

Official Journal

of the European Union

L 113



English edition

Legislation

Volume 56

25 April 2013

Contents

I *Legislative acts*

DECISIONS

- ★ **Decision No 377/2013/EU of the European Parliament and of the Council of 24 April 2013 derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community ⁽¹⁾** 1

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 378/2013 of 24 April 2013 approving the active substance *Paecilomyces fumosoroseus* strain FE 9901, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾** 5

Commission Implementing Regulation (EU) No 379/2013 of 24 April 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables 9

Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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

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

DECISIONS

2013/191/EU:

- ★ **Council Implementing Decision of 22 April 2013 authorising Latvia to introduce a special measure derogating from point (a) of Article 26(1) and Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax** 11

2013/192/EU:

- ★ **Council Implementing Decision of 22 April 2013 authorising the French Republic to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in the Corsican departments in accordance with Article 19 of Directive 2003/96/EC** 13

2013/193/EU:

- ★ **Council Implementing Decision of 22 April 2013 authorising the French Republic to apply differentiated levels of taxation to motor fuels in accordance with Article 19 of Directive 2003/96/EC** 15

2013/194/EU:

- ★ **Council Decision of 22 April 2013 appointing a Spanish member and a Spanish alternate member of the Committee of the Regions** 17

2013/195/EU:

- ★ **Commission Implementing Decision of 23 April 2013 defining the practical arrangements, uniform formats and a methodology in relation to the radio spectrum inventory established by Decision No 243/2012/EU of the European Parliament and of the Council establishing a multiannual radio spectrum policy programme (notified under document C(2013) 2235) ⁽¹⁾** 18

2013/196/EU:

- ★ **Commission Implementing Decision of 24 April 2013 amending Implementing Decision 2012/715/EU establishing a list of third countries with a regulatory framework applicable to active substances for medicinal products for human use and the respective control and enforcement activities ensuring a level of protection of public health equivalent to that in the Union ⁽¹⁾** 22



⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DECISIONS

DECISION No 377/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 24 April 2013

derogating temporarily from Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) The aviation sector has a strong international character. A global approach to addressing the rapidly growing emissions from international aviation would therefore be the preferred and most effective way of reducing aviation emissions.

(2) The United Nations Framework Convention on Climate Change (UNFCCC) requires all parties to formulate and implement national and, where appropriate, regional programmes containing measures to mitigate climate change.

(3) The Union is committed to reducing its CO₂ emissions, including emissions from aviation. All sectors of the economy should contribute to achieving those emission reductions.

(4) The negotiation of all Union aviation agreements with third countries should be aimed at safeguarding the Union's flexibility to take action in respect of environmental issues, including with regard to measures to mitigate the impact of aviation on climate change.

(5) Progress has been made in the International Civil Aviation Organisation (ICAO) towards the adoption, at the 38th session of the ICAO Assembly which will be held from 24 September to 4 October 2013, of a global framework for emissions reduction policy which facilitates the application of market-based measures to emissions from international aviation, and on the development of a global market-based measure (MBM). Such a framework could make a significant contribution to the reduction of national, regional and global CO₂ emissions.

(6) In order to facilitate this progress and provide momentum, it is desirable to defer the enforcement of requirements arising prior to the 38th session of the ICAO Assembly and relating to flights to and from aerodromes in countries outside the Union that are not members of the European Free Trade Association (EFTA), dependencies and territories of States in the European Economic Area (EEA) or countries having signed a Treaty of Accession with the Union. Action should therefore not be taken against aircraft operators in respect of the requirements resulting from Directive 2003/87/EC of the European Parliament and of the Council ⁽³⁾ for the reporting of verified emissions for the calendar years 2010, 2011 and 2012 and for the corresponding surrender of allowances for 2012 from

⁽¹⁾ Opinion of 13 February 2013 (not yet published in the Official Journal).

⁽²⁾ Position of the European Parliament of 16 April 2013 (not yet published in the Official Journal) and decision of the Council of 22 April 2013.

⁽³⁾ OJ L 275, 25.10.2003, p. 32.

flights to and from such aerodromes. Aircraft operators who wish to continue to comply with those requirements should be able to do so.

- (7) In order to avoid distortions of competition, the derogation provided for by this Decision should only apply in respect of aircraft operators that have either not received or have returned all free allowances which have been issued in respect of such activities occurring in 2012. For the same reason, those allowances should not be taken into account for the purposes of calculating entitlements to use international credits within the framework of Directive 2003/87/EC.
- (8) 2012 aviation allowances that are not issued to such aircraft operators or are returned should be taken out of circulation by cancellation. The number of aviation allowances that are auctioned should be adjusted as a result of the implementation of this Decision, in order to ensure compliance with Article 3d(1) of Directive 2003/87/EC.
- (9) The derogation provided for by this Decision should not affect the environmental integrity and the overarching objective of the Union's climate change legislation, nor should it result in distortions of competition. Accordingly, and so as to preserve the overarching objective of Directive 2003/87/EC, which forms part of the legal framework for the Union to achieve its independent commitment to reduce its emissions to 20 % below 1990 levels by 2020, that Directive should continue to apply to flights from, or arriving in, aerodromes in the territory of a Member State, to or from aerodromes in certain closely connected or associated areas or countries outside the Union.
- (10) The derogation provided for by this Decision relates only to 2012 aviation emissions. The ICAO High Level Group on International Aviation and Climate Change (HGCC) was established to provide guidance on the development of a framework for MBMs, to evaluate the feasibility of options for a global MBM and to identify a set of technological and operational measures. This derogation is provided by the Union to facilitate an agreement at the 38th session of the ICAO Assembly on a realistic timetable for the development of a global MBM beyond the 38th session of the ICAO Assembly and on a framework for facilitating the comprehensive application of national and regional MBMs to international aviation, pending the application of the global MBM. On this basis, with a view to facilitating the optimal interaction between any such outcome and the scheme for greenhouse gas emission allowance trading within the Union, further steps could be considered. In this respect, the Commission should, when assessing the need for further action, also take into account the possible impact on intra-European air traffic with a view to avoiding any distortions of competition.
- (11) The Commission should provide a full report to the European Parliament and to the Council on the

progress made at the 38th session of the ICAO Assembly and swiftly propose measures in line with the results, as appropriate.

- (12) It is essential to ensure legal certainty for aircraft operators and national authorities in view of the surrender deadline of 30 April 2013 as referred to in Directive 2003/87/EC. Accordingly, this Decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 16 of Directive 2003/87/EC, Member States shall take no action against aircraft operators in respect of the requirements set out in Article 12(2a) and Article 14(3) of that Directive for the calendar years 2010, 2011 and 2012 in respect of activity to and from aerodromes in countries outside the Union that are not members of EFTA, dependencies and territories of States in the EEA or countries having signed a Treaty of Accession with the Union, where such aircraft operators have not been issued free allowances for such activity in respect of 2012 or, if they have been issued such allowances, have returned, by the thirtieth day following the entry into force of this Decision, to Member States for cancellation a number of 2012 aviation allowances corresponding to the share of verified tonne-kilometres of such activity in the reference year 2010.

Article 2

1. Member States shall cancel all 2012 aviation allowances that have either not been issued or, if issued, have been returned to them, in respect of flights to and from the aerodromes referred to in Article 1.

2. In respect of the cancellation referred to in paragraph 1, Member States shall auction a reduced number of 2012 aviation allowances. That reduction shall be proportional to the lower number of total aviation allowances in circulation. To the extent that the reduced number of those allowances has not been auctioned prior to 1 May 2013, Member States shall adjust accordingly the number of aviation allowances to be auctioned in 2013.

Article 3

Aviation allowances cancelled pursuant to Article 2 shall not be taken into account for the purposes of calculating entitlements to use international credits within the framework of Directive 2003/87/EC.

Article 4

The Commission shall issue the guidance necessary for the implementation of this Decision.

Article 5

The Commission shall regularly inform the European Parliament and the Council on the progress of ICAO negotiations and shall provide a full report to them on the results achieved at the 38th session of the ICAO Assembly.

Article 6

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

It shall apply from 24 April 2013.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 24 April 2013.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

S. COVENEY

Statement from the Commission

The Commission recalls that, according to Article 3d of Directive 2003/87/EC, revenues generated from the auctioning of aviation allowances should be used to tackle climate change in the EU and third countries, inter alia, to reduce greenhouse gas emissions, to adapt to the impacts of climate change in the EU and third countries, especially developing countries, to fund research and development for mitigation and adaptation, including in particular in the fields of aeronautics and air transport, to reduce emissions through low-emission transport and to cover the cost of administering the Community scheme. The proceeds of auctioning should also be used to fund contributions to the Global Energy Efficiency and Renewable Energy Fund, and measures to avoid deforestation.

The Commission notes that Member States shall inform the Commission of actions taken pursuant to Article 3d of the Directive 2003/87/EC on the use of revenues generated from the auctioning of aviation allowances. Specific provisions on the content of this reporting are set out in Regulation (EU) No .../2013 ⁽¹⁾ on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC. Further details will be set out in a Commission implementing act under Article 18 of that Regulation. Member States will make the reports public, and the Commission will publish aggregate Union information on these in an easily accessible form.

The Commission emphasises that a global market-based mechanism putting an international price on carbon emissions from international aviation transport could, in addition to achieving its primary goal of emission reductions, help provide the necessary resources to support international climate change mitigation and adaptation measures.

⁽¹⁾ To be soon published in the Official Journal.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 378/2013

of 24 April 2013

approving the active substance *Paecilomyces fumosoroseus* strain FE 9901, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Articles 13(2) and 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which a decision has been adopted in accordance with Article 6(3) of that Directive before 14 June 2011. For *Paecilomyces fumosoroseus* strain FE 9901 the conditions of Article 80(1)(a) of Regulation (EC) No 1107/2009 are fulfilled by Commission Decision 2008/565/EC ⁽³⁾.
- (2) In accordance with Article 6(2) of Directive 91/414/EEC Belgium received on 4 February 2004 an application from FuturEco S.L. for the inclusion of the active substance *Paecilomyces fumosoroseus* strain FE 9901 in Annex I to Directive 91/414/EEC. Decision 2008/565/EC confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.
- (3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4)

of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 29 March 2007.

- (4) The draft assessment report was reviewed by the Member States and the European Food Safety Authority (hereinafter 'the Authority'). The Authority presented to the Commission its conclusion on the review of the pesticide risk assessment of the active substance *Paecilomyces fumosoroseus* strain FE 9901 ⁽⁴⁾ on 20 August 2012. The draft assessment report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and the draft assessment report was finalised on 15 March 2013 in the format of the Commission review report for *Paecilomyces fumosoroseus* strain FE 9901.
- (5) It has appeared from the various examinations made that plant protection products containing *Paecilomyces fumosoroseus* strain FE 9901 may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to approve *Paecilomyces fumosoroseus* strain FE 9901.
- (6) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.
- (7) Without prejudice to the obligations provided for in Regulation (EC) No 1107/2009 as a consequence of approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 181, 10.7.2008, p. 49.

⁽⁴⁾ EFSA Journal 2012; 10(9):2869. Available online: www.efsa.europa.eu

period of six months after approval to review authorisations of plant protection products containing *Paecilomyces fumosoroseus* strain FE 9901. Member States should, as appropriate, vary, replace or withdraw authorisations. By way of derogation from that deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.

- (8) The experience gained from inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽¹⁾ has shown that difficulties can arise in interpreting the duties of holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I to that Directive or the Regulations approving active substances.
- (9) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances ⁽²⁾ should be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Approval of active substance

The active substance *Paecilomyces fumosoroseus* strain FE 9901, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall, in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing

authorisations for plant protection products containing *Paecilomyces fumosoroseus* strain FE 9901 as an active substance by 31 March 2014.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing *Paecilomyces fumosoroseus* strain FE 9901 as either the only active substance or as one of several active substances, all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 30 September 2013 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009.

Following that determination Member States shall:

- (a) in the case of a product containing *Paecilomyces fumosoroseus* strain FE 9901 as the only active substance, where necessary, amend or withdraw the authorisation by 31 March 2015 at the latest; or
- (b) in the case of a product containing *Paecilomyces fumosoroseus* strain FE 9901 as one of several active substances, where necessary, amend or withdraw the authorisation by 31 March 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or those substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 4

Entry into force and date of application

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

It shall apply from 1 October 2013.

⁽¹⁾ OJ L 366, 15.12.1992, p. 10.

⁽²⁾ OJ L 153, 11.6.2011, p. 1.

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

Done at Brussels, 24 April 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
<i>Paecilomyces fumosoroseus</i> strain FE 9901 Collection number: USDA-ARS collection of Entomopathogenic Fungal Cultures U.S. Plant Soil and Nutrition laboratory, New York. Accession No ARSEF 4490	Not applicable	Minimum $1,0 \times 10^9$ CFU/g Maximum $3,0 \times 10^9$ CFU/g	1 October 2013	30 September 2023	For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on <i>Paecilomyces fumosoroseus</i> strain FE 9901, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 15 March 2013, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that <i>Paecilomyces fumosoroseus</i> strain FE 9901 is to be considered as a potential sensitiser. Conditions of use shall include risk mitigation measures, where appropriate.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

ANNEX II

In Part B of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'39	<i>Paecilomyces fumosoroseus</i> strain FE 9901 Collection number: USDA-ARS collection of Entomopathogenic Fungal Cultures U.S. Plant Soil and Nutrition laboratory. New York. Accession No ARSEF 4490	Not applicable	Minimum $1,0 \times 10^9$ CFU/g Maximum $3,0 \times 10^9$ CFU/g	1 October 2013	30 September 2023	For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on <i>Paecilomyces fumosoroseus</i> strain FE 9901, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 15 March 2013, shall be taken into account. In this overall assessment Member States shall pay particular attention to the protection of operators and workers, taking into account that <i>Paecilomyces fumosoroseus</i> strain FE 9901 is to be considered as a potential sensitiser. Conditions of use shall include risk mitigation measures, where appropriate.'

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

COMMISSION IMPLEMENTING REGULATION (EU) No 379/2013**of 24 April 2013****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, 24 April 2013.

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

*Jerzy PLEWA
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	63,5
	TN	82,2
	TR	120,8
	ZZ	88,8
0707 00 05	MA	99,6
	TR	130,8
	ZZ	115,2
0709 93 10	TR	107,6
	ZZ	107,6
0805 10 20	EG	55,6
	IL	72,2
	MA	51,8
	TN	69,6
	TR	59,9
	ZZ	61,8
0805 50 10	TR	109,2
	ZA	105,2
	ZZ	107,2
0808 10 80	AR	102,1
	BR	91,2
	CL	119,2
	CN	76,7
	MK	28,7
	NZ	139,9
	US	198,9
	ZA	111,0
	ZZ	108,5
0808 30 90	AR	100,5
	CL	124,0
	NZ	199,4
	ZA	120,1
	ZZ	136,0

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL IMPLEMENTING DECISION

of 22 April 2013

authorising Latvia to introduce a special measure derogating from point (a) of Article 26(1) and Articles 168 and 168a of Directive 2006/112/EC on the common system of value added tax

(2013/191/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letters registered at the Commission on 17 June 2011 and 27 August 2012, Latvia requested authorisation to derogate from the provisions of Directive 2006/112/EC governing the right to deduct input tax in relation to passenger cars.
- (2) The Commission informed the other Member States by letter dated 26 November 2012 of the request made by Latvia. By letter dated 30 November 2012, the Commission notified Latvia that it had all the information it considered necessary to examine the request.
- (3) Articles 168 and 168a of Directive 2006/112/EC establish a taxable person's right to deduct value added tax (VAT) charged on supplies of goods and services received by him and used for the purposes of his taxed transactions. Point (a) of Article 26(1) of that Directive requires taxable persons to account for VAT when a business asset is put to non-business use.
- (4) Non-business use is often very difficult to identify accurately and even where that is possible, the mechanism for doing so is often burdensome. Under the requested authorisation, the amount of VAT on

expenditure eligible for deduction in respect of passenger cars which are not used entirely for business purposes should, with some exceptions, be set at a flat percentage rate. Based on information provided by Latvia, a rate of 80 % is justifiable. At the same time, in order to avoid double taxation, the requirement to account for VAT on the non-business use of passenger cars should be suspended where those cars are subject to limitation authorised by this Decision. That simplification measure removes the need to keep records on the non-business use of business cars and prevents tax evasion through incorrect record keeping.

- (5) The limitation of the right of deduction under the authorisation should apply to VAT paid on the purchase, leasing, intra-Community acquisition and importation of specified passenger cars and on related expenditure, including the purchase of fuel.
- (6) The authorisation should only apply to passenger cars with a maximum authorised weight not exceeding 3 500 kilograms and having not more than eight seats in addition to the driver's seat. Any non-business use of passenger cars exceeding 3 500 kilograms or having more than eight seats in addition to the driver's seat is negligible due to the characteristics of those cars or the type of business for which they are used. A detailed list of categories of passenger cars excluded from the authorisation should also be provided, based on the particular purposes for which they are used.
- (7) In its proposal of 29 October 2004 for a directive amending Directive 77/388/EEC, now Directive 2006/112/EC, with a view to simplifying value added tax obligations, the Commission included provisions aimed at the harmonisation of the categories of expenses for which exclusions to the right of deduction may apply. Under that proposal, exclusions to the right to deduct may be applied to motorised road vehicles. It is therefore appropriate to restrict the application period of this Decision until the proposed directive becomes applicable. However, it is necessary to provide for a specific expiry date for the authorisation, which will apply in the event that the proposed directive has not become applicable by that date, as it will be necessary to

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

review the authorisation and the percentage of overall apportionment between business and non-business use.

- (8) In the event that Latvia considers an extension of the authorisation beyond 2015 to be necessary, it should submit to the Commission, no later than 30 March 2015, a report which includes a review of the percentage applied together with the request for the extension.
- (9) The derogation will have only a negligible effect on the overall amount of tax revenue collected at the stage of final consumption and will have no adverse impact on the Union's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Articles 168 and 168a of Directive 2006/112/EC, Latvia is authorised to limit to 80 % the right to deduct the value added tax (VAT) on expenditure on passenger cars not wholly used for business purposes.

Article 2

By way of derogation from point (a) of Article 26(1) of Directive 2006/112/EC, Latvia shall not treat as supplies of services for consideration the use for non-business purposes of a passenger car included in the assets of a taxable person's business, where that car has been subject to a limitation authorised under Article 1 of this Decision.

Article 3

The expenditure referred to in Article 1 shall cover the purchase, leasing, intra-Community acquisition and importation of passenger cars not wholly used for business purposes as well as expenditure related to the maintenance, repair of and fuel for such cars.

Article 4

This Decision shall only apply to passenger cars with a maximum authorised weight not exceeding 3 500 kilograms and having not more than eight seats in addition to the driver's seat.

Article 5

Articles 1 and 2 shall not apply to the following categories of passenger cars:

- (a) cars purchased for resale, hire or lease;
- (b) cars used for transportation of passengers for a fee, including taxi services;
- (c) cars used for the provision of transportation of goods;
- (d) cars used for the provision of driving lessons;
- (e) cars used for the provision of guard services;
- (f) cars used as emergency vehicles;
- (g) cars used as car sales demonstration vehicles.

Article 6

Any request for the extension of the authorisation provided for in this Decision shall be:

- (a) submitted to the Commission by 30 March 2015; and
- (b) accompanied by a report which includes a review of the percentage set out in Article 1.

Article 7

This Decision shall take effect on the day of its notification.

This Decision shall expire on the date on which Union rules, determining the expenditure relating to motorised road vehicles that is not eligible for full deduction of VAT, become applicable, or on 31 December 2015, whichever is the earlier.

Article 8

This Decision is addressed to the Republic of Latvia.

Done at Luxembourg, 22 April 2013.

For the Council
The President
E. GILMORE

COUNCIL IMPLEMENTING DECISION

of 22 April 2013

authorising the French Republic to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in the Corsican departments in accordance with Article 19 of Directive 2003/96/EC

(2013/192/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 19 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Decision 2007/880/EC ⁽²⁾ authorised the French Republic (hereinafter 'France') to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in the Corsican departments in accordance with Article 19 of Directive 2003/96/EC.
- (2) By letter dated 12 March 2012, France requested authorisation to apply a reduced rate of energy tax to unleaded petrol used as motor fuel by way of extension of a practice followed under Decision 2007/880/EC. The reduction amounts to EUR 1 per hectolitre. The authorisation is being requested for the period from 1 January 2013 to 31 December 2018. In Corsica the cost of supplying unleaded petrol to the forecourt is appreciably higher than in mainland France, final prices being EUR 0,10 per litre higher than on the mainland.
- (3) By reducing the tax on unleaded petrol borne by consumers in Corsica, the consumers concerned will be placed on a more equal footing with those on the mainland. The measure therefore meets regional and cohesion policy objectives.
- (4) The tax reduction is no larger than necessary to allow for the additional transport and distribution costs borne by consumers in Corsica.
- (5) The final level of taxation complies with the minimum rates laid down in Directive 2003/96/EC — currently EUR 359/1 000 litres (or EUR 35,90/hectolitre). This holds true even allowing for the authorisation conferred by Council Implementing Decision 2013/193/EU of 22 April 2013 authorising the French Republic to apply differentiated levels of taxation to motor fuels in accordance with Article 19 of Directive 2003/96/EC ⁽³⁾, for the period as from 1 January 2013, even if the effects of that Decision are combined with those of this Decision.
- (6) In view of the remote and insular nature of the departments to which it applies and the moderate reduction in the rate — which is, moreover, very high compared to the minimum level prescribed by Directive 2003/96/EC —, the measure requested will not give rise to any movement specifically linked to the supplying of fuel.
- (7) Consequently, the measure is acceptable from the point of view of the proper functioning of the internal market and of the need to ensure fair competition and it is not incompatible with the health, environment, energy and transport policies of the Union.
- (8) France should therefore be authorised, pursuant to Article 19(2) of Directive 2003/96/EC, to apply a reduced rate of taxation to unleaded petrol used as motor fuel and consumed in Corsica, until 31 December 2018.
- (9) It follows from Article 19(2) of Directive 2003/96/EC that each authorisation granted under that Article must be strictly limited in time.
- (10) In order to provide the departments concerned with a sufficient degree of certainty, the authorisation should be granted for a period of six years. However, in order not to undermine future general developments of the existing legal framework, it is appropriate to provide that, should the Council, acting on the basis of Article 113 of the Treaty, introduce a modified general system for the taxation of energy products to which this authorisation would not be adapted, this Decision would expire on the day on which the rules on that modified system became applicable.

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

⁽²⁾ OJ L 346, 29.12.2007, p. 15.

⁽³⁾ See page 15 of this Official Journal.

- (11) It should be ensured that France can apply the specific reduction to which this Decision relates from 1 January 2013, following seamlessly on from the prior arrangements under Decision 2007/880/EC. The authorisation requested should therefore be granted with effect from 1 January 2013.
- (12) This Decision is without prejudice to the application of the Union rules regarding State aid,

HAS ADOPTED THIS DECISION:

Article 1

France is hereby authorised to apply a reduction in the rate of taxation not exceeding EUR 1 per hectolitre to unleaded petrol used as motor fuel and consumed in the Corsican departments.

The reduction shall not go beyond the additional costs of transport, storage and distribution borne in the Corsican departments compared to mainland France.

The reduced rate shall comply with the obligations in Directive 2003/96/EC, in particular the minimum rates referred to in Article 7 thereof.

Article 2

This Decision shall take effect on the day of its notification.

It shall apply from 1 January 2013.

It shall expire on 31 December 2018.

However, should the Council, acting on the basis of Article 113 of the Treaty, introduce a modified general system for the taxation of energy products to which the authorisation granted in Article 1 of this Decision would not be adapted, this Decision shall expire on the day on which the rules on that modified system become applicable.

Article 3

This Decision is addressed to the French Republic.

Done at Luxembourg, 22 April 2013.

For the Council

The President

E. GILMORE

COUNCIL IMPLEMENTING DECISION**of 22 April 2013****authorising the French Republic to apply differentiated levels of taxation to motor fuels in
accordance with Article 19 of Directive 2003/96/EC**

(2013/193/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ⁽¹⁾, and in particular Article 19 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Implementing Decision 2011/38/EU ⁽²⁾ authorised the French Republic (hereinafter referred to as 'France') to apply, for a period of three years, differentiated levels of taxation to gas oil and unleaded petrol for the purposes of an administrative reform involving the decentralisation of certain specific powers previously exercised by central government. Implementing Decision 2011/38/EU expired on 31 December 2012.
- (2) By letter dated 10 February 2012, France requested authorisation to continue to apply differentiated rates of taxation under the same conditions for a further period of six years after 31 December 2012.
- (3) Implementing Decision 2011/38/EU was adopted on the basis that the measure requested by France met the requirements set out in Article 19 of Directive 2003/96/EC. In particular, it was considered that the measure would not hinder the proper functioning of the internal market. It was also considered that it was in conformity with the relevant Union policies.
- (4) The national measure is part of a policy designed to increase administrative effectiveness by improving the quality and reducing the cost of public services, as well as a policy of subsidiarity. It offers regions an additional incentive to improve the quality of their administration in a transparent fashion. In this respect, Implementing Decision 2011/38/EU requires that the reductions be linked to the socioeconomic circumstances of the regions in which they are applied. Consequently, a number of regions with either lower than average gross

domestic product or higher than average unemployment have applied lower rates. Overall, the national measure is based on specific policy considerations.

- (5) The tight limits set for the differentiation of rates on a regional basis as well as the exclusion of gas oil used for commercial purposes from the measure imply that the risk of competitive distortions in the internal market is very low. Moreover, the application of the measure so far has shown a strong tendency on behalf of regions to levy the maximum rate allowable, which has further decreased any potential for competitive distortions.
- (6) No obstacles to the proper functioning of the internal market have been reported as regards, more particularly, the circulation of the products in question in their capacity as products subject to excise duty.
- (7) When originally requested, the national measure had been preceded by a tax increase equal to the margin for regional reductions. Against that background and in light of the conditions of the authorisation as well as experience gathered, the national measure does not appear to be in conflict with Union energy and climate change policies.
- (8) It follows from Article 19(2) of Directive 2003/96/EC that each authorisation granted thereunder must be strictly limited in time. Moreover, the Commission proposal for a Council Directive amending Directive 2003/96/EC provides for a permanent rule allowing France, within certain limits, to apply differentiated levels of taxation at the level of the French regions. It is therefore appropriate to limit the period of application of this Decision to three years and to stipulate that, in any event, this Decision expires once the said permanent rule becomes applicable. Moreover, in order not to undermine future general developments of the existing legal framework, it is also important to provide that, should the Council introduce a modified general system for the taxation of energy products to which the present authorisation would not be adapted, this Decision shall expire on the day on which the rules on that modified system become applicable.
- (9) It should be ensured that France can apply the specific reduction to which this Decision relates from 1 January 2013, following seamlessly on from the prior arrangements under Implementing Decision 2011/38/EU. The authorisation requested should therefore be granted with effect from 1 January 2013.

- (10) This Decision is without prejudice to the application of the Union rules regarding State aid,

⁽¹⁾ OJ L 283, 31.10.2003, p. 51.

⁽²⁾ OJ L 19, 22.1.2011, p. 13.

HAS ADOPTED THIS DECISION:

Article 1

1. France is hereby authorised to apply reduced rates of taxation to unleaded petrol and gas oil used as motor fuel. Gas oil for commercial use within the meaning of Article 7(2) of Directive 2003/96/EC shall not be eligible for any such reductions.

2. Administrative regions may be permitted to apply differentiated reductions provided the following conditions are fulfilled:

- (a) the reductions are no greater than EUR 35,4 per 1 000 litres of unleaded petrol or EUR 23,0 per 1 000 litres of gas oil;
- (b) the reductions are no greater than the difference between the levels of taxation of gas oil for non-commercial use and gas oil for commercial use;
- (c) the reductions are linked to the objective socioeconomic conditions of the regions in which they are applied;
- (d) the application of regional reductions does not have the effect of granting a region a competitive advantage in intra-Union trade.

3. The reduced rates must comply with the requirements of Directive 2003/96/EC, and in particular the minimum rates laid down in Article 7.

Article 2

This Decision shall take effect on the day of its notification.

It shall apply from 1 January 2013.

It shall expire on 31 December 2015.

However, this Decision shall expire on the earlier day one of the following modifications to Directive 2003/96/EC becomes applicable:

- the general system for the taxation of energy products is modified in a manner to which the present authorisation is not adapted,
- France is authorised to apply differentiated levels of taxation at the level of the regions.

Article 3

This Decision is addressed to the French Republic.

Done at Luxembourg, 22 April 2013.

For the Council
The President
E. GILMORE

COUNCIL DECISION**of 22 April 2013****appointing a Spanish member and a Spanish alternate member of the Committee of the Regions**

(2013/194/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Spanish Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Juan Ignacio DIEGO PALACIOS. An alternate member's seat has become vacant following the end of the term of office of Ms Cristina MAZAS PÉREZ-OLEAGA,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as member:

— Ms Cristina MAZAS PÉREZ-OLEAGA, *Consejera de Economía, Hacienda y Empleo;*

and

(b) as alternate member:

— Ms Inmaculada VALENCIA BAYÓN, *Directora General de Economía y Asuntos Europeos.**Article 2*

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

Done at Luxembourg, 22 April 2013.

For the Council
The President
E. GILMORE

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION IMPLEMENTING DECISION

of 23 April 2013

defining the practical arrangements, uniform formats and a methodology in relation to the radio spectrum inventory established by Decision No 243/2012/EU of the European Parliament and of the Council establishing a multiannual radio spectrum policy programme

*(notified under document C(2013) 2235)***(Text with EEA relevance)**

(2013/195/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) An inventory of existing uses of spectrum, for both commercial and public purposes, has been established by Decision No 243/2012/EU. To implement this inventory, an implementing act shall be adopted to, on the one hand, develop practical arrangements and uniform formats for the collection and provision of data by the Member States to the Commission on existing uses of spectrum and on the other hand to develop a methodology for the analysis of technology trends, future needs and demand for spectrum in policy areas covered by the radio spectrum policy programme (RSPP), so as to identify developing and potential significant uses of spectrum, in particular in the frequency range between 400 MHz and 6 GHz (hereinafter 'the relevant spectrum').
- (2) The inventory should help identify spectrum bands in which the efficiency of existing spectrum uses could be improved, in particular bands that could be suitable for reallocation and spectrum-sharing opportunities so as to support EU policies set out in the RSPP, in order to match technology trends, and future needs for spectrum based, inter alia, on consumers' and operators' demand in Union policy areas. In order to help analyse the various types of use of the spectrum by private, i.e. mainly commercial, and public, i.e. governmental, users, there is a need to improve the level of detail, in particular, quantitative data available on supply and demand for certain parts of the spectrum or uses, as the data available currently varies considerably, depending on whether the spectrum is used for private, commercial or public purposes, and across Member States.
- (3) The spectrum inventory should be constructed progressively in order to lower the administrative

burden on the Member States while some prioritisation is necessary depending on the type of use, by focusing first on the bands identified in Article 6 of the Decision No 243/2012/EU and the bands relating to Union policies identified in Article 8 of that Decision. The purpose is to set up an inventory which is improved continually and could help achieving an efficient management of the spectrum in all bands relevant to Union policies through gradual improvement of data availability and analysis. Some of the most urgent contributions from the inventory should be to identify at least 1 200 MHz of suitable spectrum for wireless broadband services, as provided by Article 3(b) of Decision No 243/2012/EU as well as to enhance efficiency and flexibility, inter alia, by fostering, where appropriate, the collective use and shared use of spectrum, as called for in Article 4(1) of that Decision.

- (4) Data should be provided by Member States in the most consistent way possible, either through the European Communications Office Frequency Information System (EFIS), or directly to the Commission, in cases for example where data gathered from public users and national authorities needs to be treated on a restricted or confidential basis. Specific uniform formats for the collection of data may vary considerably depending on the type of use and frequency band in question and data may in certain cases not be available in a specific uniform format. In order nevertheless to ensure that available data is provided to the Commission in an effective way for analysis, Member States should collect data in machine readable format so as to allow the same electronic data interchange format with the Commission and EFIS.
- (5) As well as providing relevant data that is available, Member States, together with the Commission, should engage in a collaborative process to improve the quality and comparability of data, in order to develop the efficiency of the inventory as appropriate and relevant for the specific band in question, and to find a comparable format for data, without imposing a further administrative burden.
- (6) Additional data could also be obtained from public consultations and studies. Moreover, the inventory could use data provided, on a voluntary basis, by Member States and private parties who monitor spectrum on a permanent basis to manage the spectrum at local level, to cross-check the validity of licensing data, determine usage density in certain types

⁽¹⁾ OJ L 81, 21.3.2012, p. 7.

of authorisation schemes such as license-exempt bands and evaluate the level of spectrum usage throughout the Union in particular for bands in high demand.

- (7) In order to minimise the administrative burden and obligations for Member States, the methodology chosen for the inventory should take into account to the best extent possible the data provided by Member States pursuant to Commission Decision No 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community⁽¹⁾. Additional information gathered through voluntary means such as studies, including from the European Conference of Postal and Telecommunications Administrations, could also be used to further populate the inventory.
- (8) The identification of frequency bands that could be used more efficiently and which would be suitable for reallocation or spectrum sharing requires detailed knowledge of the actual use of spectrum, preferably evidenced by quantitative data. Such identification would help to find solutions to accommodate the technology trends, future needs and demand for spectrum which would be identified pursuant to the analysis to be conducted.
- (9) The process of the inventory should lead to a continual improvement of the efficient use of spectrum to satisfy a demand in constant evolution in relation to Union policies and taking into account technological evolution. On that basis, and to achieve the objectives set by Article 9(1) of Decision No 243/2012/EU, the Commission would issue reports to the European Parliament and to the Council. That would be done on a regular basis, depending on the time necessary to conduct the analysis in the inventory as well as the pace of evolution of spectrum use.
- (10) While transparency of the use of spectrum is essential to the inventory, this is subject to the protection of personal data and privacy, business confidentiality and state secrets under EU law. These provisions include Article 346(1)(a) of the Treaty on the Functioning of the European Union allowing Member States to refrain from supplying information contrary to the essential interests of its security; Article 8 of Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)⁽²⁾; Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁽³⁾; as well as the Annex to the Rules of Procedure of the Commission which governs the handling of EU classified information, including information originating within the EU or is received from Member States, third States or international organisations⁽⁴⁾.

- (11) In line with Article 15 of Decision No 243/2012/EU, the effectiveness of the inventory should be reviewed from time to time to ensure that the objectives listed in that Decision are being implemented effectively and whether they need to be adapted. Member States should provide the Commission with the relevant information.
- (12) The measures provided for in this Decision take utmost account of the views of the Radio Spectrum Policy Group and are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

Objective

This decision sets the practical arrangements and uniform formats for the collection and provision of data by Member States to the Commission on existing uses of spectrum between 400 MHz and 6 GHz (hereafter 'the relevant spectrum'), and the methodology for the analysis of technology trends, future needs and demand for spectrum in Union policy areas, pursuant to Article 9 of Decision No 243/2012/EU establishing a multiannual Radio Spectrum Policy Programme.

Article 2

Collection and Provision of data

In order to fulfil the objectives under Article 9(1) of Decision No 243/2012/EU, Member States shall collect and provide for electronic data interchange with the Commission data which is available to them on rights of use and actual use of the relevant spectrum, in accordance with the following arrangements:

- (1) Member States shall ensure that the relevant information already collected pursuant to Decision No 2007/344/EC is provided by the European Communications Office to the Commission, so as to minimise the administrative burden;
- (2) in addition to data under paragraph 1, Member States shall provide to the Commission data, if available at national level, in the machine readable format chosen at national level, including data on the public use of spectrum, and which is necessary for the Commission to carry out its tasks under this Decision and Decision No 243/2012/EU;
- (3) Member States shall cooperate with the Commission to increase the data available on spectrum use for provision under paragraph 2, in particular by providing quantitative data such as, unless they consider it impossible in view of national circumstances, the number of transmitters, time duration of usage and the coordinates or location information showing the geographical extent of spectrum usage, as well as technologies in use and sharing conditions, and this in a comparable format across Member States. In order to limit the administrative burden, data concerning those bands relevant for the implementation of the objectives set by Decision No 243/2012/EU, taking into account the opinion of the Radio Spectrum Policy Group,

⁽¹⁾ OJ L 129, 17.5.2007, p. 67.

⁽²⁾ OJ L 108, 24.4.2002, p. 1.

⁽³⁾ OJ L 145, 31.5.2001, p. 43.

⁽⁴⁾ OJ L 317, 3.12.2001, p. 1.

shall be collected and provided in accordance with this Article first. Data about all frequency bands in the relevant spectrum shall be collected and provided by Member States in a step-by-step approach by 31 December 2015.

Article 3

Identification of future demand for spectrum

1. In order to help identify future demand for spectrum as well as specific spectrum bands which could best accommodate future needs and demand for spectrum, whilst taking utmost account of the opinion of the Radio Spectrum Policy Group, the Commission shall analyse all data collected pursuant to Article 2 or through other means, such as public consultations and studies, taking into account:

- the technical efficiency of existing use,
- the economic efficiency of existing use by comparing the possibilities and options available for individual bands to accommodate future needs,
- the socioeconomic impact on existing users of the relevant bands and adjacent bands.

2. The analysis referred to in paragraph 1 shall aim at identifying technology trends, future needs and demand for spectrum in Union policy areas in relation to applications grouped by similar technical characteristics and functionality in Part I of the Annex, and the identification of significant developing and potential uses of spectrum. This analysis shall, where necessary and possible, contain at least the information listed in Part II of the Annex. The Commission shall ensure transparency by conducting workshops or public consultations.

Article 4

Report to European Parliament and Council

1. The Commission shall include the results of the analysis conducted pursuant to this Decision and the information listed in Part II of the Annex in regular reports to be submitted pursuant to Article 9(4) of Decision No 243/2012/EU.

2. In order to meet the objectives of Article 9(1) of Decision No 243/2012/EU and taking into account the analysis of technology trends, future needs and demand for spectrum, together with an analysis of data collected under Article 2 of this Decision, the Commission may include in these reports possible specific options for accommodating the identified needs and maximising the efficiency of the use of spectrum

taking into account drawbacks (including costs for users, manufacturers and the financial budget of the Union on the one hand and of the Member States concerned on the other) and benefits, including an analysis of the overall effects of those options.

Article 5

Confidentiality and classified information

Member States and the Commission shall ensure the protection of information which is considered confidential or classified by a Member State, an international institution, the Commission or any third party, in accordance with EU and national law, in particular:

- business confidential information,
- information in relation to protection of privacy, and
- information in relation to public security and defence.

This shall be without prejudice to the right of relevant authorities to undertake disclosure where permitted under national law and if such a disclosure is essential for the purposes of fulfilling their duties. Such disclosure shall be proportionate and shall have regard to the legitimate interest of the party concerned in the protection of any of the information mentioned above.

Article 6

Review

In order to assist the Commission in reporting on the functioning of the radio spectrum inventory, Member States shall provide the Commission with information on the application and effectiveness of this decision.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 23 April 2013.

For the Commission

Neelie KROES

Vice-President

ANNEX

PART I

Application Groupings

The following application groupings are relevant for the analysis of trends, needs and demand by the Commission and do not restrict the application terms used by the Member States when providing data. These groupings are intended to provide a starting point for a structured assessment of spectrum usage with similar technical characteristics and functionality and may be developed further, as appropriate, for the assessment of technology trends, future needs and spectrum demand.

- (1) Aeronautical, Maritime and Civil Radiolocation and Navigation Systems
- (2) Broadcasting (terrestrial)
- (3) Cellular/BWA
- (4) Defence Systems
- (5) Fixed Links
- (6) Intelligent Transport Systems (ITS)
- (7) Meteorology
- (8) PMR/PAMR
- (9) PMSE
- (10) PPDR
- (11) Radio Astronomy
- (12) Satellite Systems
- (13) Short Range Devices (SRDs)
- (14) WLAN/RLAN

PART II

Content of the report to be submitted by the Commission pursuant to Article 4

Where possible depending on the level of data collected, the report to be submitted by the Commission pursuant to Article 9(4) of Decision No 243/2012/EU shall include at least the following information:

- (1) state of technology trends for the use of the relevant spectrum in the Union policy areas covered by the Radio Spectrum Policy Programme;
 - (2) future needs and demand for spectrum.
-

COMMISSION IMPLEMENTING DECISION

of 24 April 2013

amending Implementing Decision 2012/715/EU establishing a list of third countries with a regulatory framework applicable to active substances for medicinal products for human use and the respective control and enforcement activities ensuring a level of protection of public health equivalent to that in the Union

(Text with EEA relevance)

(2013/196/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medicinal products for human use ⁽¹⁾, and in particular Article 111b(1) thereof,

Whereas:

(1) In accordance with Article 111b(1) of Directive 2001/83/EC a third country may request the Commission to assess whether its regulatory framework applicable to active substances exported to the Union and the respective control and enforcement activities ensure a level of protection of public health equivalent to that of the Union in order to be included in a list of third countries ensuring an equivalent level of protection of public health.

(2) Australia requested, by letter dated 18 September 2012, to be listed in accordance with Article 111b(1) of Directive 2001/83/EC. The equivalence assessment by the Commission confirmed that the requirements of that Article were fulfilled. In exercising this equivalence assessment, account was taken of the agreement on mutual recognition ⁽²⁾ as referred to in Article 51(2) of that Directive between Australia and the Union.

(3) Commission Implementing Decision 2012/715/EU of 22 November 2012 establishing a list of third countries with a regulatory framework applicable to active substances for medicinal products for human use and the respective control and enforcement activities ensuring a level of protection of public health equivalent to that in the Union, in accordance with Directive 2001/83/EC of the European Parliament and of the Council ⁽³⁾ should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2012/715/EU is replaced by the text set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 24 April 2013.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 311, 28.11.2001, p. 67.

⁽²⁾ OJ L 229, 17.8.1998, p. 3.

⁽³⁾ OJ L 325, 23.11.2012, p. 15.

ANNEX

'ANNEX

Third country	Remarks
Australia	
Switzerland'	

2013 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 300 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 420 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 910 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 100 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 200 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

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

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

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

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

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

Sales and subscriptions

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

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

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

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN