the counterparty, e.g., owing to close links between, or the identity of, the issuer/guarantor and the counterparty.

(****) This applies if a counterparty has a negative balance on the settlement account at the end of the day and does not fulfil the access conditions for the marginal lending facility.

(*****) The following provisions also apply where: (a) the counterparty has been using ineligible assets or has provided information affecting the collateral value negatively, e.g. on the outstanding amount of a used credit claim that is or has been false or out of date; or (b) the counterparty is using assets which are ineligible owing to close links between the issuer/guarantor and the counterparty.;

16. Appendix 7 is replaced by the following:

‘Appendix 7

CREATION OF A VALID SECURITY OVER CREDIT CLAIMS

To ensure that a valid security interest is created over credit claims and that the credit claims can be swiftly realised in the event of a counterparty default, the following additional legal requirements need to be met:

- (a) *Verification of the existence of credit claims:* As a minimum, NCBs shall use the following measures to verify the existence of credit claims submitted to the Eurosystem as collateral: (i) self-certification and undertaking by the counterparty to the NCB, at least every quarter, to confirm the existence of the credit claims submitted as collateral, which could be replaced with cross-checks of information held in central credit registers, where these exist; (ii) one-off verification by NCBs, supervisors or external auditors of the procedures used by the counterparty to submit the information on the existence of credit claims to the Eurosystem; (iii) random checks by the NCBs, relevant credit registers, supervisors or external auditors on the quality and accuracy of the self-certification.

The quarterly self-certification and undertaking under (i) above include the requirement that Eurosystem counterparties do the following in writing:

- (i) confirm and warrant compliance of credit claims submitted to an NCB with the eligibility criteria applied by the Eurosystem;

- (ii) confirm and warrant that no credit claim submitted as an underlying asset is being simultaneously used as collateral to the benefit of any third party and undertake that the counterparty shall not mobilise any credit claim as collateral to any third party;
- (iii) confirm and warrant to communicate to the relevant NCB immediately but no later than within the course of the next business day any event which materially affects the actual contractual relationship between the counterparty and the relevant NCB, in particular early, partial or total repayments, downgrades and material changes in the conditions of the credit claim.

For such checks to take place in accordance with (ii) and (iii), supervisors, NCBs or external auditors must be authorised to carry out this investigation, if necessary contractually or in accordance with the applicable national requirements.

(b) *Validity of the agreement for the mobilisation of credit claims*: The agreement for the mobilisation of the credit claim as collateral also needs to be valid between the parties (transferor and transferee) under national law. All legal formalities necessary to ensure the validity of the agreement and to ensure the mobilisation of a credit claim as collateral must be fulfilled.

(c) *Full effect of the mobilisation vis-à-vis third parties*: regarding debtor notification about the mobilisation of a credit claim as collateral, taking into account the specific features of the different jurisdictions involved, the following are required:

- (i) In certain Member States where debtor notification of the mobilisation of a credit claim as collateral is necessary to be fully effective vis-à-vis third parties, and in particular for the priority of the NCB's security interest vis-à-vis other creditors, as specified by the applicable national documentation, *ex-ante* notification of the debtor is required in advance or at the time of the credit claim's actual mobilisation as collateral.
- (ii) In other Member States where public registration of the mobilisation of a credit claim as collateral is necessary to be fully effective vis-à-vis third parties, and in particular for the priority of the NCB's security interest vis-à-vis other creditors, as specified by the applicable national documentation, such registration is required in advance or at the time of the credit claim's actual mobilisation as collateral;
- (iii) Finally, in Member States where *ex-ante* notification of the debtor or public registration of the mobilisation of a credit claim as collateral is not required in accordance with (i) and (ii), as specified by applicable national documentation, *ex-post* notification of the debtor is required. *Ex-post* notification of the debtor requires that the debtor be notified by the counterparty or the NCB (as specified by the national documentation) about the credit claim being mobilised as collateral by the counterparty to the benefit of the NCB immediately following a credit event. "Credit event" means default or similar events as further defined by the applicable national documentation.

There is no notification requirement in cases where the credit claims are bearer instruments for which applicable national law does not require notification. In such cases, the NCB concerned may require that such bearer instruments are physically transferred to it or to a third party in advance or at the time of actual mobilisation as collateral.

The above are minimum requirements. NCBs may decide to require *ex-ante* notification or registration in addition to the cases above, as specified by applicable national documentation.

All other legal formalities necessary to ensure the mobilisation of a credit claim as collateral must also be fulfilled.

(d) *Absence of restrictions related to banking secrecy and confidentiality*: The counterparty shall not be under an obligation to obtain the debtor's approval for disclosure of information about the credit claim and the debtor that is required by the Eurosystem for the purpose of ensuring that a valid security is created over credit claims and that the credit claims can be swiftly realised in the event of a counterparty default. The counterparty and the debtor shall agree contractually that the debtor unconditionally consents to the disclosure to the Eurosystem of such details on the credit claim and the debtor. No such provision is necessary if there are no rules restricting the provision of such information under national law, as specified in the applicable national documentation.

(e) *Absence of restrictions on the mobilisation of the credit claim*: Counterparties shall ensure that credit claims are fully transferable and can be mobilised without restriction as collateral for the benefit of the Eurosystem. There should not be any restrictive provisions on mobilisation in the credit claim agreement or in other contractual arrangements between the counterparty and the debtor, unless national legislation provides that any such contractual restrictions are without prejudice to the Eurosystem with respect to the mobilisation of collateral.

- (f) *Absence of restrictions on the realisation of the credit claim:* The credit claim agreement or other contractual arrangements between the counterparty and the debtor should not contain any restrictions regarding the realisation of the credit claim used as collateral, including any form, time or other requirement with regard to realisation.”;

17. The following Appendix 8 is added:

‘Appendix 8

LOAN-LEVEL DATA REPORTING REQUIREMENTS FOR ASSET-BACKED SECURITIES

Loan-level data are submitted to and published electronically in the loan-level data repository in compliance with Eurosystem requirements, *inter alia*, open access, coverage, non-discrimination, appropriate governance structure, transparency, and designated as such by the ECB, in accordance with the requirements set out in this Appendix. For this purpose, the relevant loan-level data reporting template is used for each individual transaction, depending on the asset class comprising the pool of cash flow generating assets (*).

Loan-level data must be reported at least on a quarterly basis, no later than one month following the due date for payment of interest on the asset-backed security in question. If loan-level data are not reported or updated within one month following the relevant interest rate payment date, then the asset-backed security will cease to be eligible. To ensure compliance with these requirements, the loan-level data repository will conduct automated consistency and accuracy checks on reports of new and/or updated loan-level data for each transaction.

From the application date of the loan-level data reporting requirements for asset-backed securities, i.e. the relevant asset class according to the template, detailed loan-by-loan level information regarding the pool of cash flow generating assets must be provided for an asset-backed security to become or remain eligible. Within three months the asset-backed security must achieve a compulsory minimum compliance level, assessed by reference to the availability of information in particular data fields of the loan-level data reporting template. To capture non-available fields, a set of six “No data” (ND) options are included in each such template and must be used whenever particular data cannot be submitted in accordance with the template. There is also a seventh ND option which is only applicable for the CMBS template.

The ND options and their meanings are set out in the following table:

“No data” options	Explanation
ND1	Data not collected as not required by the underwriting criteria
ND2	Data collected at application but not loaded in the reporting system at completion
ND3	Data collected at application but loaded in a separate system from the reporting one
ND4	Data collected but will only be available from YYYY-MM
ND5	Not relevant
ND6	Not applicable for the jurisdiction
ND7	Only for CMBS loans with a value less than EUR 500 000, i.e. the value of the whole commercial loan balance at origination

The following nine-month transitional period applies to all asset-backed securities (depending on the date the loan-level data reporting requirements apply for the relevant asset class):

- the first quarter following the date the requirements apply is a testing period. Loan-level data must be reported, but there are no specific limits regarding the number of mandatory fields containing ND1 to ND7,
- in the second quarter, the number of mandatory fields which contain ND1 may not exceed 30 % of the total number of mandatory fields and the number of mandatory fields which contain ND2, ND3 or ND4 may not exceed 40 % of the total number of mandatory fields,

- in the third quarter, the number of mandatory fields which contain ND1 may not exceed 10 % of the total number of mandatory fields and the number of mandatory fields which contain ND2, ND3 or ND4 may not exceed 20 % of the total number of mandatory fields,
- at the end of the nine-month transitional period, there must be no mandatory fields in the loan-level data containing ND1, ND2, ND3 or ND4 values for an individual transaction.

Applying these thresholds, the loan-level data repository will generate and assign a score to each asset-backed security transaction upon submission and processing of loan-level data. This score will reflect the number of mandatory fields which contain ND1 and the number of mandatory fields which contain ND2, ND3 or ND4, compared in each case against the total number of mandatory fields. In this regard, the options ND5, ND6 and ND7 may only be used if the relevant data fields in the relevant loan-level data reporting template permit. Combining the two threshold references produces the following range of loan-level data scores:

Scoring value matrix		ND1 fields			
		0	≤ 10 %	≤ 30 %	> 30 %
ND2	0	A1	B1	C1	D1
or	≤ 20 %	A2	B2	C2	D2
ND3	≤ 40 %	A3	B3	C3	D3
or	> 40 %	A4	B4	C4	D4
ND4					

According to the transitional period set out above, the score must gradually improve for each quarter, in accordance with the following overview:

Timeline	Scoring value (eligibility treatment)
first quarter (initial submission)	(no minimum scoring value enforced)
second quarter	C3 (at a minimum)
third quarter	B2 (at a minimum)
from the fourth quarter onwards	A1

For residential-mortgage backed securities (RMBS), the loan-by-loan information requirements will apply from 3 January 2013 and the nine-month transitional period ends on 30 September 2013.

For asset-backed securities where the cash flow generating assets comprise loans to small- and medium-sized enterprises (SME), the loan-by-loan information requirements will apply from 3 January 2013 and the nine-month transition period ends on 30 September 2013.

For commercial-mortgage backed securities (CMBS), the loan-by-loan information requirements will apply from 1 March 2013 and the nine-month transition period ends on 30 November 2013.

For asset-backed securities where the cash flow generating assets comprise auto loans, consumer finance loans, or leasing receivables, the loan-by-loan information requirements will apply from 1 January 2014 and the nine-month transition period ends on 30 September 2014.

Asset-backed securities issued later than nine months after the date the new loan-level data reporting requirements apply (**) must comply fully with the reporting requirements from the initial submission of loan-level data, i.e. upon issuance. Already existing asset-backed security transactions that do not conform to any of the loan-level data reporting templates will remain eligible until 31 March 2014. The Eurosystem will assess on a case-by-case basis whether a particular asset-backed security transaction can benefit from this grandfathering provision.

(*) The relevant versions of the loan-level data reporting templates for the specific asset classes are published on the ECB's website.

(**) i.e. on 30 September 2013 for RMBS and SME, 30 November 2013 for CMBS and 30 September 2014 for auto loans, consumer finance loans and leasing receivables.

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