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Price: EUR 3

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 22 April 2013

on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Annex XXI (Statistics) to the EEA Agreement

(2013/206/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 338(1), in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XXI thereto.
- (3) Annex XXI to the EEA Agreement contains specific provisions and arrangements concerning Statistics.
- (4) Commission Regulation (EU) No 555/2012 of 22 June 2012 amending Regulation (EC) No 184/2005 of the European Parliament and of the Council on Community statistics concerning balance of payments, international trade in services and foreign direct investment, as regards the update of data requirements

and definitions ⁽³⁾ should be incorporated in the EEA Agreement, with certain adaptations for Norway, Iceland and Liechtenstein.

- (5) Annex XXI to the EEA Agreement should therefore be amended accordingly.
- (6) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Annex XXI (Statistics) to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

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 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ OJ L 166, 27.6.2012, p. 22.

COUNCIL DECISION**of 22 April 2013****on the position to be adopted, on behalf of the European Union, in the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

(2013/207/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 46 and 48, in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Protocol 31 thereto.
- (3) Protocol 31 to the EEA Agreement contains specific provisions and arrangements concerning cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to the actions funded from the 04 01 04 08 and 04 03 05 budget lines for the financial year 2013.

(5) Protocol 31 to the EEA Agreement should therefore be amended accordingly.

(6) The position of the Union in the EEA Joint Committee should be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the European Union, in the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

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 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No .../2013**of ...****amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include cooperation concerning free movement of workers, coordination of social security systems and measures for migrants, including migrants from third countries.
- (2) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 1 January 2013,

HAS ADOPTED THIS DECISION:

Article 1

Paragraphs 5 and 12 of Article 5 of Protocol 31 to the EEA Agreement shall be amended as follows:

The words 'year 2012' are replaced by 'years 2012 and 2013'.

Article 2

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (*).

It shall apply from 1 January 2013.

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

For the EEA Joint Committee

The President

*The Secretaries
to the EEA Joint Committee*

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 392/2013

of 29 April 2013

amending Regulation (EC) No 889/2008 as regards the control system for organic production

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾, and in particular Article 33(2) and (3) and Article 38(c) and (d) thereof,

Whereas:

- (1) According to Article 28(1) of Regulation (EC) No 834/2007, operators who produce, prepare, store, place on the market, import or export products produced in compliance with the production rules laid down in that Regulation must submit their undertaking to the control system referred to in Article 27 of that Regulation. Detailed rules for the application of that control system are laid down in Title IV of Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control ⁽²⁾.
- (2) Under that control system the operators must notify their undertaking to the competent authority, including information on the relevant control body, and sign a declaration that they perform according to the organic rules, including the acceptance of enforcement of measures in case of infringements and irregularities.
- (3) Article 30(2) of Regulation (EC) No 834/2007 provides for the communication of information related to irregularities or infringements affecting the organic status of a product. To enhance efficiency, operators should inform their control authorities or control bodies of any irregularity or infringement affecting the organic status of their product including organic products they receive from other operators.
- (4) In the light of the experience gained with the implementation of the control system and in the interest of the organic sector, it is appropriate to establish a minimum

number of samples to be taken and analysed by control authorities or control bodies every year on the basis of the general evaluation of the risk of non-compliance with the organic production rules. Where the control authorities or control bodies has suspicion that products not authorised for organic production are used, they should take and analyse samples of the products concerned. In such cases no minimum number of samples should apply. Samples may also be taken and analysed by control authorities or control bodies in any other case for detecting non-compliance with the Union organic requirements.

- (5) In the light of the experience gained with the implementation of the control system and in the interest of the organic sector, it is appropriate to provide for the transmission of the relevant information in cases where the operator or the subcontractors of that operator are checked by different control authorities or control bodies or where operators or their subcontractors change their control authority or control body. Adequate exchange of information and transmission of the control files of those operators should be possible in order to manage the control system, while observing the requirements of the protection of personal data as laid down in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾. Operators should accept the transmission and exchange of their data and all information relating to their activities under the control system.
- (6) In order to ensure the uniform application of the control system and to avoid ambiguities, a definition of the term 'control file' should be included in Regulation (EC) No 889/2008.
- (7) Electronic certification is referred to in Article 29(3) of Regulation (EC) No 834/2007 in relation to the form of the documentary evidence. It is appropriate to clarify that in case of electronic certification, the signature of the documentary evidence is not required if the authenticity of the documentary evidence is otherwise shown by a tamper-proof electronic method.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ OJ L 250, 18.9.2008, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

- (8) The experience has shown that clarification is needed as regards the exchange of information between Member States in cases where a Member State finds irregularities or infringements concerning compliance of the products imported in accordance with Article 33(2) and (3) of Regulation (EC) No 834/2007 or Article 19 of Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries ⁽¹⁾.
- (9) In addition, it is appropriate to clarify the procedure relating to the exchange of information between Member States in cases of irregularities or infringements, taking into account the best practices established since 2009.
- (10) In order to ensure the coherence with Article 33(1) of Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures ⁽²⁾, it is important to clarify that Member States should ensure that sufficient information on the controls carried out is received by the paying agency where controls are not carried out by the paying agency.
- (11) In accordance with Article 44(1)(a) of Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽³⁾ Member States are required to indicate in their annual report any amendment to their multi-annual national control plan to take account of, inter alia, new legislation. The Commission should have the necessary data and information on the supervision carried out by competent authorities of the Member States in relation to organic production. Therefore, Member States should be required to amend their national control plan in order to cover that supervision and to indicate those amendments and the relevant organic data in the annual report referred to in Article 44 of Regulation (EC) No 882/2004. Member States should be allowed to present those organic data as a separate chapter in the national control plan and in the annual report.
- (12) In addition to obligations relating to controls set out in Regulation (EC) No 882/2004, Title V of Regulation (EC) No 834/2007 and Regulation (EC) No 889/2008 set out more specific provisions on the controls in the organic sector. In case the competent authority delegates control tasks to control bodies, which are private entities, Regulation (EC) No 834/2007 sets out more detailed requirements and obligations each control body has to fulfil.
- (13) The experience has shown that the specific provisions on controls of organic production need to be more detailed, particularly in order to strengthen the supervision of competent authorities over the control bodies that have been delegated control tasks. Those provisions should be included in the control system of the Member States set up in accordance with Article 27 of Regulation (EC) No 834/2007 as uniform minimum requirements.
- (14) Competent authorities of the Member States should have documented procedures for delegating tasks to control bodies and supervising them in order to ensure that the regulatory requirements are respected.
- (15) The exchange of information within Member States, among Member States, and between Member States and the Commission relating to the supervision carried out by competent authorities should be improved and uniform minimum requirements should be adopted.
- (16) Regulation (EC) No 889/2008 should therefore be amended accordingly.
- (17) For the efficiency of the control arrangements, the additional elements, as added by this Regulation, which are to be covered by the undertaking included in the declaration to be signed by the operator as referred to in Article 63(2) of Regulation (EC) No 889/2008, should also apply to operators who signed that declaration before the date of application of this Regulation.
- (18) In order to ensure the smooth transition from the current control system to the amended system, this Regulation should apply from 1 January 2014.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 889/2008

Regulation (EC) No 889/2008 is amended as follows:

(1) in Article 2, the following point (s) is added:

- ‘(s) “control file” means all the information and documents transmitted, for the purposes of the control system, to the competent authorities of the Member State or to control authorities and control bodies by an operator subject to the control system as referred to in Article 28 of Regulation (EC) No 834/2007, including all the relevant information and documents relating to that operator or the activities of that operator held by competent authorities, control authorities and control bodies, with the exception of information or documents that have no bearing on the operation of the control system.’;

(2) in the first subparagraph of Article 63(2), the following points (d) to (h) are added:

⁽¹⁾ OJ L 334, 12.12.2008, p. 25.

⁽²⁾ OJ L 25, 28.1.2011, p. 8.

⁽³⁾ OJ L 165, 30.4.2004, p. 1.

(d) to accept, in cases where the operator and/or the subcontractors of that operator are checked by different control authorities or control bodies in accordance with the control system set up by Member State concerned, the exchange of information between those authorities or bodies;

(e) to accept, in cases where the operator and/or the subcontractors of that operator change their control authority or control body, the transmission of their control files to the subsequent control authority or control body;

(f) to accept, in cases where the operator withdraws from the control system, to inform without delay the relevant competent authority and control authority or control body;

(g) to accept, in cases where the operator withdraws from the control system, that the control file is kept for a period of at least five years;

(h) to accept to inform the relevant control authority or authorities or control body or bodies without delay of any irregularity or infringement affecting the organic status of their product or organic products received from other operators or subcontractors.;

(3) in Article 65, paragraph 2 is replaced by the following:

‘2. The control authority or control body shall take and analyse samples for detecting of products not authorised for organic production, for checking production techniques not in conformity with the organic production rules or for detecting possible contamination by products not authorised for organic production. The number of samples to be taken and analysed by the control authority or control body every year shall correspond to at least 5 % of the number of operators under its control. The selection of the operators where samples have to be taken shall be based on the general evaluation of the risk of non-compliance with the organic production rules. This general evaluation shall take into account all stages of production, preparation and distribution.

The control authority or control body shall take and analyse samples in each case where the use of products or techniques not authorised for organic production is suspected. In such cases no minimum number of samples to be taken and analysed shall apply.

Samples may also be taken and analysed by the control authority or control body in any other case for detecting of products not authorised for organic production, for checking production techniques not in conformity with the organic production rules or for detecting possible contamination by products not authorised for organic production.;

(4) in Article 68(1), the following subparagraph is added:

‘In case of electronic certification as referred to in Article 29(3) of Regulation (EC) No 834/2007, the

signature in box 8 of the documentary evidence shall not be required if the authenticity of the documentary evidence is otherwise shown by a tamper-proof electronic method.’;

(5) Articles 92 and 92a are replaced by the following:

‘Article 92

Exchange of information between control authorities, control bodies and competent authorities

1. Where the operator and/or the subcontractors of that operator are checked by different control authorities or control bodies, the control authorities or control bodies shall exchange the relevant information on the operations under their control.

2. Where operators and/or their subcontractors change their control authority or control body, the change shall be notified without delay to the competent authority by the control authorities or control bodies concerned.

The previous control authority or control body shall hand over the relevant elements of the control file of the operator concerned and the reports referred to in the second subparagraph of Article 63(2) to the subsequent control authority or control body.

The new control authority or control body shall ensure that non-conformities noted in the report of the previous control authority or control body have been or are being addressed by the operator.

3. Where the operator withdraws from the control system, the control authority or control body of that operator shall, without delay, inform the competent authority.

4. Where a control authority or control body finds irregularities or infringements affecting the organic status of products, it shall without delay inform the competent authority of the Member State which designated or approved it in accordance with Article 27 of Regulation (EC) No 834/2007.

That competent authority may require, on its own initiative, also any other information on irregularities or infringements.

In case of irregularities or infringements found with regard to products under the control of other control authorities or control bodies, it shall also inform those authorities or bodies without delay.

5. Member States shall take the appropriate measures and establish documented procedures to enable exchange of information between all control authorities they have designated and/or all control bodies they have approved in accordance with Article 27 of Regulation (EC) No 834/2007, including procedures for the exchange of information for the purpose of verifying documentary evidence referred to in Article 29(1) of that Regulation.

6. Member States shall take the appropriate measures and establish documented procedures in order to ensure that information on the results of inspections and visits as referred to in Article 65 of this Regulation is communicated to the paying agency in accordance with the needs of that paying agency as provided for in Article 33(1) of Commission Regulation (EU) No 65/2011 (*).

Article 92a

Exchange of information between different Member States and the Commission

1. Where a Member State finds irregularities or infringements relating to the application of this Regulation with regard to a product coming from another Member State and bearing indications as referred to in Title IV of Regulation (EC) No 834/2007 and in Title III and/or Annex XI to this Regulation, it shall notify the Member State which designated the control authority or approved the control body, the other Member States and the Commission without delay via the system referred to in Article 94(1) of this Regulation.

2. Where a Member State finds irregularities or infringements as regards compliance of the products imported in accordance with Article 33(2) or (3) of Regulation (EC) No 834/2007 with the requirements laid down in that Regulation or Regulation (EC) No 1235/2008, it shall notify the other Member States and the Commission without delay via the system referred to in Article 94(1) of this Regulation.

3. Where a Member State finds irregularities or infringements as regards compliance of the products imported in accordance with Article 19 of Regulation (EC) No 1235/2008 with the requirements laid down in that Regulation and Regulation (EC) No 834/2007, it shall notify the Member State which issued the authorisation, the other Member States and the Commission without delay via the system referred to in Article 94(1) of this Regulation. The notification shall be sent to the other Member States and to the Commission in case the irregularity or infringement is found with regard to products for which the Member State itself issued the authorisation referred to in Article 19 of Regulation (EC) No 1235/2008.

4. The Member State which receives a notification relating to non-compliant products in accordance with paragraph 1 or 3 or the Member State which issued the authorisation referred to in Article 19 of Regulation (EC) No 1235/2008 for a product for which an irregularity or infringement was found, shall investigate the origin of the irregularities or infringements. It shall take appropriate action immediately.

It shall inform the Member State which sent the notification, the other Member States and the Commission of the result of the investigation and of the action taken by replying to the original notification via the system referred to in Article 94(1). The reply shall be sent within 30 calendar days from the date of the original notification.

5. The Member State which sent the original notification may ask the replying Member State for additional information, if needed. In any case, after receiving a reply or additional information from a notified Member State, the Member State which sent the original notification shall make the necessary entries and updates in the system referred to in Article 94(1).

Article 92b

Publication of information

Member States shall make available to the public, in an appropriate manner including publication on the internet, the updated lists referred to in Article 28(5) of Regulation (EC) No 834/2007 containing updated documentary evidence related to each operator, as provided for in Article 29(1) of that Regulation and using the model set out in Annex XII to this Regulation. The Member States shall duly observe the requirements of the protection of personal data as laid down in Directive 95/46/EC of the European Parliament and of the Council (**).

(*) OJ L 25, 28.1.2011, p. 8.

(**) OJ L 281, 23.11.1995, p. 31.;

(6) in Title IV, the following Chapter 9 is added:

'CHAPTER 9

Supervision by competent authorities

Article 92c

Supervisory activities relating to control bodies

1. The supervisory activities by competent authorities delegating control tasks to control bodies in accordance with Article 27(4)(b) of Regulation (EC) No 834/2007 shall focus on the evaluation of the operational performance of those control bodies, taking into account the results of the work of the national accreditation body as referred to in Article 2(11) of Regulation (EC) No 765/2008 of the European Parliament and of the Council (*).

Those supervisory activities shall include an assessment of the internal procedures of the control bodies for the controls, the management and examination of control files in the light of the obligations established by Regulation (EC) No 834/2007 and the verification of handling of non-conformities and the handling of appeals and complaints.

2. The competent authorities shall require control bodies to submit documentation on their risk analysis procedure.

The risk analysis procedure shall be designed in such a way that:

- (a) the result of the risk analysis provides the basis for determining the intensity of the unannounced or announced annual inspections and visits;

- (b) additional random control visits carried out in accordance with Article 65(4) of at least 10 % of operators under contract in accordance with the risk category are performed;
- (c) at least 10 % of all inspections and visits carried out in accordance with Article 65(1) and (4) are unannounced;
- (d) the selection of operators to be submitted to unannounced inspections and visits is determined on the basis of the risk analysis and that these are planned according to the level of risk.

3. Competent authorities delegating control tasks to control bodies shall verify that the staff of the control bodies has sufficient knowledge, including knowledge of the risk elements affecting the organic status of products, qualifications, training and experience with respect to organic production in general and with the relevant Union rules in particular and that appropriate rules on rotation of inspectors are in force.

4. Competent authorities shall have documented procedures for the delegation of tasks to control bodies in accordance with Article 27(5) of Regulation (EC) No 834/2007 and for the supervision in accordance with this Article, detailing the information to be submitted by control bodies.

Article 92d

Catalogue of measures in case of irregularities and infringements

Competent authorities shall adopt and communicate to control bodies that have been delegated control tasks, a catalogue at least listing infringements and irregularities affecting the organic status of products and corresponding measures to be applied by control bodies in case of infringements or irregularities by operators under their control who are involved in organic production.

Competent authorities may include other relevant information in the catalogue on their own initiative.

Article 92e

Annual inspection of control bodies

Competent authorities shall organise an annual inspection of the control bodies that have been delegated control tasks in accordance with Article 27(4)(b) of Regulation (EC) No 834/2007. For the purposes of the annual inspection, the competent authority shall take into account the results of the work of the national accreditation body as referred to in Article 2(11) of Regulation (EC) No 765/2008. During the annual inspection, the competent authority shall, in particular, verify:

- (a) the compliance with the control body's standard control procedure as submitted by the control body to the competent authority in accordance with Article 27(6)(a) of Regulation (EC) No 834/2007;

- (b) that the control body has a sufficient number of suitable qualified and experienced staff in accordance with Article 27(5)(b) of Regulation (EC) No 834/2007 and that training concerning risks affecting the organic status of products has been implemented;
- (c) that the control body has and follows documented procedures and templates for:
 - (i) the annual risk analysis in accordance with Article 27(3) of Regulation (EC) No 834/2007;
 - (ii) preparing a risk-based sampling strategy, conducting sampling and laboratory analysis;
 - (iii) information exchange with other control bodies and with the competent authority;
 - (iv) initial and follow-up controls of operators under their control;
 - (v) the application and follow-up to the catalogue of measures to be applied in case of infringements or irregularities;
 - (vi) observing the requirements of the protection of personal data for the operators under its control as laid down by the Member States where that competent authority operates and in accordance with Directive 95/46/EC.

Article 92f

Organic data in the multi-annual national control plan and annual report

Member States shall ensure that their multi-annual national control plans referred to in Article 41 of Regulation (EC) No 882/2004 cover the supervision of controls performed on the organic production in accordance with this Regulation and to include the specific data on that supervision, hereinafter referred to as "the organic data", in the annual report referred to in Article 44 of Regulation (EC) No 882/2004. The organic data shall cover the topics listed in Annex XIIIb to this Regulation.

The organic data shall be based on information on the controls performed by the control bodies and/or control authorities and on audits performed by the competent authority.

The data shall be presented according to the templates provided for in Annex XIIIc to this Regulation as from 2015 for the year 2014.

Member States may insert the organic data as an organic chapter of their national control plan and their annual report.

(*) OJ L 218, 13.8.2008, p. 30.;

(7) Annexes XIIIb and XIIIc, the text of which is set out in the Annex to this Regulation, are inserted.

*Article 2***Transitional provision**

Points (d) to (h) of the first subparagraph of Article 63(2) of Regulation (EC) No 889/2008 as added by point (2) of Article 1 of this Regulation shall also apply to operators who signed the declaration referred to in Article 63(2) of Regulation (EC) No 889/2008 before the date of application of this Regulation.

*Article 3***Entry into force and application**

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

It shall apply from 1 January 2014.

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

Done at Brussels, 29 April 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

‘ANNEX XIIIb

Topics to be covered by the national competent authority in the organic data referred to in Article 92f

1. Information on the competent authority for the organic production
 - which body is the competent authority
 - resources available to the competent authority
 - description of audits performed by the competent authority (how, by whom)
 - documented procedure of the competent authority
 2. Description of the control system for organic production
 - system of control bodies and/or control authorities
 - registered operators covered by the control system — minimum annual inspection
 - how is the risk based approach applied
 3. Information on control bodies/authorities
 - list of control bodies/authorities
 - tasks delegated to the control bodies/conferred to control authorities
 - supervision of delegated control bodies (by whom and how)
 - coordination of activities in case of more than one control body/authority
 - training of staff performing the controls
 - announced/unannounced inspections and visits
-

Templates for the organic data referred to under Article 92f

Report on official controls in the organic sector

Country:

Year:

1) Information on controls of operators:

Code number of control body or control authority	Number of registered operators per control body or control authority	Number of registered operators						Number of annual inspections						Number of additional risk based visits						Total number of inspections/visits					
		Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)
MS-BIO-01																									
MS-BIO-02																									
MS-BIO-...																									
Total																									

(*) Agricultural producers include agricultural producers only, producers that are also processors, producers that are also importers, other mixed producers not elsewhere classified (n.e.c.).

(**) Processors include processors only, processors that are also importers, other mixed processors n.e.c.

(***) Other operators include traders (wholesalers, retailers), other operators n.e.c.

Code number of control body or control authority or Name of Competent Authority	Number of registered operators						Number of samples analysed						Number of samples indicating breach of Regulations (EC) No 834/2007 and (EC) No 1235/2008					
	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)
MS-BIO-01																		
MS-BIO-02																		

Code number of control body or control authority or Name of Competent Authority	Number of registered operators						Number of samples analysed						Number of samples indicating breach of Regulations (EC) No 834/2007 and (EC) No 1235/2008					
	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)
MS-BIO-...																		
Total																		

(*) Agricultural producers include agricultural producers only, producers that are also processors, producers that are also importers, other mixed producers not elsewhere classified (n.e.c.).

(**) Processors include processors only, processors that are also importers, other mixed processors n.e.c.

(***) Other operators include traders (wholesalers, retailers), other operators n.e.c.

Code number of control body or control authority	Number of registered operators						Number of irregularities or infringements found ⁽¹⁾						Number of measures applied on the lot or the production run ⁽²⁾						Number of measures applied on the operator ⁽³⁾					
	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)
MS-BIO-01																								
MS-BIO-02																								
MS-BIO-...																								
Total																								

(*) Agricultural producers include agricultural producers only, producers that are also processors, producers that are also importers, other mixed producers not elsewhere classified (n.e.c.).

(**) Processors include processors only, processors that are also importers, other mixed processors n.e.c.

(***) Other operators include traders (wholesalers, retailers), other operators n.e.c.

⁽¹⁾ Only irregularities and infringements which affect the organic status of products and/or have resulted in a measure being applied are included.

⁽²⁾ Where an irregularity is found as regards compliance with the requirements laid down in this Regulation, the control authority or control body shall ensure that no reference to the organic production method is made in the labelling and advertising of the entire lot or production run affected by this irregularity, where this would be proportionate to the relevance of the requirement that has been violated and to the nature and particular circumstances of the irregular activities (as referred to in first subparagraph of Article 30(1) of Regulation (EC) No 834/2007).

⁽³⁾ Where a severe infringement or an infringement with prolonged effect is found, the control authority or control body shall prohibit the operator concerned from marketing products which refer to the organic production method in the labelling and advertising for a period to be agreed with the competent authority of the Member State (as referred to in second subparagraph of Article 30(1) of Regulation (EC) No 834/2007).

2) Information on supervision and audits:

Code number of control body or control authority	Number of registered operators per control body or control authority	Number of registered operators						Document review and office audit ⁽¹⁾ (Number of operator files checked)						Number of review audits ⁽²⁾						Number witness audits ⁽³⁾					
		Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)	Agricultural Producers (*)	Aquaculture animal production units	Processors (**)	Importers	Exporters	Other operators (***)
MS-BIO-01																									
MS-BIO-02																									
MS-BIO-...																									
Total																									

(*) Agricultural producers include agricultural producers only, producers that are also processors, producers that are also importers, other mixed producers not elsewhere classified (n.e.c.).

(**) Processors include processors only, processors that are also importers, other mixed processors n.e.c.

(***) Other operators include traders (wholesalers, retailers), other operators n.e.c.

(1) Document review of the relevant general documents describing the structure, functioning and quality management of the control body. Office audit of the control body, including checking of operator files and verification of handling of non-conformities and complaints, including the minimum control frequency, the use of risk based approach, unannounced and follow-up visits, the sampling policy and the exchange of information with other control bodies and control authorities.

(2) Review audit: inspection of an operator by the competent authority to verify compliance with the operating procedures of the control body and to verify its effectiveness.

(3) Witness audit: observation by the competent authority of an inspection by an inspector of the control body.

3) Conclusions on the control system for the organic production:

Code number of control body or control authority	Withdrawal of the approval			Actions taken to ensure effective operation of the control system for the organic production (enforcement)
	Yes/No	From (date)	To (date)	
MS-BIO-01				
MS-BIO-02				
MS-BIO-...				

Statement of overall performance of the control system for the organic production:

COMMISSION IMPLEMENTING REGULATION (EU) No 393/2013**of 29 April 2013****amending Regulations (EC) No 1120/2009 and (EC) No 1122/2009 as regards the eligibility criteria and the notification obligations concerning hemp varieties for the implementation of the direct support schemes for farmers**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003⁽¹⁾, and in particular Article 39(2) and Article 142(h) thereof,

Whereas:

- (1) In accordance with Article 39(1) of Regulation (EC) No 73/2009, areas used for the production of hemp are only eligible for direct payments if the varieties used have a tetrahydrocannabinol content not exceeding 0,2 %. Pursuant to Article 124(3) of Regulation (EC) No 73/2009, Article 39 of that Regulation also applies to areas under the single area payment scheme in the new Member States.
- (2) Article 10 of Commission Regulation (EC) No 1120/2009 of 29 October 2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers⁽²⁾ lays down that the payment of entitlements for areas planted with hemp shall be subject to the use of seed of the varieties listed in the 'Common Catalogue of Varieties of Agricultural Plant Species', with the exception of the varieties Finola and Tiborszálási, which are at present only eligible in Finland and Hungary respectively.
- (3) Based on notifications of some Member States and given the fact that a procedure is already foreseen for the exclusion of a given variety at the level of the Member States, the scheme can be simplified at Union level by deleting the provision which limits the eligibility of areas using the varieties Finola and Tiborszálási to a certain Member State.
- (4) Article 40 of Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and

control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector⁽³⁾ sets the procedure to be followed when the samples of a given variety exceed the tetrahydrocannabinol content laid down in Article 39(1) of Regulation (EC) No 73/2009.

- (5) Taking into account that Member States have all the information at hand to request from the Commission the authorisation to prohibit the marketing of a hemp variety having a tetrahydrocannabinol content exceeding that laid down in Article 39(1) of Regulation (EC) No 73/2009 and to exclude such variety from eligibility to direct payments, the scheme can be simplified further by deleting the obligation to notify the reports on the tetrahydrocannabinol findings relating to samples of that variety.
- (6) Regulations (EC) No 1120/2009 and (EC) No 1122/2009 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Article 10 of Regulation (EC) No 1120/2009 is replaced by the following:

'Article 10

Production of hemp

For the purposes of Article 39 of Regulation (EC) No 73/2009, the payment of the entitlements for areas planted with hemp shall be subject to the use of seed of the varieties listed in the "Common Catalogue of Varieties of Agricultural Plant Species" on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC (*). The seed shall be certified in accordance with Council Directive 2002/57/EC (**).

(*) OJ L 193, 20.7.2002, p. 1.

(**) OJ L 193, 20.7.2002, p. 74.'

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 316, 2.12.2009, p. 1.

⁽³⁾ OJ L 316, 2.12.2009, p. 65.

Article 2

In Article 40(2) of Regulation (EC) No 1122/2009, the second subparagraph is deleted.

Article 3

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

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

Done at Brussels, 29 April 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 394/2013

of 29 April 2013

amending the Annex to Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance monepantel

(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 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council⁽¹⁾, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) The maximum residue limit (MRL) for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry should be established in accordance with Regulation (EC) No 470/2009.
- (2) Pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin are set out in the Annex to Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin⁽²⁾.
- (3) Monepantel is currently included in Table 1 of the Annex to Regulation (EU) No 37/2010 as an allowed substance, for ovine and caprine species, applicable to muscle, fat, liver and kidney, excluding animals producing milk for human consumption.

- (4) An application for the extension of the existing entry for monepantel applicable to ovine milk has been submitted to the European Medicines Agency.
- (5) According to Article 5 of Regulation (EC) No 470/2009 the European Medicines Agency is to consider using MRLs established for a pharmacologically active substance in a particular foodstuff for another foodstuff derived from the same species, or MRLs established for a pharmacologically active substance in one or more species for other species. The Committee for Medicinal Products for Veterinary Use recommended the establishment of a MRL for monepantel for ovine milk, and the extrapolation of the MRLs for monepantel from ovine species, applicable to milk to caprine species, applicable to milk.
- (6) The entry for monepantel in Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended to include the MRLs for ovine and caprine species, applicable to milk.
- (7) It is appropriate to provide for a reasonable period of time for the stakeholders concerned to take measures that may be required to comply with the newly set MRL.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 29 June 2013.

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

Done at Brussels, 29 April 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ OJ L 15, 20.1.2010, p. 1.

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the entry corresponding to monepantel is replaced by the following:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic classification
Monepantel	Monepantel-sulfone	Ovine, caprine	700 µg/kg 7 000 µg/kg 5 000 µg/kg 2 000 µg/kg 170 µg/kg	Muscle Fat Liver Kidney Milk		Antiparasitic agents/Agents acting against endoparasites'

COMMISSION IMPLEMENTING REGULATION (EU) No 395/2013**of 29 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, 29 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	75,7
	TN	97,0
	TR	124,1
	ZZ	98,9
0707 00 05	AL	65,0
	TR	129,8
	ZZ	97,4
0709 93 10	TR	108,2
	ZZ	108,2
0805 10 20	EG	55,9
	IL	72,0
	MA	53,1
	TN	69,6
	TR	68,0
	ZZ	63,7
0805 50 10	TR	90,8
	ZA	105,6
	ZZ	98,2
0808 10 80	AR	116,6
	BR	102,2
	CL	120,3
	CN	73,9
	MK	30,8
	NZ	137,7
	US	237,3
	ZA	107,9
	ZZ	115,8
0808 30 90	AR	139,1
	CL	136,5
	CN	69,8
	NZ	199,4
	ZA	135,6
	ZZ	136,1

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

DECISIONS

COUNCIL DECISION

of 22 April 2013

on guidelines for the employment policies of the Member States

(2013/208/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 148(2) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

After consulting the Committee of the Regions,

Having regard to the opinion of the Employment Committee,

Whereas:

(1) Article 145 of the Treaty on the Functioning of the European Union (TFEU) provides that the Member States and the Union are to work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change with a view to achieving the objectives defined in Article 3 of the Treaty on European Union.

(2) The Europe 2020 strategy proposed by the Commission enables the Union to turn its economy towards smart, sustainable and inclusive growth, accompanied by high level employment, productivity and social cohesion. On 13 July 2010, the Council adopted its Recommendation on broad guidelines for the economic policies of the Member States and of the Union ⁽³⁾. Furthermore, on 21 October 2010, the Council adopted its Decision 2010/707/EU on guidelines for the employment policies of the Member States ⁽⁴⁾ ('employment guidelines'). Those sets of guidelines form the integrated

guidelines for implementing the Europe 2020 strategy. Five headline targets, listed under the relevant integrated guidelines, constitute shared objectives which guide the action of the Member States, taking into account their relative starting positions and national circumstances as well as the positions and circumstances of the Union. The European Employment Strategy plays the leading role in the implementation of the employment and labour market objectives of the Europe 2020 strategy.

(3) The integrated guidelines are in line with the conclusions of the European Council of 17 June 2010. They give precise guidance to the Member States on defining their national reform programmes and on implementing reforms. The employment guidelines should form the basis for any country-specific recommendations that the Council may address to the Member States under Article 148(4) of the TFEU, in parallel with the country-specific recommendations addressed to the Member States under Article 121(2) of the TFEU. The employment guidelines should also form the basis for the establishment of the Joint Employment Report sent annually by the Council and the Commission to the European Council.

(4) The examination of the Member States' draft national reform programmes, contained in the Joint Employment Report adopted by the Council on 28 February 2013, shows that Member States should continue to make every effort to address the following priorities: increasing labour market participation and reducing structural unemployment, developing a skilled workforce responding to labour market needs and promoting job quality and lifelong learning, improving the performance of education and training systems at all levels and increasing participation in tertiary education, promoting social inclusion and combating poverty.

(5) The employment guidelines adopted in 2010 should remain stable until 2014 to ensure a focus on their implementation. Until the end of 2014, any updating of the employment guidelines should remain strictly limited. In 2011 and 2012, the employment guidelines were maintained. They should be maintained for 2013.

⁽¹⁾ Opinion of 6 February 2013 (not yet published in the Official Journal).

⁽²⁾ Opinion of 13 February 2013 (not yet published in the Official Journal).

⁽³⁾ OJ L 191, 23.7.2010, p. 28.

⁽⁴⁾ OJ L 308, 24.11.2010, p. 46.

(6) Member States should explore the use of the European Social Fund when implementing the employment guidelines,

HAS ADOPTED THIS DECISION:

Article 1

The guidelines for the employment policies of the Member States, as set out in the Annex to Decision 2010/707/EU, are maintained for 2013 and shall be taken into account by the Member States in their employment policies.

Article 2

This Decision is addressed to the Member States.

Done at Luxembourg, 22 April 2013.

For the Council

The President

S. COVENEY

COMMISSION IMPLEMENTING DECISION

of 26 April 2013

on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for the 2012 financial year

(notified under document C(2013) 2444)

(2013/209/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 27, 30 and 33 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Under Article 30 of Regulation (EC) No 1290/2005, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and a certificate regarding the integrality, accuracy and veracity of the accounts and the reports established by the certification bodies, clears the accounts of the paying agencies referred to in Article 6 of the said Regulation.
- (2) Pursuant to Article 5 of Commission Regulation (EC) No 883/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the keeping of accounts by the paying agencies, declarations of expenditure and revenue and the conditions for reimbursing expenditure under the EAGF and the EAFRD ⁽²⁾, the financial year for the EAGF accounts begins on 16 October of year N-1 and ends on 15 October of year N. In the framework of clearing the accounts, for the purpose of aligning the reference period for EAFRD expenditure with that of the EAGF, account should be taken for the 2012 financial year of expenditure incurred by the Member States between 16 October 2011 and 15 October 2012.
- (3) The second subparagraph of Article 10(2) of Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD ⁽³⁾ lays down that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in the first subparagraph of Article 10(1) of the said Regulation, shall be established by deducting the intermediate payments in respect of the financial year

concerned from the expenditure recognised for the same year in accordance with paragraph 1. The Commission shall deduct that amount from or add it to the following intermediate payment.

- (4) The Commission has checked the information submitted by the Member States and it has communicated to the Member States before 31 March 2013 the results of its verifications, along with the necessary amendments.
- (5) The annual accounts and the accompanying documents permit the Commission to take, for certain paying agencies, a decision on the completeness, accuracy and veracity of the annual accounts submitted. Annex I lists the amounts cleared by Member States and the amounts to be recovered from or paid to the Member States.
- (6) The information submitted by certain other paying agencies requires additional inquiries and their accounts cannot be cleared in this Decision. Annex II lists the paying agencies concerned.
- (7) The Commission, in accordance with Article 27 of Regulation (EC) No 1290/2005, may reduce or temporarily suspend interim payments to the Member States. It shall inform the Member State accordingly. In order to avoid any premature, or temporary, reimbursement of the amounts in question, they should not be recognised in this Decision and they should be further examined under the conformity clearance procedure pursuant to Article 31 of Regulation (EC) No 1290/2005.
- (8) Pursuant to Article 33(8) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of non-recovery of irregularities shall be borne by the Member State concerned if the recovery of those irregularities has not taken place prior to the closure of a rural development programme within four years of the primary administrative or judicial finding, or within eight years if the recovery is taken to the national courts, or on the closure of the programme if those deadlines expire prior such closure. Article 33(4) of the said Regulation obliges Member States to submit to the Commission, together with the annual accounts, a summary report on the recovery procedures undertaken in response to irregularities. Detailed rules on the application of the Member States' reporting obligation of the amounts to be recovered are laid down in Regulation (EC) No 885/2006. Annex III to the said Regulation provides the table that had to be provided in 2013 by the Member States. On the basis of the tables completed by the Member States, the Commission should decide on

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 171, 23.6.2006, p. 1.

⁽³⁾ OJ L 171, 23.6.2006, p. 90.

the financial consequences of non-recovery of irregularities older than four or eight years respectively. This decision is without prejudice to future conformity decisions pursuant to Article 33(5) of Regulation (EC) No 1290/2005.

- (9) Pursuant to Article 33(7) of Regulation (EC) No 1290/2005, after closure of a rural development programme Member States may decide not to pursue recovery. Such a decision may only be taken if the costs already and likely to be incurred total more than the amount to be recovered or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If that decision has been taken within four years of the primary administrative or judicial finding, or within eight years if the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the EU budget. In the summary report referred to in Article 33(4) of Regulation (EC) No 1290/2005 the amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown. These amounts are not charged to the Member States concerned and are consequently to be borne by the EU budget. This decision is without prejudice to future conformity decisions pursuant to Article 33(5) of the said Regulation.
- (10) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision, does not prejudice decisions taken subsequently by the Commission excluding from European Union financing expenditure not effected in accordance with European Union rules,

HAS ADOPTED THIS DECISION:

Article 1

With the exception of the paying agencies referred to in Article 2, the accounts of the paying agencies of the Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in respect of the 2012 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, including those resulting from the application of Article 33(8) of Regulation (EC) No 1290/2005, are set out in Annex I.

Article 2

For the 2012 financial year, the accounts of the Member States' paying agencies in respect of expenditure per rural development programme financed by the EAFRD, set out in Annex II, are disjoined from this Decision and shall be the subject of a future clearance of accounts Decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2013.

For the Commission

Dacian CIOLOŞ

Member of the Commission

CLEARED EAFRD EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME FOR FINANCIAL YEAR 2012

Amount to be recovered from or paid to the Member State per programme

Approved programmes with declared expenditure for EAFRD

In Euro								
MS	CCI	Expenditure 2012	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2012	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
AT	2007AT06RPO001	536 750 710,55	0,00	536 750 710,55	0,00	536 750 710,55	536 889 693,18	- 138 982,63
BE	2007BE06RPO001	38 717 525,91	0,00	38 717 525,91	0,00	38 717 525,91	38 717 490,21	35,70
BE	2007BE06RPO002	28 714 739,97	0,00	28 714 739,97	0,00	28 714 739,97	28 716 204,48	- 1 464,51
BG	2007BG06RPO001	308 461 739,36	0,00	308 461 739,36	0,00	308 461 739,36	308 461 766,20	- 26,84
CY	2007CY06RPO001	19 979 798,73	0,00	19 979 798,73	0,00	19 979 798,73	19 977 169,29	2 629,44
CZ	2007CZ06RPO001	420 405 062,51	0,00	420 405 062,51	0,00	420 405 062,51	420 404 919,20	143,31
DE	2007DE06RAT001	402 133,08	0,00	402 133,08	0,00	402 133,08	402 133,11	- 0,03
DE	2007DE06RPO004	210 119 186,29	0,00	210 119 186,29	0,00	210 119 186,29	210 119 186,29	0,00
DE	2007DE06RPO007	185 163 802,40	0,00	185 163 802,40	0,00	185 163 802,40	185 163 861,88	- 59,48
DE	2007DE06RPO009	3 069 982,65	0,00	3 069 982,65	0,00	3 069 982,65	3 069 987,85	- 5,20
DE	2007DE06RPO011	122 658 529,48	0,00	122 658 529,48	0,00	122 658 529,48	122 658 529,49	- 0,01
DE	2007DE06RPO012	124 722 137,43	0,00	124 722 137,43	0,00	124 722 137,43	124 722 136,25	1,18
DE	2007DE06RPO015	45 640 598,90	0,00	45 640 598,90	0,00	45 640 598,90	45 640 598,96	- 0,06
DE	2007DE06RPO017	32 444 966,09	0,00	32 444 966,09	0,00	32 444 966,09	32 444 966,09	0,00
DE	2007DE06RPO018	5 642 155,06	0,00	5 642 155,06	0,00	5 642 155,06	5 642 155,04	0,02
DE	2007DE06RPO019	166 108 621,46	0,00	166 108 621,46	0,00	166 108 621,46	166 108 621,45	0,01
DE	2007DE06RPO020	144 647 436,45	0,00	144 647 436,45	0,00	144 647 436,45	144 647 436,41	0,04
DE	2007DE06RPO021	38 874 673,75	0,00	38 874 673,75	0,00	38 874 673,75	38 874 699,12	- 25,37
EE	2007EE06RPO001	129 931 680,74	0,00	129 931 680,74	0,00	129 931 680,74	129 931 856,59	- 175,85

In Euro

MS	CCI	Expenditure 2012	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2012	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
ES	2007ES06RAT001	12 605 523,30	0,00	12 605 523,30	0,00	12 605 523,30	12 605 523,29	0,01
ES	2007ES06RPO002	44 410 451,88	0,00	44 410 451,88	0,00	44 410 451,88	44 411 263,01	- 811,13
ES	2007ES06RPO003	46 565 987,62	0,00	46 565 987,62	0,00	46 565 987,62	46 565 977,49	10,13
ES	2007ES06RPO004	4 728 268,02	0,00	4 728 268,02	0,00	4 728 268,02	4 728 266,87	1,15
ES	2007ES06RPO005	6 355 287,75	0,00	6 355 287,75	0,00	6 355 287,75	6 355 287,82	- 0,07
ES	2007ES06RPO006	11 509 387,33	0,00	11 509 387,33	0,00	11 509 387,33	11 509 387,33	0,00
ES	2007ES06RPO007	88 731 043,58	0,00	88 731 043,58	0,00	88 731 043,58	88 731 040,54	3,04
ES	2007ES06RPO008	94 769 354,19	0,00	94 769 354,19	0,00	94 769 354,19	94 769 380,73	- 26,54
ES	2007ES06RPO009	30 099 390,74	0,00	30 099 390,74	0,00	30 099 390,74	30 099 338,76	51,98
ES	2007ES06RPO010	91 947 161,33	0,00	91 947 161,33	0,00	91 947 161,33	92 023 646,85	- 76 485,52
ES	2007ES06RPO011	102 629 746,17	0,00	102 629 746,17	0,00	102 629 746,17	102 629 745,16	1,01
ES	2007ES06RPO012	7 282 917,77	0,00	7 282 917,77	0,00	7 282 917,77	7 282 917,38	0,39
ES	2007ES06RPO013	24 869 738,26	0,00	24 869 738,26	0,00	24 869 738,26	24 869 737,90	0,36
ES	2007ES06RPO014	20 959 053,96	0,00	20 959 053,96	0,00	20 959 053,96	20 959 062,52	- 8,56
ES	2007ES06RPO015	13 565 898,04	0,00	13 565 898,04	0,00	13 565 898,04	13 568 195,86	- 2 297,82
ES	2007ES06RPO016	6 657 518,54	0,00	6 657 518,54	0,00	6 657 518,54	6 657 514,28	4,26
ES	2007ES06RPO017	2 432 274,93	0,00	2 432 274,93	0,00	2 432 274,93	2 432 290,65	- 15,72
FI	2007FI06RPO001	306 194 739,68	0,00	306 194 739,68	0,00	306 194 739,68	306 205 706,94	- 10 967,26
FI	2007FI06RPO002	2 476 684,91	0,00	2 476 684,91	0,00	2 476 684,91	2 476 684,88	0,03
FR	2007FR06RPO002	13 474 359,90	0,00	13 474 359,90	0,00	13 474 359,90	13 474 771,64	- 411,74
GR	2007GR06RPO001	330 814 547,86	0,00	330 814 547,86	0,00	330 814 547,86	330 814 547,83	0,03
HU	2007HU06RPO001	444 085 578,73	0,00	444 085 578,73	0,00	444 085 578,73	443 956 972,20	128 606,53
IE	2007IE06RPO001	322 067 654,67	0,00	322 067 654,67	0,00	322 067 654,67	322 067 614,63	40,04
IT	2007IT06RAT001	6 506 208,56	0,00	6 506 208,56	0,00	6 506 208,56	6 506 208,56	0,00

In Euro								
MS	CCI	Expenditure 2012	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2012	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
IT	2007IT06RPO001	24 379 135,72	0,00	24 379 135,72	0,00	24 379 135,72	24 380 736,23	- 1 600,51
IT	2007IT06RPO002	17 564 520,93	0,00	17 564 520,93	0,00	17 564 520,93	17 564 521,29	- 0,36
IT	2007IT06RPO003	65 039 830,31	0,00	65 039 830,31	0,00	65 039 830,31	65 039 828,99	1,32
IT	2007IT06RPO004	15 657 996,80	0,00	15 657 996,80	0,00	15 657 996,80	15 664 080,33	- 6 083,53
IT	2007IT06RPO005	47 329 565,62	0,00	47 329 565,62	0,00	47 329 565,62	47 339 294,23	- 9 728,61
IT	2007IT06RPO006	14 777 673,53	0,00	14 777 673,53	0,00	14 777 673,53	14 786 581,96	- 8 908,43
IT	2007IT06RPO007	90 362 021,28	0,00	90 362 021,28	0,00	90 362 021,28	90 362 024,63	- 3,35
IT	2007IT06RPO008	16 936 677,31	0,00	16 936 677,31	0,00	16 936 677,31	17 328 986,74	- 392 309,43
IT	2007IT06RPO009	75 301 501,51	0,00	75 301 501,51	0,00	75 301 501,51	75 301 501,48	0,03
IT	2007IT06RPO010	55 292 452,79	0,00	55 292 452,79	0,00	55 292 452,79	55 292 452,33	0,46
IT	2007IT06RPO011	22 479 775,82	0,00	22 479 775,82	0,00	22 479 775,82	22 479 775,77	0,05
IT	2007IT06RPO012	58 700 494,85	0,00	58 700 494,85	0,00	58 700 494,85	58 718 426,04	- 17 931,19
IT	2007IT06RPO013	7 077 988,03	0,00	7 077 988,03	0,00	7 077 988,03	7 077 988,21	- 0,18
IT	2007IT06RPO014	83 205 962,61	0,00	83 205 962,61	0,00	83 205 962,61	83 205 960,22	2,39
IT	2007IT06RPO015	14 019 405,51	0,00	14 019 405,51	0,00	14 019 405,51	14 019 423,76	- 18,25
IT	2007IT06RPO016	72 825 928,02	0,00	72 825 928,02	0,00	72 825 928,02	72 854 508,13	- 28 580,11
IT	2007IT06RPO017	60 734 732,80	0,00	60 734 732,80	- 5 006 487,10	55 728 245,70	55 719 550,02	8 695,68
IT	2007IT06RPO018	98 749 442,94	0,00	98 749 442,94	0,00	98 749 442,94	98 748 375,78	1 067,16
IT	2007IT06RPO019	124 100 396,67	0,00	124 100 396,67	0,00	124 100 396,67	124 120 192,75	- 19 796,08
IT	2007IT06RPO020	124 337 336,44	0,00	124 337 336,44	0,00	124 337 336,44	124 510 471,21	- 173 134,77
IT	2007IT06RPO021	226 053 238,71	0,00	226 053 238,71	0,00	226 053 238,71	226 139 550,09	- 86 311,38
LT	2007LT06RPO001	237 177 796,40	0,00	237 177 796,40	0,00	237 177 796,40	237 121 459,60	56 336,80
LU	2007LU06RPO001	9 348 661,78	0,00	9 348 661,78	0,00	9 348 661,78	9 378 940,94	- 30 279,16
LV	2007LV06RPO001	214 814 466,80	0,00	214 814 466,80	0,00	214 814 466,80	214 813 938,09	528,71

In Euro

MS	CCI	Expenditure 2012	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2012	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) of paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
MT	2007MT06RPO001	9 002 133,91	0,00	9 002 133,91	0,00	9 002 133,91	9 002 133,88	0,03
NL	2007NL06RPO001	97 078 371,06	0,00	97 078 371,06	0,00	97 078 371,06	98 217 487,71	- 1 139 116,65
PL	2007PL06RPO001	2 041 824 877,34	0,00	2 041 824 877,34	0,00	2 041 824 877,34	2 041 821 110,52	3 766,82
PT	2007PT06RAT001	2 100 675,90	0,00	2 100 675,90	0,00	2 100 675,90	2 100 675,68	0,22
PT	2007PT06RPO001	48 442 865,80	0,00	48 442 865,80	0,00	48 442 865,80	48 442 855,88	9,92
PT	2007PT06RPO002	601 644 296,63	0,00	601 644 296,63	0,00	601 644 296,63	601 644 193,09	103,54
PT	2007PT06RPO003	26 722 075,59	0,00	26 722 075,59	0,00	26 722 075,59	26 722 055,59	20,00
SE	2007SE06RPO001	294 264 230,85	0,00	294 264 230,85	0,00	294 264 230,85	298 089 364,84	- 3 825 133,99
SI	2007SI06RPO001	122 609 926,69	0,00	122 609 926,69	0,00	122 609 926,69	122 610 210,36	- 283,67
SK	2007SK06RPO001	274 899 210,89	0,00	274 899 210,89	0,00	274 899 210,89	274 899 689,64	- 478,75
UK	2007UK06RPO001	469 465 696,13	0,00	469 465 696,13	0,00	469 465 696,13	469 411 107,94	54 588,19
UK	2007UK06RPO002	51 445 616,04	0,00	51 445 616,04	0,00	51 445 616,04	51 445 684,02	- 67,98
UK	2007UK06RPO003	166 234 309,63	0,00	166 234 309,63	0,00	166 234 309,63	166 904 508,81	- 670 199,18
UK	2007UK06RPO004	54 428 821,51	0,00	54 428 821,51	0,00	54 428 821,51	54 428 841,38	- 19,87

ANNEX II

**CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS
FINANCIAL YEAR 2012 — EAFRD**

List of the Paying Agencies and programmes for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency	Programme
Denmark	DAFA	2007DK06RPO001
Germany	Baden-Württemberg	2007DE06RPO003
	Thüringen	2007DE06RPO023
	Helaba	2007DE06RPO010
France	ASP	2007FR06RPO001
	ASP	2007FR06RPO003
	ASP	2007FR06RPO004
	ASP	2007FR06RPO005
	ASP	2007FR06RPO006
Romania	PARDF	2007RO06RPO001
Spain	Andalucia	2007ES06RPO001

COMMISSION IMPLEMENTING DECISION

of 26 April 2013

on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for the 2012 financial year

(notified under document C(2013) 2454)

(2013/210/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽¹⁾, and in particular Articles 30 and 32 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Under Article 30 of Regulation (EC) No 1290/2005, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and a certificate regarding the integrality, accuracy and veracity of the accounts and the reports established by the certification bodies, clears the accounts of the paying agencies referred to in Article 6 of the said Regulation.
- (2) Pursuant to the second subparagraph of Article 5(1) of Commission Regulation (EC) No 883/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the keeping of accounts by the paying agencies, declarations of expenditure and revenue and the conditions for reimbursing expenditure under the EAGF and the EAFRD ⁽²⁾, account is taken for the 2012 financial year of expenditure incurred by the Member States between 16 October 2011 and 15 October 2012.
- (3) The first subparagraph of Article 10(2) of Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD ⁽³⁾ lays down that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in the first subparagraph of Article 10(1) of the said Regulation, shall be determined by deducting the monthly payments in respect of the financial year in question, i.e. 2012, from expenditure recognised for that year in accordance with paragraph 1. The Commission shall deduct that amount from or add it to the monthly payment relating to the expenditure effected in the second month following that in which the accounts clearance decision is taken.

- (4) The Commission has checked the information submitted by the Member States and it has communicated to the Member States before 31 March 2013 the results of its verifications, along with the necessary amendments.
- (5) The annual accounts and the accompanying documents permit the Commission to take, for certain paying agencies, a decision on the completeness, accuracy and veracity of the annual accounts submitted. Annex I lists the amounts cleared by Member State and the amounts to be recovered from or paid to the Member States.
- (6) The information submitted by certain other paying agencies requires additional inquiries and their accounts cannot be cleared in this Decision. Annex II lists the paying agencies concerned.
- (7) Under Article 9(4) of Regulation (EC) No 883/2006, any overrun of deadlines during August, September and October is to be taken into account in the clearance of accounts decision. Some of the expenditure declared by certain Member States during these months in the year 2012 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.
- (8) The Commission, in accordance with Article 17 of Regulation (EC) No 1290/2005 and Article 9 of Regulation (EC) No 883/2006, has already reduced or suspended a number of monthly payments on entry into the accounts of expenditure for the 2012 financial year. In order to avoid any premature, or temporary, reimbursement of the amounts in question, they should not be recognised in this Decision and they should be further examined under the conformity clearance procedure pursuant to Article 31 of Regulation (EC) No 1290/2005.
- (9) Pursuant to Article 32(5) of Regulation (EC) No 1290/2005, 50 % of the financial consequences of non-recovery of irregularities shall be borne by the Member State concerned if the recovery of those irregularities has not taken place within 4 years of the primary administrative or judicial finding, or within 8 years if the recovery is taken to the national courts. Article 32(3) of the said Regulation obliges Member States to submit to the Commission, together with the annual accounts, a summary report on the recovery procedures undertaken in response to irregularities. Detailed rules on the application of the Member States' reporting obligation of the amounts to be recovered are laid down in Regulation (EC) No 885/2006. Annex III to the said Regulation provides the table that had to be provided in 2013 by the Member States. On the basis of the tables completed by the Member States, the Commission should decide

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 171, 23.6.2006, p. 1.

⁽³⁾ OJ L 171, 23.6.2006, p. 90.

on the financial consequences of non-recovery of irregularities older than 4 or 8 years respectively. This decision is without prejudice to future conformity decisions pursuant to Article 32(8) of Regulation (EC) No 1290/2005.

- (10) Pursuant to Article 32(6) of Regulation (EC) No 1290/2005, Member States may decide not to pursue recovery. Such a decision may only be taken if the costs already, and likely to be, incurred total more than the amount to be recovered or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If that decision has been taken within 4 years of the primary administrative or judicial finding or within 8 years if the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the EU budget. In the summary report referred to in Article 32(3) of Regulation (EC) No 1290/2005, the amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown. These amounts are not charged to the Member States concerned and are consequently borne by the EU budget. This decision is without prejudice to future conformity decisions pursuant to Article 32(8) of the said Regulation.
- (11) In accordance with Article 30(2) of Regulation (EC) No 1290/2005, this Decision does not prejudice decisions taken subsequently by the Commission excluding from European Union financing expenditure not effected in accordance with European Union rules,

HAS ADOPTED THIS DECISION:

Article 1

With the exception of the paying agencies referred to in Article 2, the accounts of the paying agencies of the Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) in respect of the 2012 financial year, are hereby cleared.

The amounts which are recoverable from, or payable to, each Member State pursuant to this Decision, including those resulting from the application of Article 32(5) of Regulation (EC) No 1290/2005, are set out in Annex I.

Article 2

For the 2012 financial year, the accounts of the Member States' paying agencies in respect of expenditure financed by the EAGF, set out in Annex II, are disjoined from this Decision and shall be the subject of a future clearance of accounts decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2013.

For the Commission

Dacian CIOLOŞ

Member of the Commission

ANNEX I

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2012

Amount to be recovered from or paid to the Member State

MS		2012 — Expenditure/Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year ⁽¹⁾	Reductions according to Article 32 of Regulation (EC) No 1290/2005	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (–) or paid to (+) the Member State ⁽²⁾
		cleared	disjoined						
		= expenditure/assigned revenue declared in the annual declaration	= total of the expenditure/assigned revenue in the monthly declarations						
		a	b	c = a + b	d	e	f = c + d + e	g	h = f – g
BE	EUR	626 505 990,43	17 563 033,17	644 069 023,60	– 835 758,00	– 9 465,76	643 223 799,84	643 268 110,28	– 44 310,44
BG	EUR	409 313 564,46	0,00	409 313 564,46	0,00	0,00	409 313 564,46	409 382 531,46	– 68 967,00
CZ	EUR	756 245 858,01	0,00	756 245 858,01	12 287 000,00	0,00	768 532 858,01	768 528 458,42	4 399,59
DK	DKK	0,00	0,00	0,00	0,00	– 66 422,98	– 66 422,98	0,00	– 66 422,98
DK	EUR	920 591 828,88	0,00	920 591 828,88	0,00	0,00	920 591 828,88	920 419 781,93	172 046,95
DE	EUR	5 208 255 884,14	226 507 719,74	5 434 763 603,88	– 10 670,90	– 116 714,81	5 434 636 218,17	5 434 442 720,94	193 497,23
EE	EUR	84 668 605,91	0,00	84 668 605,91	6 584 000,00	0,00	91 252 605,91	91 240 137,57	12 468,34
IE	EUR	1 285 148 754,42	0,00	1 285 148 754,42	– 41 641,57	– 56 295,34	1 285 050 817,51	1 283 663 941,98	1 386 875,53
EL	EUR	2 291 882 303,19	0,00	2 291 882 303,19	– 261 095,95	– 1 786 932,58	2 289 834 274,66	2 291 621 207,24	– 1 786 932,58
ES	EUR	5 785 117 916,91	0,00	5 785 117 916,91	– 289 492,07	– 1 953 186,99	5 782 875 237,85	5 785 098 764,38	– 2 223 526,53
FR	EUR	8 574 978 838,60	0,00	8 574 978 838,60	– 618 018,77	– 2 836 879,32	8 571 523 940,51	8 573 913 709,81	– 2 389 769,30
IT	EUR	4 584 038 546,05	0,00	4 584 038 546,05	– 5 943 018,39	– 5 281 611,90	4 572 813 915,76	4 574 209 766,71	– 1 395 850,95
CY	EUR	37 135 164,63	0,00	37 135 164,63	115 000,00	0,00	37 250 164,63	37 185 681,72	64 482,91
LV	EUR	126 627 252,89	0,00	126 627 252,89	202 904,04	0,00	126 830 156,93	126 811 515,51	18 641,42
LT	LTL	0,00	0,00	0,00	0,00	– 184,79	– 184,79	0,00	– 184,79

		a	b	c = a + b	d	e	f = c + d + e	g	h = f – g
LT	EUR	323 440 802,21	0,00	323 440 802,21	3 181 000,00	0,00	326 621 802,21	326 572 046,77	49 755,44
LU	EUR	33 823 988,14	0,00	33 823 988,14	– 2 597,78	– 998,55	33 820 391,81	33 608 834,43	211 557,38
HU	HUF	0,00	0,00	0,00	0,00	– 250 657 247,00	– 250 657 247,00	0,00	– 250 657 247,00
HU	EUR	1 156 158 797,34	0,00	1 156 158 797,34	0,00	0,00	1 156 158 797,34	1 156 147 681,97	11 115,37
MT	EUR	5 237 634,56	0,00	5 237 634,56	0,00	0,00	5 237 634,56	5 225 133,76	12 500,80
NL	EUR	865 043 698,77	0,00	865 043 698,77	– 124 990,78	– 3 055,23	864 915 652,76	866 711 150,74	– 1 795 497,98
AT	EUR	731 289 360,97	0,00	731 289 360,97	0,00	0,00	731 289 360,97	731 300 872,35	– 11 511,38
PL	PLN	0,00	0,00	0,00	0,00	– 519 914,58	– 519 914,58	0,00	– 519 914,58
PL	EUR	2 819 440 069,24	0,00	2 819 440 069,24	12 429 920,20	0,00	2 831 869 989,44	2 832 111 656,96	– 241 667,52
PT	EUR	753 645 124,44	0,00	753 645 124,44	– 2 860 720,53	– 424 567,26	750 359 836,65	750 267 141,91	92 694,74
RO	EUR	989 121 603,72	0,00	989 121 603,72	– 65 967,69	0,00	989 055 636,03	991 300 594,37	– 2 244 958,34
SI	EUR	124 384 026,71	0,00	124 384 026,71	393 000,00	– 954,10	124 776 072,61	124 777 026,71	– 954,10
SK	EUR	328 103 748,64	0,00	328 103 748,64	3 634 000,00	0,00	331 737 748,64	331 777 829,53	– 40 080,89
FI	EUR	550 258 170,47	0,00	550 258 170,47	– 73 951,98	– 23 890,45	550 160 328,04	550 231 344,07	– 71 016,03
SE	SEK	0,00	0,00	0,00	0,00	– 631 641,70	– 631 641,70	0,00	– 631 641,70
SE	EUR	639 766 558,88	0,00	639 766 558,88	– 24 704,47	0,00	639 741 854,41	639 799 725,33	– 57 870,92
UK	GBP	0,00	0,00	0,00	0,00	– 51 932,23	– 51 932,23	0,00	– 51 932,23
UK	EUR	3 313 755 544,68	0,00	3 313 755 544,68	– 578 462,05	0,00	3 313 177 082,63	3 308 426 422,77	4 750 659,86

MS		Expenditure ⁽³⁾	Assigned revenue ⁽³⁾	Article 32 (= e)	Total (= h)
		05 07 01 06	6701	6702	
		i	j	k	l = i + j + k
BE	EUR	– 34 844,68	0,00	– 9 465,76	– 44 310,44
BG	EUR	– 68 967,00	0,00	0,00	– 68 967,00

		i	j	k	$l = i + j + k$
CZ	EUR	4 399,59	0,00	0,00	4 399,59
DK	DKK	0,00	0,00	– 66 422,98	– 66 422,98
DK	EUR	172 046,95	0,00	0,00	172 046,95
DE	EUR	310 212,04	0,00	– 116 714,81	193 497,23
EE	EUR	12 468,34	0,00	0,00	12 468,34
IE	EUR	1 443 170,87	0,00	– 56 295,34	1 386 875,53
EL	EUR	0,00	0,00	– 1 786 932,58	– 1 786 932,58
ES	EUR	– 270 339,54	0,00	– 1 953 186,99	– 2 223 526,53
FR	EUR	447 110,02	0,00	– 2 836 879,32	– 2 389 769,30
IT	EUR	3 885 760,95	0,00	– 5 281 611,90	– 1 395 850,95
CY	EUR	64 482,91	0,00	0,00	64 482,91
LV	EUR	18 641,42	0,00	0,00	18 641,42
LT	LTL	0,00	0,00	– 184,79	– 184,79
LT	EUR	199 389,51	– 149 634,07	0,00	49 755,44
LU	EUR	212 555,93	0,00	– 998,55	211 557,38
HU	HUF	0,00	0,00	– 250 657 247,00	– 250 657 247,00
HU	EUR	11 115,37	0,00	0,00	11 115,37
MT	EUR	12 500,80	0,00	0,00	12 500,80
NL	EUR	– 1 792 442,75	0,00	– 3 055,23	– 1 795 497,98
AT	EUR	– 11 511,38	0,00	0,00	– 11 511,38
PL	PLN	0,00	0,00	– 519 914,58	– 519 914,58
PL	EUR	– 241 667,52	0,00	0,00	– 241 667,52
PT	EUR	517 262,00	0,00	– 424 567,26	92 694,74

		i	j	k	$l = i + j + k$
RO	EUR	- 2 244 958,34	0,00	0,00	- 2 244 958,34
SI	EUR	0,00	0,00	- 954,10	- 954,10
SK	EUR	- 38 443,34	- 1 637,55	0,00	- 40 080,89
FI	EUR	- 5 519,31	- 41 606,27	- 23 890,45	- 71 016,03
SE	SEK	0,00	0,00	- 631 641,70	- 631 641,70
SE	EUR	- 57 870,92	0,00	0,00	- 57 870,92
UK	GBP	0,00	0,00	- 51 932,23	- 51 932,23
UK	EUR	4 750 659,86	0,00	0,00	4 750 659,86

⁽¹⁾ The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non respect of payment deadlines established in August, September and October 2012 and corrections for surplus stock.

⁽²⁾ For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b).
Applicable exchange rate: Article 7(2) of Regulation (EC) No 883/2006.

⁽³⁾ If the Assigned revenue part would be in advantage of Member State, it has to be declared under 05 07 01 06.

NB: Nomenclature 2013: 05 07 01 06, 6701, 6702

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS
FINANCIAL YEAR 2012 - EAGF

List of the Paying Agencies for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency
Germany	Hamburg-Jonas
Germany	Helaba
Belgium	BIRB

DECISION OF THE EUROPEAN CENTRAL BANK

of 19 April 2013

on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes

(recast)

(ECB/2013/10)

(2013/211/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to Article 16 of the Statute of the European System of Central Banks and of the European Central Bank,

Whereas:

(1) The scope of Decision ECB/2003/4 of 20 March 2003 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽¹⁾ needs to be extended to cover the future series of euro banknotes. To this end, a number of technical amendments to Decision ECB/2003/4 are required. In addition, in light of the experience in applying and interpreting Decision ECB/2003/4, it is necessary to further clarify and improve some of the rules and procedures. Therefore, to incorporate the abovementioned amendments, Decision ECB/2003/4 should be recast in the interests of clarity and transparency.

(2) Article 128(1) of the Treaty and Article 16 of the Statute of the European System of Central Banks and of the European Central Bank provide that the European Central Bank (ECB) has the exclusive right to authorise the issue of euro banknotes within the Union. These provisions also provide that the ECB and the national central banks of the Member States whose currency is the euro (hereinafter 'NCBs') may issue such notes. Pursuant to Article 10 of Council Regulation (EC) No 974/98 of 3 May 1998 on the introduction of the euro ⁽²⁾, the ECB and the NCBs shall put euro banknotes into circulation.

(3) The European Monetary Institute (EMI) carried out the preparatory work for the production and issue of euro banknotes, and in particular with regard to the euro banknote designs, it facilitated the recognition and

acceptance of the new euro banknote denominations and specifications by users by taking into account the specific visual and technical requirements of European associations of banknote users.

(4) As successor to the EMI the ECB holds the copyright on the designs of the euro banknotes originally held by the EMI. The ECB and the NCBs, acting on behalf of the ECB, may enforce this copyright with regard to reproductions issued or distributed in breach of this copyright, such as, inter alia, reproductions which might adversely affect the standing of euro banknotes.

(5) The ECB and the NCBs will, from time to time, introduce a new series of euro banknotes with enhanced security features, benefiting from advances in banknote technology since the first series was introduced.

(6) The ECB's and the NCBs' right to issue euro banknotes includes the competence to take all necessary legal measures to protect the integrity of the euro banknotes as a means of payment. The ECB should take measures to provide for a minimum level of protection in all Member States whose currency is the euro in order to ensure that the general public can distinguish reproductions from euro banknotes, which are issued by the ECB and the NCBs and are not counterfeit notes under Article 2(a) of Council Regulation (EC) No 1338/2001 of 28 June 2001 laying down measures necessary for the protection of the euro against counterfeiting ⁽³⁾ (hereinafter 'genuine euro banknotes'). It is therefore necessary to establish common rules according to which the reproduction of euro banknotes will be permitted.

(7) This Decision should be without prejudice to the application of criminal law, in particular regarding counterfeiting.

(8) Reproductions of euro banknotes in electronic form should only be regarded as lawful if the producer thereof adopts adequate technical measures to deter print-outs, where the general public might mistake the print-outs for genuine euro banknotes.

⁽¹⁾ OJ L 78, 25.3.2003, p. 16.

⁽²⁾ OJ L 139, 11.5.1998, p. 1.

⁽³⁾ OJ L 181, 4.7.2001, p. 6.

- (9) The competence to take measures to protect the integrity of genuine euro banknotes as a means of payment includes the competence to adopt a common regime under which the NCBs are prepared to exchange damaged genuine euro banknotes. Under this regime certain categories of euro banknotes are designated which should be withheld by NCBs when presented to them for exchange.
- (10) The part of the original euro banknote that needs to be presented in order to qualify for exchange is subject to minimum measurement requirements. These measurements should be expressed as a percentage of the surface area of the original euro banknote before it was damaged, in order to prevent the distortion of measurements, for instance in situations where the euro banknote is damaged due to shrinkage.
- (11) Regulation (EC) No 1338/2001 requires credit institutions and, within the limits of their payment activity, other payment service providers and any other institutions engaged in the processing and distribution to the public of notes and coins, to ensure that euro notes and coins which they have received and which they intend to put back into circulation are checked for authenticity and that counterfeits are detected.
- (12) Given that damaging of genuine euro banknotes by anti-theft devices may occur in the context of a committed or attempted criminal offence, it should be ensured that in such cases banknotes can only be exchanged by the victim of such offence or attempted offence.
- (13) To encourage the proper handling of anti-theft devices by all institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001, it is appropriate for NCBs to charge the banknote handlers a fee to compensate for the analysis performed with regard to the exchange of genuine euro banknotes that have been damaged by anti-theft devices.
- (14) This fee should not be charged when the damage results from an attempted or actual robbery or theft, and, to avoid insignificant fees, should be charged only where a minimum number of damaged genuine euro banknotes is presented for exchange.
- (15) Genuine euro banknotes which have been damaged in bulk due to the activation of anti-theft devices should be presented for exchange, if required by NCBs, in sets consisting of a minimum number of euro banknotes.
- (16) To support endeavours to enhance the security of the cash cycle and to avoid penalising the use of anti-theft devices, it is appropriate to credit the institutions and economic agents, referred to in Article 6(1) of Regulation (EC) No 1338/2001, who present for exchange genuine euro banknotes accidentally damaged by anti-theft devices, on the day of receipt of such banknotes, in a manner similar to regular cash lodgements.
- (17) To support the European Union's prevention of the use of the financial system for money laundering and terrorist financing, it is appropriate for the Eurosystem to specify how to handle requests by any applicant to exchange damaged genuine euro banknotes with a value of at least EUR 7 500. Such rules are without prejudice to any stricter identification and reporting requirements adopted by Member States in transposing Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing ⁽¹⁾.
- (18) The ECB's exclusive right to authorise the issue of euro banknotes within the Union includes the competence to withdraw euro banknotes and to establish a common regime under which the ECB and the NCBs can perform this withdrawal,

HAS ADOPTED THIS DECISION:

Article 1

Denominations and specifications

1. Euro banknotes shall include seven denominations of euro banknotes in the range of 5 euro to 500 euro, depicting the theme 'Ages and styles of Europe', with the following basic specifications.

Face value (EUR)	Dimensions (first series)	Dimensions (second series)	Dominant colour	Design
5	120 × 62 mm	120 × 62 mm	Grey	Classical
10	127 × 67 mm	127 × 67 mm	Red	Romanesque
20	133 × 72 mm	133 × 72 mm	Blue	Gothic
50	140 × 77 mm	140 × 77 mm	Orange	Renaissance

⁽¹⁾ OJ L 309, 25.11.2005, p. 15.

Face value (EUR)	Dimensions (first series)	Dimensions (second series)	Dominant colour	Design
100	147 × 82 mm	To be decided	Green	Baroque and rococo
200	153 × 82 mm	To be decided	Yellow-brown	Iron and glass architecture
500	160 × 82 mm	To be decided	Purple	Modern 20th century architecture

2. The seven denominations in the euro banknote series shall bear the representation of gateways and windows on the front side (recto) and bridges on the reverse side (verso). All seven denominations shall be typical of the different European artistic periods referred to above. Other elements of the designs shall include:

- (a) the symbol of the European Union;
- (b) the name of the currency in the Roman and Greek alphabets and, additionally, for the second series of euro banknotes, the name of the currency in the Cyrillic alphabet;
- (c) the initials of the ECB in the European Union's official language variants; for the first series of euro banknotes, the initials of the ECB shall be limited to the following five official language variants: BCE, ECB, EZB, EKT and EKP and, additionally, for the second series of euro banknotes, the initials of the ECB shall be limited to the following nine official language variants: BCE, ECB, ELQ, EZB, EKP, EKT, EKB, BĈE and EBC;
- (d) the © symbol which indicates that the copyright belongs to the ECB; and
- (e) the signature of the President of the ECB.

Article 2

Reproduction rules for euro banknotes

1. 'Reproduction' shall mean any tangible or intangible image that uses all or part of a euro banknote as specified in Article 1, or parts of its individual design elements such as, inter alia, colour, dimensions and use of letters or symbols, which image may resemble or give the general impression of a genuine euro banknote, irrespective of:

- (a) the size of the image; or
- (b) the material(s) or technique(s) used to produce it; or
- (c) whether or not elements of the design of the euro banknote, such as the letters or symbols, have been altered or added to.

2. Reproductions which the general public might mistake for genuine euro banknotes shall be deemed unlawful.

3. Reproductions complying with the following criteria shall be deemed lawful, since there is no risk that the general public might mistake them for genuine euro banknotes:

- (a) one-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is equal to or greater than 125 % of both the length and width, or equal to or less than 75 % of both the length and the width of the respective euro banknote as specified in Article 1; or
- (b) two-sided reproductions of a euro banknote as specified in Article 1, provided that the size of the reproduction is equal to or greater than 200 % of both the length and width or equal to or less than 50 % of both the length and width of the respective euro banknote as specified in Article 1; or
- (c) reproductions of individual design elements of a euro banknote as specified in Article 1, provided that such a design element is not depicted on a background resembling a banknote; or
- (d) one-sided reproductions depicting a part of the front side or reverse side of a euro banknote, provided that such a part is smaller than one third of the original front side or reverse side of the euro banknote as specified in Article 1; or
- (e) reproductions made of a material clearly different from paper, which looks distinctly different from the material used for banknotes; or
- (f) intangible reproductions made available electronically on websites, by wire or wireless means or by any other means that allow members of the public to access these intangible reproductions from a place and at a time individually chosen by them, provided that:
 - the word SPECIMEN (sample) is incorporated diagonally across the reproduction in Arial font or a font similar to Arial font, and
 - the resolution of the electronic reproduction in its 100 % size does not exceed 72 dots per inch (dpi).

4. In the event of reproductions under paragraph 3(f),

- the length of the word SPECIMEN shall be at least 75 % of the length of the reproduction, and
- the height of the word SPECIMEN shall be at least 15 % of the width of the reproduction, and
- the word SPECIMEN shall be displayed in a non-transparent (opaque) colour contrasting with the dominant colour of the respective euro banknote as specified in Article 1.

5. The ECB and the NCBs shall, upon receiving a written request, provide confirmation that reproductions not complying with the criteria of paragraph 3, in so far as they cannot be mistaken by the general public for a genuine euro banknote as specified in Article 1, are also lawful. Where a reproduction is produced in the territory of only one Member State whose currency is the euro, requests as referred to above shall be addressed to the NCB of that Member State. In all other cases, such requests shall be addressed to the ECB.

6. Reproduction rules for euro banknotes also apply to euro banknotes that have been withdrawn or have lost their legal tender status under this Decision.

Article 3

Exchange of damaged genuine euro banknotes

1. NCBs shall, upon request, under the conditions laid down in paragraph 2 and in the relevant decision of the Governing Council referred to in Article 6, exchange damaged genuine euro banknotes where:

- (a) more than 50 % of the euro banknote is presented; or
- (b) 50 % or less of the euro banknote is presented, if the applicant proves that the missing parts have been destroyed.

2. Further to paragraph 1, the following additional conditions apply to the exchange of damaged genuine euro banknotes:

- (a) where doubt exists as to the applicant's legal title to the euro banknotes: identification shall be provided by the applicant, as well as proof that the applicant is the owner or otherwise authorised applicant;
- (b) where doubt exists as to the authenticity of the euro banknotes: identification shall be provided by the applicant;
- (c) where ink-stained, contaminated or impregnated genuine euro banknotes are presented: a written explanation as to the kind of stain, contamination or impregnation shall be provided by the applicant;

(d) where the genuine euro banknotes have been damaged by anti-theft devices: a written statement on the cause of neutralisation shall be provided by the applicant;

(e) where the genuine euro banknotes have been damaged by anti-theft devices in connection with an attempted or actual robbery, theft, or other criminal activity: the banknotes shall be exchanged only at the request of the owner or otherwise authorised applicant who is the victim of the attempted or actual criminal activity leading to the damage to the banknotes;

(f) where the genuine euro banknotes have been damaged by anti-theft devices and they are presented by institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001: a written statement on the cause of neutralisation, the reference and characteristics of the anti-theft device, details of the party presenting the damaged banknotes and the date of presentation thereof shall be provided by those institutions and economic agents;

(g) where the genuine euro banknotes have been damaged in bulk due to the activation of anti-theft devices: to the extent possible and if required by NCBs, they shall be presented in sets of 100 euro banknotes, provided that the amount of euro banknotes presented is sufficient to form such sets;

(h) where institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001 present for exchange, in one or more transactions, damaged genuine euro banknotes with a value of at least EUR 7 500: documentation on the origin of the banknotes and identification of the customer or, where applicable, of the beneficial owner as defined in Directive 2005/60/EC, shall be provided by those institutions and economic agents. This obligation shall also apply in the event of doubt regarding whether the threshold value of EUR 7 500 is reached. The rules laid down in this paragraph shall be without prejudice to any stricter identification and reporting requirements adopted by Member States in transposing Directive 2005/60/EC.

3. Notwithstanding the above:

(a) where NCBs know or have sufficient reason to believe that the genuine euro banknotes have been intentionally damaged, they shall refuse to exchange and shall withhold the euro banknotes, in order to avoid the return of such euro banknotes into circulation or to prevent the applicant from presenting them to another NCB for exchange. However, they will exchange the damaged genuine euro banknotes if they either know or have sufficient reason to believe that applicants are bona fide, or if applicants can prove that they are bona fide. Euro banknotes which are damaged to a minor degree, e.g. by having annotations, numbers or brief sentences placed on them, will in principle not be considered to be intentionally damaged euro banknotes; and

- (b) where NCBs know or have sufficient reason to believe that a criminal offence has been committed they shall refuse to exchange the damaged genuine euro banknotes and shall withhold them, against acknowledgement of receipt, as evidence to be presented to the competent authorities to initiate or to support an ongoing criminal investigation. Unless otherwise decided by the competent authorities, the genuine euro banknotes shall at the end of the investigation qualify for exchange under the conditions laid down in paragraphs 1 and 2;
- (c) where NCBs know or have sufficient reason to believe that the damaged genuine euro banknotes are contaminated such that they pose a risk to health and safety, they shall exchange the damaged genuine euro banknotes, if the applicant can provide a health and safety assessment by the competent authorities.

Article 4

Establishment of a fee for the exchange of genuine euro banknotes damaged by anti-theft devices

1. NCBs shall charge institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001 a fee when they request NCBs, in accordance with Article 3, to exchange genuine euro banknotes that have been damaged by anti-theft devices.
2. The fee shall amount to 10 euro cent per damaged euro banknote.
3. The fee shall only be charged if at least 100 damaged euro banknotes are exchanged. The fee shall be charged for all exchanged euro banknotes.
4. No fee shall be charged where euro banknotes have been damaged in connection with an attempted or actual robbery, theft or other criminal activity.

Article 5

Crediting of value of genuine euro banknotes accidentally damaged by anti-theft devices and presented for exchange

1. NCBs shall credit the institutions and economic agents referred to in Article 6(1) of Regulation (EC) No 1338/2001 which hold an account at the relevant NCB the value of genuine euro banknotes that have been accidentally damaged by anti-theft devices on the day of receipt of those banknotes, provided that:
- (a) the euro banknotes have not been damaged in connection with an actual robbery, theft or other criminal activity;
- (b) the NCB can immediately verify that the requested amount corresponds at least roughly to the value of the banknotes presented; and

- (c) all other information required by the NCB is submitted.

2. Any difference revealed after processing between the value of the accidentally damaged genuine euro banknotes presented for exchange and the amount credited prior to processing shall be debited or credited, as the case may be, to the presenting institution or economic agent.

3. The fees mentioned in Article 4 will be calculated on the basis of the effective number of the accidentally damaged genuine euro banknotes processed by the NCB.

Article 6

Withdrawal of euro banknotes

The withdrawal of a euro banknote type or series shall be regulated by a decision of the Governing Council published for general information in the *Official Journal of the European Union* and other media. This decision shall cover, as a minimum, the following points:

- the euro banknote type or series to be withdrawn from circulation, and
- the duration of the exchange period, and
- the date on which the euro banknote type or series will lose its legal tender status, and
- the treatment of the euro banknotes presented once the withdrawal period is over and/or they have lost their legal tender status.

Article 7

Entry into force and repeal

1. Decision ECB/2003/4 is hereby repealed.
2. References to Decision ECB/2003/4 shall be construed as references to this Decision.
3. This Decision shall enter into force on the day following its publication in the *Official Journal of the European Union*.

Done at Frankfurt am Main, 19 April 2013.

For the Governing Council of the ECB
The President of the ECB
Mario DRAGHI

ANNEX

CORRELATION TABLE

Decision ECB/2003/4	This Decision
Article 1	Article 1
Article 2	Article 2
Article 3	Article 3
Article 4	Article 4
Article 5	Article 6
Article 6	Article 7

GUIDELINES

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 19 April 2013

amending Guideline ECB/2003/5 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes

(ECB/2013/11)

(2013/212/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 128(1) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 12.1, 14.3 and 16 thereof,

Having regard to Decision ECB/2013/10 of 19 April 2013 on the denominations, specifications, reproduction, exchange and withdrawal of euro banknotes ⁽¹⁾,

Whereas:

(1) In light of experience in applying and interpreting Guideline ECB/2003/5 of 20 March 2003 on the enforcement of measures to counter non-compliant reproductions of euro banknotes and on the exchange and withdrawal of euro banknotes ⁽²⁾ and for the sake of consistent reference to genuine legal tender euro banknotes, it is appropriate to use only the term 'damaged'.

(2) Therefore, Guideline ECB/2003/5 should be amended accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendment

Article 4 of Guideline ECB/2003/5 is replaced by the following:

'Article 4

Exchange of damaged euro banknotes

1. The NCBs shall duly implement Decision ECB/2013/10 ^(*).

2. When implementing Decision ECB/2013/10, and subject to any legal constraints, NCBs may destroy any damaged euro banknotes or any parts thereof, unless there are legal grounds for them to be preserved or returned to the applicant.

3. The NCBs shall appoint a single organ or body to take decisions on the exchange of damaged euro banknotes for the cases provided for in Article 3(1)(b) of Decision ECB/2013/10, and shall inform the ECB accordingly.

^(*) OJ L 118, 30.4.2013, p. 37'.

Article 2

Taking effect

This Guideline shall take effect on the day of its notification to the national central banks of the Member States whose currency is the euro.

Article 3

Addressees

This Guideline is addressed to the national central banks of the Member States whose currency is the euro.

Done at Frankfurt am Main, 19 April 2013.

The President of the ECB

Mario DRAGHI

⁽¹⁾ See page 37 of this Official Journal.

⁽²⁾ OJ L 78, 25.3.2003, p. 20.

III

(Other acts)

EUROPEAN ECONOMIC AREA

RECOMMENDATION No 93/13/COL OF THE EFTA SURVEILLANCE AUTHORITY

of 21 February 2013

concerning a coordinated control plan with a view to establish the prevalence of fraudulent practices in the marketing of certain foods

THE EFTA SURVEILLANCE AUTHORITY,

the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs ⁽¹⁾ sets out EEA rules on food labelling applicable to all foods.

Having regard to the Agreement on the European Economic Area, and in particular Article 109 and Protocol 1 thereof,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) and Protocol 1 thereof,

Having regard to the Act referred to at point 54zzzi of Chapter XII of Annex II to the EEA Agreement (Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on the official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules), as corrected and amended, and in particular Article 53 thereof,

Having regard to Decision 75/13/COL of the EFTA Surveillance Authority of 19 February 2013 empowering the competent College Member to adopt the final Recommendation as approved by the EFTA Veterinary and Phytosanitary Committee (Event No 663341),

Whereas:

(1) Article 53 of Regulation (EC) No 882/2004 empowers the EFTA Surveillance Authority (the Authority) to recommend coordinated plans where considered necessary, organised on an ad hoc basis, in particular with a view to establishing the prevalence of hazards in feed, food or animals.

(2) Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of

(3) According to Directive 2000/13/EC, the labelling and methods used should not mislead the consumer, particularly as to the characteristics of the food, including its true nature and its identity. Furthermore, in the absence of specific EEA or national rules, the name under which a food is sold should be the name customary in the EEA State in which it is sold, or a description of the food which is clear enough to let the purchaser know its true nature.

(4) Moreover, all ingredients must be mentioned on the label of pre-packaged foodstuffs intended for the final consumer or mass caterers. In particular, foods containing meat as an ingredient, when intended for the final consumer or mass caterers, must also indicate the animal species from which the meat originates directly on the package or on a label attached thereto. If an ingredient is mentioned in the name of the food, its quantity expressed as a percentage must also be provided in the list of ingredients in order to avoid the consumer being misled as regards the identity and the composition of the food.

(5) Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾ provides for additional labelling requirements applicable to specific foods. In particular, it provides that packages intended for supply to the final consumer containing minced meat, amongst others, from solipeds are to bear a notice indicating that such products should be cooked before consumption, if, and to the extent that, national rules in the Member State in the territory of which the product is placed on the market so require.

⁽¹⁾ Act referred to at point 18 of Chapter XII of Annex II to the EEA Agreement

⁽²⁾ Act referred to at point 6.1.17 of Chapter I of Annex I to the EEA Agreement

- (6) Section III of Annex II to Regulation (EC) No 853/2004 requires the food business operators operating slaughterhouses to request, receive, check and act upon food chain information in respect of all animals, other than wild game, sent or intended to be sent to the slaughterhouse. The relevant food chain information is to cover, in particular, veterinary medicinal products administered to the animals within a relevant period and with a withdrawal period greater than zero, together with their dates of administration and withdrawal periods. Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption⁽¹⁾ requires *inter alia* the official veterinarian to perform auditing and inspection tasks. In particular, the official veterinarian is to check and analyse relevant information from the records of the holding of provenance of animals intended for slaughter, including food chain information and to take account of the documented results of this check and analysis when carrying out ante- and post-mortem inspection.
- (7) Following official controls being carried out since December 2012 in a number of European Union Member States, it appeared that certain pre-packaged products contained horse meat, which was not declared in the list of ingredients appearing directly on the package or on a label attached thereto. Instead, the name of certain such foods and/or the accompanying list of ingredients misleadingly referred solely to the presence of beef.
- (8) In accordance with Article 17 of Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽²⁾, food business operators at all stages of production, processing and distribution within their businesses under their control must ensure that foods satisfy the requirements of food law which are relevant to their activities and must verify that such requirements are met.
- (9) Horses are animal species that can be 'food producing' or 'non-food producing'. Phenylbutazone is a veterinary drug whose use is allowed only in non-food producing animals pursuant to Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origins⁽³⁾. Accordingly, non-food producing horses, which have been treated with phenylbutazone at some point in their life, cannot enter the food chain.
- Considering the fraudulent practices relating to the unlabelled presence of horse meat in certain food products, it is appropriate, for preventive purposes, to ascertain whether non-food producing horses treated with phenylbutazone have entered the food chain.
- (10) It is therefore necessary for the Authority to recommend to Norway and Iceland to carry out a coordinated control plan with a view to establish the prevalence of fraudulent practices in the marketing of certain foods for a period of one month. This period may be extended by an additional period of two months.
- (11) The recommended control plan should consist of two actions.
- (12) The first action should consist of appropriate controls carried out at retail level, on foods destined for the final consumer or mass caterers, which are marketed and/or labelled as containing beef. These controls could also be extended to other establishments (e.g. cold stores). The objective of these controls would be to establish whether such products contain horse meat, which is not properly labelled on the packaging or, in the case of non pre-packaged foodstuffs, information relating to its presence is not made available to the consumer or mass caterers. Such controls should be carried out on a representative sample.
- (13) Reliable methods exist which allow with a sufficient degree of accuracy the detection of the presence of proteins of undeclared species in a sample. The European Union Reference Laboratory for animal proteins in feedstuffs can provide useful advice on those methods and their use. The competent authorities of Norway and Iceland should be invited to rely on the advice of that laboratory as to the methods that can be used.
- (14) The second action should consist of appropriate controls being carried out in establishments handling horse meat destined for human consumption, including foods originating from third countries, for the detection of phenylbutazone residues. These controls should also be carried out on a representative sample, taking into account production and import figures. It is appropriate in this case to refer to methods provided for by Commission Decision 2002/657/EC implementing Council Directive 96/23/EC concerning the performance of analytical methods and the interpretation of results⁽⁴⁾.
- (15) Norway and Iceland should communicate the results of these controls to the Authority on a regular basis, in order to assess the findings and decide on an appropriate course of action. These results will be transmitted to the European Commission.

⁽¹⁾ Act referred to at point 1.1.12 of Chapter I of Annex I to the EEA Agreement

⁽²⁾ Act referred to at point 54zzzc of Chapter XII of Annex II to the EEA Agreement

⁽³⁾ Act referred to at point 13 of Chapter XIII of Annex II to the EEA Agreement

⁽⁴⁾ Act referred to at point 7.2.19 of Chapter I of Annex I to the EEA Agreement

The measures provided for in this Recommendation are in accordance with the opinion of the EFTA Veterinary and Phytosanitary Committee assisting the Authority,

(b) official controls on horse meat destined for human consumption to detect phenylbutazone residues.

HAS ADOPTED THIS RECOMMENDATION:

Done at Brussels, 21 February 2013.

Norway and Iceland should apply a coordinated control plan, in accordance with the Annex to this Recommendation, consisting of the following actions:

For the EFTA Surveillance Authority

(a) official controls on foods destined for the final consumer or mass caterers, which are marketed and/or labelled as containing beef; and,

Sverrir Haukur GUNNLAUGSSON
College Member

Xavier LEWIS
Director

ANNEX

Coordinated control plan with a view to establish the prevalence of fraudulent practices in the marketing of certain foods**I. ACTIONS AND SCOPE OF COORDINATED CONTROL PLAN**

The coordinated control plan should consist of two actions:

ACTION 1: Controls of foods marketed and/or labelled as containing beef**A. Product scope**

1. Foodstuffs marketed and/or labelled as containing beef (e.g. minced meat, meat products, and meat preparations) falling within the following categories:
 - (a) Pre-packaged foodstuffs destined for the final consumer or mass caterers, which are labelled as containing beef;
 - (b) Foodstuffs offered for sale to the final consumer or to mass caterers without pre-packaging and foodstuffs packaged on the sales premises at the consumer's request or pre-packaged for direct sale, which are marketed and/or otherwise indicated as containing beef.
2. For the purpose of this coordinated control plan, the definition of 'prepackaged foodstuffs' in Article 1(3)(b) of Directive 2000/113/EC shall apply.
3. For the purpose of this coordinated control plan, the definitions of 'minced meat', 'meat preparations' and 'meat products' in points 1.13, 1.15 and 7.1 of Annex I to Regulation (EC) No 853/2004 shall apply.

B. Objective

The competent authorities of Norway and Iceland should carry out official controls in order to establish whether the products referred in point A contain horse meat, which is not properly labelled on the packaging or, in the case of non pre-packaged foodstuffs, information relating to its presence is not made available to the consumer or mass caterers, in accordance with EEA law and, where appropriate, national provisions.

C. Sampling points and procedure

1. The sample should be representative of the products concerned and covering a variety of products.
2. The sampling of the products should be carried out at retail level (e.g. supermarkets, smaller shops, butchers) and could also be extended to other establishments (e.g. cold stores).

D. Sample numbers and modalities

The table below gives an overview on the indicative recommended minimum number of samples to be taken within the period provided in Section II. The competent authorities of Norway and Iceland are invited to take more samples when possible. The distribution of samples per country is based on population figures with a minimum number of 10 samples of the products concerned per country per calendar month as indicated in Section II.

Foodstuffs marketed and/or labelled as containing beef	
Country of sale	Indicative monthly recommended sample numbers
Norway	50
Iceland	10

E. Methods

The competent authorities of Norway and Iceland should preferably use the method(s) recommended by the European Union Reference Laboratory for animal proteins in feedstuffs.

ACTION 2: Controls of horse meat destined for human consumption**A. Product scope**

Meat of horses, asses, mules or hinnies, fresh chilled or frozen, classified under the Combined Nomenclature Code 0205 and which are destined for human consumption.

B. Objective

The competent authorities of Norway and Iceland should carry out official controls in order to detect the possible presence of phenylbutazone residues in the products referred to in point A.

C. Sampling points and procedure

The sampling of the products should be carried out in establishments handling the products referred to in point A (e.g. slaughterhouses, border inspection posts).

D. Sample numbers and modalities

The recommended minimum number of samples to be taken within the period provided in Section II should be set at 1 sample every 50 tonnes of the products referred to in point A, with a minimum of 5 samples per country.

E. Methods

The competent authorities of Norway and Iceland should use methods validated according to Commission Decision 2002/657/EC. Such methods are available at the website of the European Reference Laboratory for the residues of veterinary medicines and contaminants in food of animal origin for residues listed in Annex I, Group A (5) and Group B (2)(a), (b), (e) to Directive 96/23/EC ⁽¹⁾.

II. DURATION OF COORDINATED CONTROL PLAN

The coordinated control plan should be carried out for a period of one month starting from the date of adoption of this Recommendation or at the latest by 1 March 2013.

III. REPORTING OF RESULTS

1. The competent authorities of Norway and Iceland should report the summary of the following information for each of the actions referred to in Section I of this Annex:

- (a) number of samples taken, per category of products;
- (b) the method(s) used for the analysis and the type of analysis performed;
- (c) number of positive findings;
- (d) follow-up controls performed with respect to positive findings in products referred to in point A under Action 1 in cases where the detected presence of horse meat exceeds 1 %;
- (e) follow-up controls performed with respect to positive findings in products in point A under Action 2;
- (f) results of follow-up controls;
- (g) with respect to positive findings in products referred to in point A under Action 2, the country where the animal concerned was certified for slaughter.

The report should be communicated to the Authority within 15 days from the end of the one-month period referred to in Section II.

The report should be presented in accordance with the format to be provided by the Authority.

2. The competent authorities of Norway and Iceland should immediately report to the Authority any positive results of the official controls carried out with respect to Actions 1 and 2 mentioned in Section I through the Rapid Alert System for Food and Feed.

3. The competent authorities of Norway and Iceland should also report to the Authority the results of any own checks carried out at their request by food business operators. Such information should be accompanied by the details referred to in point 1 and presented in accordance with the format to be provided by the Authority.

⁽¹⁾ Act referred to at point 2 of Part 7.1 of Chapter I of Annex I to the EEA Agreement

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