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Contents

I *Legislative acts*

DIRECTIVES

- ★ **Council Directive 2013/42/EU of 22 July 2013 amending Directive 2006/112/EC on the common system of value added tax, as regards a Quick Reaction Mechanism against VAT fraud** 1
- ★ **Council Directive 2013/43/EU of 22 July 2013 amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud** 4

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

- ★ **Notice concerning the provisional application between the European Union and Colombia, of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part** 7

Price: EUR 4

(Continued overleaf)

EN

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

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

REGULATIONS

★ Council Regulation (EU) No 713/2013 of 23 July 2013 establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2013/14 fishing season	8
★ Council Implementing Regulation (EU) No 714/2013 of 25 July 2013 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) No 1169/2012.....	10
★ Commission Regulation (EU) No 715/2013 of 25 July 2013 establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council	14
★ Commission Implementing Regulation (EU) No 716/2013 of 25 July 2013 laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks	21
★ Commission Regulation (EU) No 717/2013 of 25 July 2013 amending Regulation (EU) No 142/2011 as regards the entries for animal welfare in certain model health certificates ⁽¹⁾	31
★ Commission Regulation (EU) No 718/2013 of 25 July 2013 amending Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytosterols and/or phytosterol esters ⁽¹⁾	49
Commission Implementing Regulation (EU) No 719/2013 of 25 July 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables	51
Commission Implementing Regulation (EU) No 720/2013 of 25 July 2013 on the issue of licences for importing rice under the tariff quotas opened for the July 2013 subperiod by Implementing Regulation (EU) No 1273/2011	53

DECISIONS

★ Council Decision 2013/395/CFSP of 25 July 2013 updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2012/765/CFSP	57
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⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DIRECTIVES

COUNCIL DIRECTIVE 2013/42/EU

of 22 July 2013

amending Directive 2006/112/EC on the common system of value added tax, as regards a Quick Reaction Mechanism against VAT fraud

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Parliament ⁽¹⁾,Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Tax fraud in the field of value added tax (VAT) leads to considerable budget losses and affects the conditions of competition and thus the operation of the internal market. Specific sudden and massive forms of tax fraud have recently developed especially via the use of electronic means which facilitate rapid illegitimate trade on a large scale.
- (2) Council Directive 2006/112/EC ⁽³⁾ allows Member States to apply for a derogation from that Directive in order to prevent certain forms of tax evasion or avoidance.

- (3) Recent experience has demonstrated that the procedure provided for in Article 395 of Directive 2006/112/EC is not able to respond quickly enough to requests by Member States for urgent measures.

- (4) Experience has also shown that the designation of the recipient as the person liable for the payment of the VAT (reverse charge) is, in certain cases, an effective measure to stop VAT fraud in specific sectors.

- (5) Under the reverse charge provisions in Articles 199 and 199a of Directive 2006/112/EC, Member States do not have the flexibility to respond quickly to sudden and massive fraud in categories of goods and services falling outside the scope of those Articles. Specific arrangements therefore need to be made to address these circumstances.

- (6) Considering the massive instances of fraud that have occurred, a rapid and exceptional response to further instances of sudden fraud is best guaranteed by a Quick Reaction Mechanism ("QRM") special measure consisting of the option to apply for a short period a reverse charge, following appropriate notification by the Member State concerned. In order to ensure the exercising of the option is proportionate to the problem, the Commission, once it is in possession of the relevant information, should have a short period in which to appraise the notification and confirm whether it objects to the QRM special measure. Member States should have the opportunity for their views to be taken into account by the Commission, and should therefore be fully informed of the notification and any additional information provided throughout the process. Additionally, the Council should then decide on any further application of the reverse charge by an implementing Decision pursuant to Article 395 of Directive 2006/112/EC.

⁽¹⁾ Opinion of 7 February 2013 (not yet published in the Official Journal).

⁽²⁾ OJ C 11, 15.1.2013, p. 31.

⁽³⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

- (7) The Member State that has notified its intention to apply the QRM special measure may do so once the Commission has notified the absence of objection.
- (8) In order to provide for the further application of the reverse charge, at the earliest opportunity and before the expiry of the QRM special measure, the procedure laid down in Article 395 of Directive 2006/112/EC should be subject to a shorter deadline.
- (9) Rapid processing of Member States' notifications under the QRM will be facilitated if a standardised form is established for those notifications and for the provision of any additional information to the Commission. Implementing powers should therefore be conferred on the Commission as regards that standardised form.
- (10) Since a QRM can only be a temporary solution pending longer term legislative solutions with a view to making the VAT system more resilient to instances of VAT fraud, the QRM should only apply for a limited period of time.
- (11) In order to evaluate the effectiveness of the QRM, the Commission should prepare an overall assessment report on the impact of the mechanism in addressing instances of sudden and massive fraud.
- (12) Since the objective of the action to be taken, namely to address sudden and massive fraud phenomena in the field of VAT which very often have an international dimension, cannot be sufficiently achieved by the Member States, as they are not in a position to individually counter the fraud circuits related to new forms of trade which involve several countries at the same time, and can therefore, by reason of ensuring a quicker and, as a result, a more adequate and effective response to these phenomena, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (13) Directive 2006/112/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2006/112/EC is amended as follows:

- (1) the following Article is inserted:

"Article 199b

1. A Member State may, in cases of imperative urgency and in accordance with paragraphs 2 and 3, designate the recipient as the person liable to pay VAT on specific supplies of goods and services by derogation from Article 193 as a Quick Reaction Mechanism ("QRM")

special measure to combat sudden and massive fraud liable to lead to considerable and irreparable financial losses.

The QRM special measure shall be subject to appropriate control measures by the Member State with respect to taxable persons who supply the goods or services to which that measure applies, and shall be for a period not exceeding nine months.

2. A Member State wishing to introduce a QRM special measure as provided for in paragraph 1 shall send a notification to the Commission using the standardised form established in accordance with paragraph 4 and at the same time send it to the other Member States. The Member State shall provide the Commission with the information indicating the sector concerned, the type and the features of the fraud, the existence of imperative grounds of urgency, the sudden and massive character of the fraud and its consequences in terms of considerable and irreparable financial losses. If the Commission considers it does not have all the necessary information, it shall contact the Member State concerned within two weeks of receipt of the notification and specify what additional information is required. Any additional information provided by the Member State concerned to the Commission shall at the same time be sent to the other Member States. If the additional information provided is not sufficient, the Commission shall inform the Member State concerned thereof within one week.

The Member State wishing to introduce a QRM special measure as provided for in paragraph 1 shall at the same time also make an application to the Commission in accordance with the procedure laid down in Article 395(2) and (3).

3. Once the Commission has all the information it considers necessary for appraisal of the notification referred to in the first subparagraph of paragraph 2, it shall notify the Member States thereof. Where it objects to the QRM special measure, it shall produce a negative opinion within one month of that notification, and shall inform the Member State concerned and the VAT Committee thereof. Where the Commission does not object, it shall confirm this in writing to the Member State concerned and to the VAT Committee within the same time period. The Member State may adopt the QRM special measure from the date of receipt of that confirmation. In appraising the notification, the Commission shall take into account the views of any other Member State sent to it in writing.

4. The Commission shall adopt an implementing act establishing a standardised form for the submission of the notification for the QRM special measure referred to in paragraph 2 and of the information referred to in the first subparagraph of paragraph 2. That implementing act shall be adopted in accordance with the examination procedure referred to in paragraph 5.

5. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 of the European Parliament and of the Council (*) shall apply and for this purpose the committee shall be the committee established by Article 58 of Council Regulation (EU) No 904/2010 (**).

(*) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(**) Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax (OJ L 268, 12.10.2010, p. 1).";

(2) in Article 395, the following paragraph is added:

"5. In cases of imperative urgency as set out in Article 199b(1), the procedure laid down in paragraphs 2 and 3 shall be completed within six months of receipt of the application by the Commission."

Article 2

Before 1 January 2018, the Commission shall present to the European Parliament and to the Council an overall assessment report on the impact of the QRM provided for in point (1) of Article 1.

Article 3

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

It shall apply until 31 December 2018.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 July 2013.

For the Council
The President
C. ASHTON

COUNCIL DIRECTIVE 2013/43/EU**of 22 July 2013****amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain goods and services susceptible to fraud**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 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⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Council Directive 2006/112/EC ⁽³⁾ specifies that value added tax (VAT) shall be payable by any taxable person carrying out transactions involving the taxable supply of goods or services. For cross-border transactions and for certain domestic high risk sectors, however, it provides for a shift of the obligation to pay VAT to the person to whom the supply is made (the reverse charge mechanism).
- (2) Given the seriousness of VAT fraud, Member States should be allowed to apply, on a temporary basis, a mechanism whereby the obligation to pay VAT with regard to supplies of certain categories of goods and services shifts onto the person to whom the taxable supply of goods or services is made, including where those categories are neither listed in Article 199 of Directive 2006/112/EC nor subject to specific derogations granted to Member States.
- (3) To that end, the Commission came forward with a proposal in 2009, listing a number of goods and services to which, for a limited period, the reverse charge mechanism could be applied. The Council opted for splitting the proposal and adopted Council Directive 2010/23/EU ⁽⁴⁾, which was however limited

to greenhouse gas emission allowances only, given that the fraud situation in that sector required an immediate reaction. At the same time, the Council took the political commitment to continue negotiations on the remaining part of the Commission proposal.

- (4) Since then, fraud has occurred in other sectors and, therefore, new goods and services should be added to the remaining part of the Commission proposal as regards the pre-defined list of goods and services to which the reverse charge could apply. In particular, fraud has occurred in relation to supplies of gas and electricity, telecommunication services, game consoles, tablet PC's and laptops, cereals, industrial crops including oil seeds and sugar beets, and raw and semi-finished metals including precious metals.
- (5) The introduction of the reverse charge mechanism targeting those goods and services, which according to recent experience are particularly susceptible to fraud, as opposed to its general application, should not adversely affect the fundamental principles of the VAT system, such as fractionated payments.
- (6) The pre-defined list, from which Member States may choose, should be restricted to supplies of goods and services which, according to recent experience, are particularly susceptible to fraud.
- (7) In applying the reverse charge mechanism, Member States have the discretion to lay down the conditions for the application of the mechanism including the setting of thresholds, the categories of suppliers or recipients to whom this mechanism may apply and the partial application of the mechanism within categories.
- (8) Since a reverse charge mechanism is a temporary measure pending longer term legislative solutions with a view to making the VAT system more resilient to instances of VAT fraud, the reverse charge mechanism set out under Article 199a of Directive 2006/112/EC ought to apply only for a limited period of time.
- (9) In order to ensure that the reverse charge mechanism can be applied for a sufficiently long time so as to be effective and to allow for a subsequent evaluation, it is necessary that the current time-limit of 30 June 2015 is extended. In the same way, the date for the evaluation period and the end date for the period, during which a shift in fraudulent activities has to be reported, should be postponed.

⁽¹⁾ OJ C 341E, 16.12.2010, p. 81.

⁽²⁾ OJ C 339, 14.12.2010, p. 41.

⁽³⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽⁴⁾ Council Directive 2010/23/EU of 16 March 2010 amending Directive 2006/112/EC on the common system of value added tax, as regards an optional and temporary application of the reverse charge mechanism in relation to supplies of certain services susceptible to fraud (OJ L 72, 20.3.2010, p. 1)

(10) In order to provide all Member States with the option of applying the reverse charge mechanism as set out above, a specific amendment to Directive 2006/112/EC is necessary.

(11) Since the objective of the proposed action, namely to address VAT fraud through temporary measures which derogate from existing Union rules, cannot be sufficiently achieved by the Member States and can therefore, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(12) Directive 2006/112/EC should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2006/112/EC is amended as follows:

(1) In Article 193 the reference to "Articles 194 to 199" is replaced by the reference to "Articles 194 to 199b";

(2) Article 199a is amended as follows:

(a) in paragraph 1, the first sentence is replaced by the following:

"Member States may, until 31 December 2018 and for a minimum period of two years, provide that the person liable for payment of VAT is the taxable person to whom any of the following supplies are made:";

(b) in paragraph 1, the following points are added:

"(c) supplies of mobile telephones, being devices made or adapted for use in connection with a licensed network and operated on specified frequencies, whether or not they have any other use;

(d) supplies of integrated circuit devices such as micro-processors and central processing units in a state prior to integration into end user products;

(e) supplies of gas and electricity to a taxable dealer as defined in Article 38(2);

(f) supplies of gas and electricity certificates;

(g) supplies of telecommunication services as defined in Article 24(2);

(h) supplies of game consoles, tablet PC's and laptops;

(i) supplies of cereals and industrial crops including oil seeds and sugar beet, that are not normally used in the unaltered state for final consumption;

(j) supplies of raw and semi-finished metals, including precious metals, where they are not otherwise covered by point (d) of Article 199(1), the special arrangements for second-hand goods, works of art, collector's items and antiques pursuant to Articles 311 to 343 or the special scheme for investment gold pursuant to Articles 344 to 356.";

(c) the following paragraphs are inserted:

"1a. Member States may lay down the conditions for the application of the mechanism provided for in paragraph 1.

1b. The application of the mechanism provided for in paragraph 1 to the supply of any of the goods or services listed in points (c) to (j) of that paragraph is subject to the introduction of appropriate and effective reporting obligations on taxable persons who supply the goods or services to which the mechanism provided for in paragraph 1 applies.";

(d) paragraph 2 is replaced by the following:

"2. Member States shall inform the VAT Committee of the application of the mechanism provided for in paragraph 1 on the introduction of any such mechanism and shall provide the following information to the VAT Committee:

(a) the scope of the measure applying the mechanism together with the type and the features of the fraud, and a detailed description of accompanying measures, including any reporting obligations on taxable persons and any control measures;

(b) actions taken to inform the relevant taxable persons of the introduction of the application of the mechanism;

(c) evaluation criteria to enable comparison between fraudulent activities in relation to the goods and services listed in paragraph 1 before and after the application of the mechanism, fraudulent activities in relation to other goods and services before and after the application of the mechanism, and any increase in other types of fraudulent activities before and after the application of the mechanism;

(d) the date of commencement and the period to be covered by the measure applying the mechanism.";

- (e) in the first subparagraph of paragraph 3, the first sentence is replaced by the following:

"Member States applying the mechanism provided for in paragraph 1 shall, on the basis of the evaluation criteria provided for under point (c) of paragraph 2, submit a report to the Commission no later than 30 June 2017.";

- (f) in the second subparagraph of paragraph 3, point (a) is replaced by the following:

"(a) the impact on fraudulent activities in relation to supplies of goods or services covered by the measure;"

- (g) paragraph 4 is replaced by the following:

"4. Each Member State that has detected a shift in trends of fraudulent activities in its territory in relation to the goods or services listed in paragraph 1 from the date of entry into force of this Article with respect to such goods or services, shall submit a report to the Commission in that respect no later than 30 June 2017.

5. Before 1 January 2018, the Commission shall present to the European Parliament and to the Council an overall assessment report on the effects of the mechanism provided for in paragraph 1 on combatting fraud."

Article 2

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

Article 3

The Directive shall apply until 31 December 2018.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 22 July 2013.

For the Council

The President

C. ASHTON

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the provisional application between the European Union and Colombia, of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part

The Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, signed in Brussels on 26 June 2012, shall, pursuant to its Article 330(3), be provisionally applied between the European Union and Colombia as from 1 August 2013. By virtue of Article 3(1) of the Council Decision of 31 May 2012 on the signing and provisional application of the Agreement, the EU does not apply provisionally Articles 2, 202(1), 291 and 292 of the Agreement, pending the completion of the procedures for its conclusion.

REGULATIONS

COUNCIL REGULATION (EU) No 713/2013

of 23 July 2013

establishing the fishing opportunities for anchovy in the Bay of Biscay for the 2013/14 fishing season

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) It is incumbent upon the Council to establish the total allowable catches (TAC) by fishery or group of fisheries. Fishing opportunities should be distributed among Member States in such a way as to ensure the relative stability of each Member State's fishing activities for all stocks or groups of stocks and having due regard to the objectives of the common fisheries policy established by Council Regulation (EC) No 2371/2002 ⁽¹⁾.
- (2) For the purposes of suitable stock management and simplification, it is appropriate that the TAC and Member State quotas for the stock of anchovy in the Bay of Biscay (ICES subarea VIII) be set for an annual management season running from 1 July to 30 June of the following year, rather than for a calendar year management period. Nevertheless, the fishery should remain subject to the general provisions of Council Regulation (EU) No 39/2013 ⁽²⁾ concerning the conditions for the use of quotas.
- (3) The Bay of Biscay anchovy TAC for the 2013/14 fishing season should be established on the basis of scientific advice available, taking into account biological and socioeconomic aspects and ensuring fair treatment between fishing sectors.
- (4) In order to provide for a multiannual management of the stock of anchovy in the Bay of Biscay, on 29 July 2009, the Commission presented a proposal for a Regulation establishing a long-term plan for the stock of anchovy in the Bay of Biscay and the fisheries exploiting that stock. Considering that the impact assessment on which the proposal is based provided for the most recent assessment of the impact of management decisions for

the stock, it is appropriate to fix a TAC for anchovy in the Bay of Biscay accordingly. The advice issued by the Scientific, Technical and Economic Committee for Fisheries (STECF) in July 2013 estimated the spawning stock biomass to be approximately 56 055 tonnes. In view of the most recent assessment available of the impact of management decisions for the stock, the TAC for the fishing season running from 1 July 2013 to 30 June 2014 should be established at 17 100 tonnes.

- (5) In accordance with Article 2 of Council Regulation (EC) No 847/96 ⁽³⁾, it is necessary to establish to what extent the stock of anchovy in the Bay of Biscay is subject to the measures laid down in that Regulation.
- (6) In view of the start of the 2013/14 fishing season and for the purpose of the annual reporting of catches, this Regulation should enter into force as soon as possible after its publication and should apply from 1 July 2013,

HAS ADOPTED THIS REGULATION:

Article 1

Fishing opportunities for anchovy in the Bay of Biscay

1. The total allowable catch (TAC) and its allocation between Member States for the fishing season running from 1 July 2013 until 30 June 2014 for the stock of anchovy in ICES Subarea VIII, as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council ⁽⁴⁾, shall be as follows (in tonnes live weight):

Species:	Anchovy <i>Engraulis encrasicolus</i>	ICES Zone: VIII (ANE/08.)
Spain	15 390	
France	1 710	
EU	17 100	
TAC	17 100	Analytical TAC

⁽¹⁾ Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, p. 59).

⁽²⁾ Council Regulation (EU) No 39/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available to EU vessels for certain fish stocks and groups of fish stocks which are not subject to international negotiations or agreements (OJ L 23, 25.1.2013, p. 1).

⁽³⁾ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

⁽⁴⁾ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

2. The allocation of the fishing opportunities as set out in paragraph 1 and the use thereof shall be subject to the conditions set out in Articles 8 and 10 of Regulation (EU) No 39/2013.

3. The stock referred to in paragraph 1 shall be considered subject to an analytical TAC for the purposes of Regulation (EC) No 847/96. Article 3(2) and (3) and Article 4 of that Regulation shall apply.

Article 2

Data transmission

When, pursuant to Articles 33 and 34 of Council Regulation (EC) No 1224/2009 ⁽¹⁾, Member States submit to the

Commission data relating to landings of quantities of anchovy caught in ICES Subarea VIII, they shall use the stock code "ANE/08."

Article 3

Entry into force

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

It shall apply from 1 July 2013.

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

Done at Brussels, 23 July 2013.

For the Council

The President

L. LINKEVIČIUS

⁽¹⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

COUNCIL IMPLEMENTING REGULATION (EU) No 714/2013**of 25 July 2013****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) No 1169/2012**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 10 December 2012, the Council adopted Implementing Regulation (EU) No 1169/2012 ⁽²⁾ implementing Article 2(3) of Regulation (EC) No 2580/2001, establishing an updated list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies.
- (2) The Council has provided all the persons, groups and entities for which it was practically possible with statements of reasons explaining why they were listed in Implementing Regulation (EU) No 1169/2012.
- (3) By way of a notice published in the *Official Journal of the European Union*, the Council informed the persons, groups and entities listed in Implementing Regulation (EU) No 1169/2012 that it had decided to keep them on the list. The Council also informed the persons, groups and entities concerned that it was possible to request a statement of the Council's reasons for putting them on the list where one had not already been communicated to them.
- (4) The Council has carried out a complete review of the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies, as required by Article 2(3) of that Regulation. When doing so it took account of observations submitted to the Council by those concerned.
- (5) The Council has concluded that the persons, groups and entities listed in the Annex to this Regulation have been involved in terrorist acts within the meaning of

Article 1(2) and (3) of Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽³⁾, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.

- (6) The Council has further determined that an additional group has been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to that group by a competent authority within the meaning of Article 1(4) of that Common Position, and that it should be added to the list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply. The decision to designate the group does not affect legitimate financial transfers to Lebanon and the delivery of assistance, including humanitarian assistance, from the European Union and its Member States in Lebanon.
- (7) The list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies should be updated accordingly, and Implementing Regulation (EU) No 1169/2012 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 is replaced by the list set out in the Annex to this Regulation.

Article 2

Implementing Regulation (EU) No 1169/2012 is hereby repealed.

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 337, 11.12.2012, p. 2.

⁽³⁾ OJ L 344, 28.12.2001, p. 93.

Article 3

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, 25 July 2013.

For the Council
The President
L. LINKEVIČIUS

ANNEX

List of persons, groups and entities referred to in Article 1**1. PERSONS**

1. ABDOLLAHI Hamed (a.k.a Mustafa Abdullahi), born August 11, 1960 in Iran. Passport: D9004878.
2. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia.
3. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia.
4. ARBABSAR Manssor (a.k.a. Mansour Arbabsiar), born March 6 or 15, 1955 in Iran. Iranian and US national. Passport: C2002515 (Iran); Passport: 477845448 (USA). National ID no.: 07442833, expiry date 15 March 2016 (USA driving licence).
5. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the "Hofstadgroep".
6. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra".
7. IZZ-AL-DIN, Hasan (a.k.a GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon.
8. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555.
9. SHAHLAI Abdul Reza (a.k.a Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahlai, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusif, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
10. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran.
11. SOLEIMANI Qasem (a.k.a Ghasem Soleymani, a.k.a Qasmi Sulayman, a.k.a Qasem Soleymani, a.k.a Qasem Solaimani, a.k.a Qasem Salimani, a.k.a Qasem Solemani, a.k.a Qasem Sulaimani, a.k.a Qasem Sulemani), born March 11, 1957 in Iran. Iranian national. Passport: 008827 (Iran Diplomatic), issued 1999. Title: Major General.

2. GROUPS AND ENTITIES

1. "Abu Nidal Organisation" – "ANO" (a.k.a. "Fatah Revolutionary Council", a.k.a. "Arab Revolutionary Brigades", a.k.a. "Black September", a.k.a. "Revolutionary Organisation of Socialist Muslims").
2. "Al-Aqsa Martyrs' Brigade".
3. "Al-Aqsa e.V".
4. "Al-Takfir" and "Al-Hijra".
5. "Babbar Khalsa".
6. "Communist Party of the Philippines", including "New People's Army" – "NPA", Philippines.
7. "Gama'a al-Islamiyya" (a.k.a. "Al-Gama'a al-Islamiyya") ("Islamic Group" – "IG").
8. "İslami Büyük Doğu Akıncılar Cephesi" – "IBDA-C" ("Great Islamic Eastern Warriors Front").
9. "Hamass", including "Hamass-Izz al-Din al-Qassam".
10. "Hizballah Military Wing" (a.k.a. "Hezbollah Military Wing", a.k.a. "Hizbullah Military Wing", a.k.a. "Hizbollah Military Wing", a.k.a. "Hezbollah Military Wing", a.k.a. "Hisbollah Military Wing", a.k.a. "Hizbu'llah Military Wing" a.k.a. "Hizb Allah Military Wing", a.k.a. "Jihad Council" (and all units reporting to it, including the External Security Organisation)).
11. "Hizbul Mujahideen" – "HM".
12. "Hofstadgroep".
13. "Holy Land Foundation for Relief and Development".

14. "International Sikh Youth Federation" – "ISYF".
 15. "Khalistan Zindabad Force" – "KZF".
 16. "Kurdistan Workers' Party" – "PKK", (a.k.a. "KADEK", a.k.a. "KONGRA-GEL").
 17. "Liberation Tigers of Tamil Eelam" – "LTTE".
 18. "Ejército de Liberación Nacional" ("National Liberation Army").
 19. "Palestinian Islamic Jihad" – "PIJ".
 20. "Popular Front for the Liberation of Palestine" – "PFLP".
 21. "Popular Front for the Liberation of Palestine – General Command" (a.k.a. "PFLP – General Command").
 22. "Fuerzas armadas revolucionarias de Colombia" – "FARC" ("Revolutionary Armed Forces of Colombia").
 23. "Devrimci Halk Kurtuluş Partisi-Cephesi" – "DHKP/C" (a.k.a. "Devrimci Sol" ("Revolutionary Left"), a.k.a. "Dev Sol") ("Revolutionary People's Liberation Army/Front/Party").
 24. "Sendero Luminoso" – "SL" ("Shining Path").
 25. "Stichting Al Aqsa" (a.k.a. "Stichting Al Aqsa Nederland", a.k.a. "Al Aqsa Nederland").
 26. "Teyrbazen Azadiya Kurdistan" – "TAK" (a.k.a. "Kurdistan Freedom Falcons", a.k.a. "Kurdistan Freedom Hawks").
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COMMISSION REGULATION (EU) No 715/2013**of 25 July 2013****establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives⁽¹⁾ and in particular Article 6(2) thereof,

Whereas:

- (1) It results from an evaluation of several waste streams that recycling markets for copper scrap would benefit from the development of specific criteria determining when copper scrap obtained from waste ceases to be waste. Those criteria should ensure a high level of environmental protection. They should be without prejudice to the classification of recovered copper scrap as waste by third countries.
- (2) Reports of the Joint Research Centre of the European Commission have shown that a market and demand exist for copper scrap to be used as feedstock in the non-ferrous metal producing industry. Copper scrap should therefore be sufficiently pure and meet the relevant standards or specifications required by the non-ferrous metal producing industry.
- (3) The criteria determining when copper scrap ceases to be waste should ensure that copper scrap resulting from a recovery operation meets the technical requirements of the non-ferrous metal producing industry, comply with existing legislation and standards applicable to products and do not lead to overall adverse environmental or human health impacts. Reports of the Joint Research Centre of the European Commission have shown that the proposed criteria on the waste used as input in the recovery operation, on the treatment processes and techniques, as well as on the copper scrap resulting from the recovery operation fulfil those objectives as they should result in the generation of copper scrap devoid of hazardous properties and sufficiently free of metals other than copper and non-metallic compounds.
- (4) In order to ensure compliance with the criteria, it is appropriate to provide that information on copper scrap which has ceased to be waste is issued and that a management system is implemented.
- (5) A review of the criteria may prove necessary if, on the basis of a monitoring for the development of market

conditions for copper scrap, adverse effects on recycling markets for copper scrap are noted, in particular with regard to the availability of, and access to, such scrap.

- (6) In order to allow operators to adapt to the criteria determining when copper scrap ceases to be waste, it is appropriate to provide for a reasonable period to elapse before this Regulation applies.
- (7) The Committee established by Article 39 of Directive 2008/98/EC has not delivered an opinion on the measures provided for in this Regulation and the Commission therefore submitted a proposal relating to the measures to be taken to the Council and forwarded it to the European Parliament. The Council did not act within the 2-month period provided for by Article 5a of Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾, and the Commission therefore submitted the proposal to the European Parliament without delay. The European Parliament did not oppose the measure within 4 months from the abovementioned forwarding.

HAS ADOPTED THIS REGULATION:

*Article 1***Subject matter**

This Regulation establishes criteria determining when copper scrap ceases to be waste.

*Article 2***Definitions**

For the purposes of this Regulation, the definitions set out in Directive 2008/98/EC shall apply.

In addition, the following definitions shall apply:

- (1) 'copper scrap' means scrap metal which consists mainly of copper and copper alloys;
- (2) 'holder' means the natural or legal person who is in possession of copper scrap;
- (3) 'producer' means the holder who transfers copper scrap to another holder for the first time as copper scrap which has ceased to be waste;

⁽¹⁾ OJ L 312, 22.11.2008, p. 3.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

- (4) 'importer' means any natural or legal person established within the Union who introduces copper scrap which has ceased to be waste into the customs territory of the Union;
- (5) 'qualified staff' means staff which is qualified by experience or training to monitor and assess the properties of copper scrap;
- (6) 'visual inspection' means inspection of copper scrap covering all parts of a consignment and using human senses or any non-specialised equipment;
- (7) 'consignment' means a batch of copper scrap which is intended for delivery from a producer to another holder and may be contained in either one or several transport units, such as containers.

Article 3

Criteria for copper scrap

Copper scrap shall cease to be waste where, upon transfer from the producer to another holder, all of the following conditions are fulfilled:

- (1) the copper scrap resulting from the recovery operation complies with the criteria set out in Section 1 of Annex I;
- (2) the waste used as input for the recovery operation complies with the criteria set out in Section 2 of Annex I;
- (3) the waste used as input for the recovery operation has been treated in accordance with the criteria set out in Section 3 of Annex I;
- (4) the producer has satisfied the requirements set out in Articles 4 and 5.

Article 4

Statement of conformity

- 1. The producer or the importer shall issue, for each consignment of copper scrap, a statement of conformity conforming to the model set out in Annex II.
- 2. The producer or the importer shall transmit the statement of conformity to the next holder of the copper scrap consignment. The producer or the importer shall retain a copy of the statement of conformity for at least 1 year after its date of issue and shall make it available to competent authorities upon request.
- 3. The statement of conformity may be in electronic form.

Article 5

Management system

- 1. The producer shall implement a management system suitable to demonstrate compliance with the criteria referred to in Article 3.
- 2. The management system shall include a set of documented procedures concerning each of the following aspects:
 - (a) monitoring of the quality of copper scrap resulting from the recovery operation as set out in Section 1 of Annex I (including sampling and analysis);

- (b) effectiveness of radiation monitoring as set out in Section 1.5 of Annex I;
- (c) acceptance control of waste used as input for the recovery operation as set out in Section 2 of Annex I;
- (d) monitoring of the treatment processes and techniques described in Section 3.3 of Annex I;
- (e) feedback from customers concerning compliance with copper scrap quality;
- (f) record keeping of the results of monitoring conducted under points (a) to (d);
- (g) review and improvement of the management system;
- (h) training of staff.

3. The management system shall also prescribe the specific monitoring requirements set out in Annex I for each criterion.

4. Where any of the treatments referred to in Section 3.3 of Annex I is carried out by a prior holder, the producer shall ensure that the supplier implements a management system which complies with the requirements of this Article.

5. A conformity assessment body, as defined in Regulation (EC) No 765/2008 of the European Parliament and of the Council ⁽¹⁾, which has obtained accreditation in accordance with that Regulation, or an environmental verifier, as defined in Art 2 (20) (b) of Regulation (EC) No 1221/2009 of the European Parliament and of the Council ⁽²⁾, which is accredited or licensed in accordance with that Regulation, shall verify that the management system complies with the requirements of this Article. The verification shall be carried out every 3 years.

Only verifiers with the following scope of accreditation or licence based on the NACE Codes as specified in Regulation (EC) No 1893/2006 of the European Parliament and of the Council ⁽³⁾ shall be regarded as having sufficient specific experience to perform the verification mentioned in this Regulation:

- (a) * NACE Code 38 (Waste collection, treatment and disposal activities; material recovery); or
- (b) * NACE Code 24 (Manufacture of basic metals) especially including the sub-code 24.44 (Copper production).

6. The importer shall require his suppliers to implement a management system which complies with the requirements of paragraphs 1, 2 and 3 and has been verified by an independent external verifier.

⁽¹⁾ OJ L 218, 13.8.2008, p. 30.

⁽²⁾ OJ L 342, 22.12.2009, p. 1.

⁽³⁾ OJ L 393, 30.12.2006, p. 1.

The management system of the supplier shall be certified by a conformity assessment body which is accredited by one of the following:

- (a) an accreditation body successfully peer evaluated for this activity by the body recognised in Article 14 of Regulation (EC) No 765/2008;
- (b) an environmental verifier which is accredited or licensed by an accreditation or licensing body according to Regulation (EC) No 1221/2009 which is also subject to peer evaluation according to Article 31 of that Regulation.

Verifiers who want to operate in third countries must obtain a specific accreditation or licence, in accordance with the

specifications laid down in Regulation (EC) No 765/2008 or Regulation (EC) No 1221/2009 together with Commission Decision 2011/832/EU ⁽¹⁾.

7. The producer shall give competent authorities access to the management system upon request.

Article 6

Entry into force

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

It shall apply from 1 January 2014.

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

Done at Brussels, 25 July 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 330, 14.12.2011, p. 25.

ANNEX I

Criteria for copper scrap

Criteria	Self-monitoring requirements
Section 1. Quality of copper scrap resulting from the recovery operation	
1.1. The scrap shall be graded according to a customer specification or an industry specification or a standard for direct use in the production of metal substances or objects by smelters, refiners, re-melters or other metals producers.	Qualified staff shall grade each consignment.
1.2. The total amount of foreign materials shall be < 2 % by weight; Foreign materials are: — metals other than copper and copper alloys, — non-metallic materials such as earth, dust, insulation and glass, — combustible non-metallic materials such as rubber, plastic, fabric, wood and other chemical or organic substances, — slag, dross, skimming, baghouse dust, grinder dust, sludge.	Qualified staff shall carry out visual inspection of each consignment. At appropriate intervals (at least every 6 months) representative samples of each grade of copper scrap shall be analysed to measure the total amount of foreign materials. The total amount of foreign materials shall be measured by weighing after separating copper/copper alloy metallic particles and objects from particles and objects consisting of foreign materials by hand sorting or other means of separation (e.g. by magnet or based on the density). The appropriate frequencies of analysing representative samples shall be established taking into account the following factors: — the expected pattern of variability (for example as shown by historical results), — the inherent risk of variability in the quality of the waste used as input for the recovery operation and in the performance of the treatment process, — the inherent precision of the monitoring method, and — the proximity of results to the limit values for the total amount of foreign materials. The process of determining monitoring frequencies should be documented as part of the management system and should be available for auditing.
1.3. The scrap shall not contain excessive metal oxide in any form, except for typical amounts arising from outside storage of prepared scrap under normal atmospheric conditions.	Qualified staff shall carry out a visual inspection of each consignment.
1.4. The scrap shall be free of visible oil, oily emulsions, lubricants or grease except negligible amounts that will not lead to any dripping.	Qualified staff shall carry out a visual inspection of each consignment, paying particular attention to those parts where oil is most likely to drip.
1.5. There is no need for response action according to national or international rules on monitoring and response procedures for radioactive scrap metal. This requirement is without prejudice to the legislation on the health protection of workers and members of the public adopted in Chapter III of the Euratom Treaty, in particular Council Directive 96/29/Euratom ⁽¹⁾ .	Qualified staff shall monitor the radioactivity of each consignment. Each consignment of scrap shall be accompanied by a certificate established in accordance with national or international rules on monitoring and response procedures for radioactive scrap metal. The certificate may be included in other documentation accompanying the consignment.

Criteria	Self-monitoring requirements
1.6. The scrap shall not display any of the hazardous properties listed in Annex III to Directive 2008/98/EC of the European Parliament and the Council. The scrap shall comply with the concentration limits laid down in Commission Decision 2000/532/EC ⁽²⁾ and not exceed the concentration limits laid down in Annex IV to Regulation (EC) No 850/2004 of the European Parliament and the Council ⁽³⁾. Properties of alloy metals included in copper alloys are not relevant for this requirement.	Qualified staff shall investigate each consignment by visual inspection. Where visual inspection raises any suspicious of possible hazardous properties, further appropriate monitoring measures shall be taken, such as sampling and testing where appropriate. The staff shall be trained on potential hazardous properties that may be associated with copper scrap and on material components or features that allow recognising the hazardous properties. The procedure of recognising hazardous materials shall be documented under the management system.
1.7. The scrap does not contain any pressurised, closed or insufficiently open containers that could cause explosions in a metal work furnace.	Qualified staff shall investigate each consignment by visual inspection.
1.8. The scrap shall not contain PVC in form of coatings, paints, or residual plastics.	Qualified staff shall investigate each consignment by visual inspection.

Section 2. Waste used as input for the recovery operation

2.1. Only waste that contained recoverable copper or copper alloys may be used as input. 2.2. Hazardous waste shall not be used as an input except where proof is provided that the processes and techniques specified under 'criteria on treatment and techniques' to remove all hazardous properties have been applied. 2.3. The following wastes shall not be used as an input: — filings and turnings that contain fluids such as oil or oily emulsions, and — barrels and containers, except equipment from end-of-life vehicles, which contain or have contained oil or paints.	Acceptance control of all waste received (by visual inspection) and of the accompanying documentation shall be carried out by qualified staff which is trained on how to recognise waste that does not fulfil the criteria set out in this section.
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Section 3. Treatment processes and techniques

3.1. The copper scrap shall have been segregated at source or while collecting or the input wastes shall have been treated to separate the copper scrap from the non-metal and non-copper metal components. The copper scrap resulting from these operations shall be kept separate from any other waste. 3.2. All mechanical treatments (like cutting, shearing, shredding or granulating; sorting, separation, cleaning, de-polluting, emptying) needed to prepare the metal scrap for direct input into final use shall have been completed. 3.3. For waste containing hazardous components the following specific requirements shall apply: — input materials that originate from waste electrical or electronic equipment or from end-of-life vehicles shall have undergone all treatments required by Article 6 of Directive 2002/96/EC of the European Parliament and of the Council ⁽⁴⁾ and by Article 6 of Directive 2000/53/EC of the European Parliament and of the Council ⁽⁵⁾,	
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Criteria	Self-monitoring requirements
— chlorofluorocarbons in discarded equipment shall have been captured in a process approved by the competent authorities, — cables shall have been chopped or stripped. If a cable contains organic coatings (plastics), the organic coatings shall have been removed in accordance with best available techniques, — barrels and containers shall have been emptied and cleaned, — hazardous substances in waste not mentioned in point (1) shall have been efficiently removed in a process which is approved by the competent authority.	

⁽¹⁾ OJ L 159, 29.6.1996, p. 1.

⁽²⁾ OJ L 226, 6.9.2000, p. 3.

⁽³⁾ OJ L 158, 30.4.2004, p. 7.

⁽⁴⁾ OJ L 37, 13.2.2003, p. 24.

⁽⁵⁾ OJ L 269, 21.10.2000, p. 34.

ANNEX II

Statement of Conformity with the end-of-waste criteria referred to in Article 4(1)

1.	Producer/importer of the copper scrap: Name: Address: Contact person: Tel. Fax E-mail:
2.	(a) Name or code of the scrap metal category, in accordance with an industry specification or standard: (b) Where relevant, main technical provisions of a customer specification, such as composition, size, type and properties:
3.	The scrap metal consignment complies with the industry specification or standard referred to in point 2(a) or with the customer specification to in point 2(b).
4.	Quantity of the consignment in kg:
5.	A radioactivity test certificate has been established in accordance with national or international rules on monitoring and response procedures for radioactive scrap metal.
6.	The producer of scrap metal applies a management system complying with the requirements of Commission Regulation (EU) No 715/2013, which has been verified by an accredited conformity assessment body or by an environmental verifier or, where scrap metal which has ceased to be waste is imported into the customs territory of the Union, by an independent external verifier.
7.	The scrap metal consignment meets the criteria referred to in paragraphs 1 to 3 of Article 3 of Regulation (EU) No 715/2013.
8.	Declaration of the producer/importer of scrap metal: I certify that the above information is complete and correct to the best of my knowledge: Name: Date: Signature:

COMMISSION IMPLEMENTING REGULATION (EU) No 716/2013**of 25 July 2013****laying down rules for the application of Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks ⁽¹⁾, and in particular Article 24(3) and Article 27 thereof,

Whereas:

- (1) In order to clarify certain provisions of Regulation (EC) No 110/2008 and to ensure their uniform implementation in the Member States, detailed rules should be adopted, in particular as regards the use of compound terms, allusions, sales denominations and geographical indications for the presentation of spirit drinks.
- (2) According to Article 10(1) and (2) of Regulation (EC) No 110/2008, a spirit drink or another foodstuff may, under certain conditions, bear in its presentation a compound term which includes the name of one of the categories listed in Annex II to Regulation (EC) No 110/2008 or one of the geographical indications listed in Annex III to that Regulation or may bear one or more allusions that include one or more of those categories or geographical indications. In order to ensure the uniform use of compound terms and allusions in Member States, it is necessary to establish detailed rules of their usage for the presentation of spirit drinks and other foodstuffs.
- (3) When reference is made to a certain spirit drink in the presentation of a foodstuff, that spirit drink must fully comply with Regulation (EC) No 110/2008 and not be diluted. It is necessary to clarify the meaning of the term 'dilution' when referred to spirit drinks, since certain manufacturing processes should not be considered as dilution.
- (4) To ensure that the conditions for the registration of geographical indications laid down in Regulation (EC) No 110/2008 are met, applications for registration should be examined by the Commission and detailed implementing rules on the application, examination, objection and cancellation procedures for geographical indications of spirit drinks should be established. To ensure a uniform implementation of those rules, models should be drawn up for the application for registration,

the technical file, statement of objection, amendment of the technical file and cancellation of a geographical indication.

- (5) In order to facilitate communication between the Commission and Member States and third countries in relation to registered geographical indications, Member States and third countries should communicate to the Commission the main specifications of the technical files of their geographical indications, besides the complete technical files.
- (6) Restrictions concerning the packaging of a spirit drink with a geographical indication, such as the obligation to package the spirit drink in a defined geographical area, constitute restrictions to the free movement of goods and the freedom to provide services. Such restrictions should only be allowed if they are necessary, proportionate and suitable to protect the reputation of the geographical indication.
- (7) A Union symbol for geographical indications of spirit drinks should be established in order to enable the consumer to identify certain spirit drinks the characteristics of which are linked to the origin of the drinks.
- (8) Considering the time needed by the Member States to implement the measures related to the use of compound terms and allusions, the application of those measures should be deferred.
- (9) The measures established in this Regulation are in accordance with the opinion of the Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS*Article 1***Subject matter**

This Regulation lays down detailed rules for the implementation of Regulation (EC) No 110/2008 as regards in particular:

- (a) the use of compound terms and allusions as referred to in Article 10 of Regulation (EC) No 110/2008 in the description, presentation and labelling of a foodstuff;

⁽¹⁾ OJ L 39, 13.2.2008, p. 16.

- (b) the geographical indications of the spirit drinks referred to in Article 15 of Regulation (EC) No 110/2008 and the use of a Union symbol for the geographical indications of spirit drinks.

Article 2

Definitions

For the purpose of this Regulation:

- (a) 'spirit drink category' means one of the categories 1 to 46 of Annex II to Regulation (EC) No 110/2008;
- (b) 'geographical indication' means one of the geographical indications registered in Annex III to Regulation (EC) No 110/2008;
- (c) 'compound term' means the combination of a term listed in categories 1 to 46 of Annex II to Regulation (EC) No 110/2008 or a geographical indication of a spirit drink, from which all the alcohol of the final product originates, with:
- (i) the name of one or more foodstuffs other than those used for the production of that spirit drink in accordance with Annex II to Regulation (EC) No 110/2008, or adjectives deriving from those names; and/or
 - (ii) the term 'liqueur';
- (d) 'allusion' means the direct or indirect reference to one or more spirit drink categories or geographical indications, other than the reference in a compound term or list of ingredients referred to in Article 9(9) of Regulation (EC) No 110/2008.

CHAPTER II

RULES ON THE USE OF COMPOUND TERMS AND ALLUSIONS

Article 3

Compound terms

1. The term 'spirit drink' shall not be part of a compound term describing an alcoholic beverage.
2. A compound term describing an alcoholic beverage shall not consist of a combination of the term 'liqueur' with the name of one of the categories 33 to 40 of Annex II to Regulation (EC) No 110/2008.
3. A compound term shall not replace the sales denomination of a spirit drink.
4. The compound term describing an alcoholic beverage shall appear in uniform characters of the same font, size and colour. It shall not be interrupted by any textual or pictorial element which does not form part of it and shall not appear in a larger font size than that of the sales denomination.

Article 4

Allusions

The allusion to any spirit drink category or geographical indication, for the presentation of a foodstuff, shall not be in the same line as the sales denomination. For alcoholic beverages, the allusion shall appear in a font size smaller than those used for the sales denomination and compound term.

Article 5

Dilution of a spirit drink

For the purpose of Article 10(2) of Regulation (EC) No 110/2008, the reduction of the alcoholic strength of a spirit drink below the minimum alcoholic strength established for that spirit drink in the corresponding category in Annex II to that Regulation, exclusively by the addition of water, shall be considered as dilution.

CHAPTER III

GEOGRAPHICAL INDICATIONS

Article 6

Application for the registration of a geographical indication

The application for registration of a geographical indication in Annex III to Regulation (EC) No 110/2008 shall be submitted to the Commission and consist of:

- (a) the application form, according to the model set out in Annex I to this Regulation;
- (b) the technical file, according to the model set out in Annex II to this Regulation;
- (c) the main specifications of the technical file referred to in point (b).

Article 7

Trans-border applications

1. Where a trans-border geographical indication involves only Member States, the relevant application shall be submitted jointly or by one of the Member States in the name of the others. In the latter case, the application shall include a document from each of the other Member States concerned authorising the Member State forwarding the application to act on its behalf.

Where a trans-border geographical indication involves only third countries, the relevant application shall be submitted to the Commission either by one of the applicants on behalf of the others or by one of the third countries on behalf of the others and shall include:

- (a) the proof of protection in the third countries concerned; and

- (b) a document from each of the other third countries concerned authorising the third country submitting the application to act on its behalf.

Where a trans-border geographical indication involves at least one Member State and at least one third country, the application shall be submitted to the Commission by one of the Member States, third-country authorities or private entities from the third country in question and shall include:

- (a) the proof of protection in the third countries concerned; and
- (b) a document from each of the Member States or third countries concerned authorising the party forwarding the application to act on its behalf.

2. The Member State or the third-country authority or the private entity from the third country in question which submits to the Commission a trans-border application shall become the consignee of any notification or decision issued by the Commission.

Article 8

Receipt of the application

1. The date of submission of an application shall be the date of its receipt by the Commission.
2. The Member State or the third-country authority or the private entity from the third country in question shall receive an acknowledgement of receipt indicating at least the following:
- (a) the file number;
- (b) the name to be registered;
- (c) the number of pages received;
- (d) the date of receipt of the application.

Article 9

Established geographical indications

1. If the technical file for an established geographical indication, submitted pursuant to Article 20(1) of Regulation (EC) No 110/2008 does not demonstrate that the requirements laid down in Article 15(1) of that Regulation are fulfilled, the Commission shall set a time period for its amendment or withdrawal or for the submission of comments by the Member State.
2. If such deficiencies are not remedied by the Member State within the time period referred to in the first paragraph, the technical file shall be deemed not to have been submitted and Article 20(3) of Regulation (EC) No 110/2008 shall apply.

Article 10

Packaging in the geographical area concerned

If the technical file sets out that packaging of the spirit drink must take place within the demarcated geographical area or in

an area in its immediate proximity, justification for this requirement shall be given in respect of the product concerned.

Article 11

Admissibility of the application

1. The application is admissible if it consists of all the elements referred to in Article 6.
2. If the application is not complete the Commission shall invite the applicant to remedy the deficiency within a period of two months. If the deficiency is not remedied within that time limit, the Commission shall reject the application as inadmissible.

Article 12

Scrutiny of the conditions of validity

1. If a geographical indication does not comply with Article 15 of Regulation (EC) No 110/2008 or if the application for registration does not meet the requirements laid down in Article 17 of Regulation (EC) No 110/2008, the Commission shall set a time period for its amendment or withdrawal or for the submission of comments by the Member State, the third-country authority or the private entity from the third country in question.
2. If the deficiencies are not remedied by the Member State, the third-country authority or the private entity from the third country in question within the time period referred to in paragraph 1, the Commission shall reject the application.

Article 13

Objection to the registration

1. Objections referred to in Article 17(7) of Regulation (EC) No 110/2008 shall be drawn up in accordance with the form set out in Annex III to this Regulation and submitted to the Commission. The date of submission of the objection shall be the date of its receipt by the Commission.
2. The objector shall receive an acknowledgement of receipt indicating at least the following:
- (a) the file number;
- (b) the number of pages received;
- (c) the date of receipt of the objection.

Article 14

Admissibility of an objection

1. The objection is admissible if it mentions the prior right(s) claimed, where relevant, and the ground(s) for the objection and it was received within the time period referred to in Article 17(7) of Regulation (EC) No 110/2008.

2. If the objection is based on the existence of an earlier trademark of reputation and renown already used in the Union, in accordance with Article 23(3) of Regulation (EC) No 110/2008, it shall be accompanied by proof of the filing of an application for registration, registration or use of that trademark, such as the certificate of registration or proof of its use, and proof of its reputation and renown.

3. Any objection shall contain details of the facts, evidence and comments submitted in support of the objection and be accompanied by the relevant supporting documents.

The information and evidence produced in support of the use of an earlier trademark shall refer to location, duration, extent and nature of use and of its reputation and renown.

4. If the information and the documents referred to in paragraphs 1, 2 and 3 have not been produced, the Commission shall invite the objector to remedy the deficiencies within a period of two months. If the deficiencies are not remedied within the time limit, the Commission shall reject the objection as inadmissible.

Article 15

Scrutiny of an objection

1. If the objection is admissible, the Commission shall communicate it to the Member State, the third-country authority or the private entity from the third country in question and invite them to file observations within a period of two months. Any observations received within this time period shall be communicated to the objector.

2. The Commission shall request the parties to submit comments on the observations received from the other parties within a period of two months.

3. If the Commission considers that the objection is founded, it shall reject the application for registration.

4. If, in the event of multiple objections, following a preliminary examination of one or more such objections, it may not be possible to accept the application for registration, the Commission may suspend the other objection procedures. The Commission shall inform the other objectors of any decision affecting them.

5. Where an application for registration is rejected, objection procedures which have been suspended shall be deemed to be closed and the objectors concerned shall be duly informed.

Article 16

Decisions of the Commission

1. Decisions taken by the Commission pursuant to Articles 9(2), 11(2), 12(2) and 15(3) shall be based on the documents and information available to it.

The decisions, including grounds for them, shall be notified to the Member State, the third-country authority or the private entity from the third country in question, and, if appropriate, to the objector.

2. Unless the application for the registration of a geographical indication is rejected pursuant to Articles 11(2), 12(2) and 15(3) of this Regulation, the Commission shall decide pursuant to Article 17(8) of Regulation (EC) No 110/2008 to register the geographical indication in Annex III to that Regulation.

Article 17

Use of languages

The geographical indication shall be registered in the language(s) used to describe the product in question in the geographical area concerned and with its original spelling.

Article 18

Submission of a request for cancellation

1. A request for cancellation of a geographical indication shall be drawn up in accordance with the form set out in Annex IV and shall be submitted to the Commission. The date of submission of the request for cancellation shall be the date of its receipt by the Commission.

2. The author of the request for cancellation shall receive an acknowledgement of receipt indicating at least:

- (a) the file number;
- (b) the number of pages received; and
- (c) the date of receipt of the request.

Article 19

Admissibility of a request for cancellation

1. A request for cancellation is admissible, if it clearly states the legitimate interest of the author of the request for cancellation and explains the ground(s) for such cancellation.

2. Any request for cancellation shall contain details of the facts, evidence and comments submitted in support of cancellation. It shall be accompanied by the relevant supporting documents and in particular, by a statement from the Member State or the third-country authority where the residence or registered office of the author of the request is located.

3. If the information and documents referred to in paragraphs 1 and 2 have not been provided at the same time as the request for cancellation, the Commission shall invite the author of the request to remedy the deficiencies within a period of two months. If the deficiencies are not remedied within the time limit, the Commission shall reject the request as inadmissible.

The Commission shall notify the author of the request for cancellation as well as the Member State, the third-country authority or the private entity from the third country, whose geographical indication is affected by the request for cancellation, of the decision of inadmissibility.

Article 20

Scrutiny of a cancellation

1. If the Commission has not rejected the request for cancellation in accordance with Article 19(3), it shall communicate the request to the Member State or the third-country authority or private entity from the third country, whose geographical indication is affected by the request for cancellation, and invite them to file observations within a deadline of two months. Any observation received within this time limit shall be communicated to the author of the request for cancellation.

2. The Commission shall decide on a cancellation if the Member State, third-country authority or private entity from the third country in question does not file any observation or does not comply with the two-month time limit.

3. Any decision to cancel the geographical indication concerned shall be taken by the Commission on the basis of the evidence available to it after the expiration of the deadline for submission of observations. It shall consider whether compliance with the technical file of the geographical indication is no longer possible or can no longer be guaranteed, particularly if the conditions laid down in Article 17 of Regulation (EC) No 110/2008 are no longer fulfilled or may no longer be fulfilled in the near future.

Such decision on cancellation shall be notified to the Member State, the third-country authority or the private entity from the third country in question or the author of the request for cancellation.

4. If more than one request for cancellation concerning the same geographical indication has been submitted and, after a preliminary examination of one or more of those requests, the Commission decides that it is no longer justified to protect the geographical indication, it may suspend other cancellation procedures concerning that geographical indication. It shall inform the other authors of the requests for cancellation of any decision affecting them.

If a geographical indication is cancelled, the Commission shall close the cancellation procedures which have been suspended and inform the other authors of the request for cancellation accordingly.

Article 21

Amendment of the technical file

1. An application for the amendment of the technical file related to a registered geographical indication, as referred to in Article 21 of Regulation (EC) No 110/2008, shall be drawn up in accordance with Annex V to this Regulation and submitted in electronic format.

2. For the purposes of the application referred to in paragraph 1, Articles 8 to 15 of this Regulation shall apply *mutatis mutandis*. These procedures shall only concern the points of the technical file which are the subject of the amendment.

3. Where the application for the amendment of the technical file is submitted by an applicant other than the initial applicant, the Commission shall communicate the application to the initial applicant.

Article 22

Use of a Union symbol for registered geographical indications

1. The Union symbol for registered geographical indications established in Annex V to Commission Regulation (EC) No 1898/2006 ⁽¹⁾ may be used for spirit drinks. That symbol may not be used together with a compound term including a geographical indication. The indication 'PROTECTED GEOGRAPHICAL INDICATION' may be replaced by the equivalent terms in another official language of the Union as laid down in that Annex.

2. Where the Union symbol referred to in paragraph 1 appears on the label of a spirit drink, it shall be accompanied by the corresponding geographical indication.

CHAPTER IV

FINAL PROVISIONS

Article 23

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 September 2013. Articles 3 and 4 shall apply from 1 March 2015.

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

Done at Brussels, 25 July 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 369, 23.12.2006, p. 1.

ANNEX I

APPLICATION FOR REGISTRATION OF A GEOGRAPHICAL INDICATION

Date of receipt (DD/MM/YYYY) ...

[to be completed by the Commission]

Number of pages (including this page) ...

Language used for submission of application ...

File number ...

[to be completed by the Commission]

Geographical indication to be registered ...

Category of the spirit drink

Applicant

Name of legal or natural person ...

Full address (street number and name, town/city and postal code, country) ...

Legal status, size and composition (*in the case of legal persons*) ...

Nationality ...

Tel., e-mail ...

Intermediary

Member State(s) (*)

Third-country authority (*)

[(*) delete as appropriate]

Name(s) of intermediary(ies) ...

Full address(es) (street number and name, town/city and postal code, country) ...

Tel., e-mail ...

Proof of protection in third country ...

Technical file

Number of pages ...

Name(s) of signatory(ies) ...

Signature(s) ...

ANNEX II

TECHNICAL FILE

Date of receipt (DD/MM/YYYY) ...

[to be completed by the Commission]

Number of pages (including this page) ...

Language used for submission of application ...

File number ...

[to be completed by the Commission]

Geographical indication to be registered ...

Category of the spirit drink

Description of the spirit drink

- Physical, chemical and/or organoleptic characteristics
- Specific characteristics (compared to spirit drinks of the same category)

Geographical area concerned

Method for obtaining the spirit drink

Link with the geographical environment or origin

- Details of the geographical area or origin relevant to the link
- Specific characteristics of the spirit drink attributable to the geographical area

European Union or national/regional provisions

Applicant

- Member State, Third Country or legal/natural person ...
- Full address (street number and name, town/city and postal code, country) ...
- Legal status (in the case of legal persons) ...

Supplement to the geographical indication

Specific labelling rules

ANNEX III

REQUEST OF OBJECTION TO A GEOGRAPHICAL INDICATION

Date of receipt (DD/MM/YYYY) ...

[to be completed by the Commission]

Number of pages (including this page) ...

Language of request of objection ...

File number ...

[to be completed by the Commission]

Objector

Name of legal or natural person ...

Full address (street number and name, town/city and postal code, country) ...

Nationality ...

Tel., e-mail ...

Intermediary

Member State(s) (*)

Third-country authority (optional) (*)

[() delete as appropriate]*

Name(s) of intermediary(ies) ...

Full address(es) (street number and name, town/city and postal code, country) ...

Objected geographical indication ...**Prior rights**

Registered geographical indication (*)

National geographical indication (*)

[() delete as appropriate]*

Name ...

Registration number ...

Date of registration (DD/MM/YYYY) ...

Trademark

Sign ...

List of products and services ...

Registration number ...

Date of registration ...

Country of origin ...

Reputation/renown (*) ...

[() delete as appropriate]*

Grounds for objection

Name of signatory ...

Signature ...

ANNEX IV

REQUEST OF CANCELLATION OF A GEOGRAPHICAL INDICATION

Date of receipt (DD/MM/YYYY) ...

[to be completed by the Commission]

Number of pages (including this page) ...

Author of request of cancellation ...

File number ...

[to be completed by the Commission]

Language of request of cancellation ...

Name of legal or natural person ...

Full address (*street number and name, town/city and postal code, country*) ...

Nationality ...

Tel., e-mail ...

Contested geographical indication ...

Legitimate interest of the author of the request ...

Statement by the Member State or third country ...

Grounds for cancellation

Name of signatory ...

Signature ...

ANNEX V

APPLICATION FOR THE AMENDMENT OF THE TECHNICAL FILE OF A GEOGRAPHICAL INDICATION

Date of receipt (DD/MM/YYYY) ...

[to be completed by the Commission]

Number of pages (including this page) ...

Language of amendment ...

File number ...

[to be completed by the Commission]

Intermediary

Member State(s) (*) —

Third-country authority (optional) (*)

[(*) delete as appropriate]

Name(s) of intermediary(ies) ...

Full address(es) (street number and name, town/city and postal code, country) ...

Tel., e-mail ...

Name of the geographical indication**Specification heading affected by the amendment**

Protected name (*)

Description of product (*)

Geographical area (*)

Link (*)

Names and addresses of control authorities (*)

Other (*)

[(*) delete as appropriate]

Amendment

Amendment to the product specification not entailing an amendment of the main specifications (*)

Amendment to the product specification entailing an amendment to the main specifications (*)

[() delete as appropriate] —*

Explanation of the amendment ...**Amended main specifications**

[on separate sheet]

Name of signatory ...

Signature ...

COMMISSION REGULATION (EU) No 717/2013**of 25 July 2013****amending Regulation (EU) No 142/2011 as regards the entries for animal welfare in certain model health certificates****(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 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) ⁽¹⁾, and in particular the first subparagraph of Article 42(2)(d) thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive ⁽²⁾ provides that consignments of animal by-products and derived products for importation into or transit through the Union are to be accompanied by health certificates in accordance with the models set out in Annex XV thereto.
- (2) Certain model certificates set out in Annex XV to Regulation (EU) No 142/2011 provide that the official veterinarian is to certify compliance with animal welfare rules laid down in Council Directive 93/119/EC of 22 December 1993 on the protection of animals at the time of slaughter or killing ⁽³⁾.
- (3) Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing ⁽⁴⁾ repealed and replaced Directive 93/119/EC. Regulation (EC) No 1099/2009 applies from 1 January 2013.

- (4) For reasons of clarity the animal welfare statements in the model of health certificates Chapter 3(D), II.1.3 (b)(iv) in Chapter 3(F) and II.2.2(b)(iv) in Chapter 8 of Annex XV to Regulation (EU) No 142/2011 should be updated.
- (5) To avoid any disruption of trade, the use of certificates issued in accordance with Regulation (EU) No 142/2011 prior to the entry into force of this Regulation should be authorised for a transitional period.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XV to Regulation (EU) No 142/2011 is amended in accordance with the Annex to this Regulation.

Article 2

For a transitional period until 31 January 2014, consignments of products of animal origin accompanied by certificates issued before 1 December 2013 in accordance with the models set out in Annex XV to Regulation (EU) No 142/2011 before the amendments introduced by this Regulation may continue to be introduced into the Union.

*Article 3*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 December 2013.

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

Done at Brussels, 25 July 2013.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 300, 14.11.2009, p. 1.⁽²⁾ OJ L 54, 26.2.2011, p. 1.⁽³⁾ OJ L 340, 31.12.1993, p. 21.⁽⁴⁾ OJ L 303, 18.11.2009, p. 1.

ANNEX

Annex XV to Regulation (EU) No 142/2011 is amended as follows:

(1) Chapter 3(D) is replaced by the following:

‘CHAPTER 3(D)

Health certificate

for raw pet food for direct sale or animal by-products to be fed to fur animals, intended for dispatch to or for transit through ⁽²⁾ the European Union

COUNTRY**Veterinary certificate to EU**

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference No		I.2.a.	
			I.3. Central competent authority			
			I.4. Local competent authority			
	I.5. Consignee Name Address Postcode Tel.		I.6. Person responsible for the load in EU Name Address Postcode Tel.			
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code
					I.10. Region of destination	Code
	I.11. Place of origin Name Address Name Address Name Address		Approval number Approval number Approval number		I.12. Place of destination Name Address Postcode Custom warehouse ☐ Approval number	
	I.13. Place of loading		I.14. Date of departure			
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentation references		I.16. Entry BIP in EU		I.17.	
	I.18. Description of commodity		I.19. Commodity code (HS code)			
				I.20. Quantity		
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐		I.22. Number of packages				
I.23. Seal/Container No		I.24. Type of packaging				
I.25. Commodities certified for: Animal feedingstuff ☐ Technical use ☐						
I.26. For transit through EU to third country ☐ Third country ISO code		I.27. For import or admission into EU ☐				
I.28. Identification of the commodities Species (Scientific name) Nature of commodity Approval number of establishments Net weight Batch number Manufacturing plant						

COUNTRY		Raw pet food for direct sale or animal by-products to be fed to fur animals	
		II.a. Certificate reference No	II.b.
Part II: Certification	II. Health information		
	I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1069/2009 of the European Parliament and of the Council (1a) and in particular Articles 10 thereof, and Commission Regulation (EU) No 142/2011 (1b), and in particular Chapter II of Annex XIII and Chapter II of Annex XIV thereto, and certify that the raw pet food or animal by-products described above: II.1. consist of animal by-products that satisfy the health requirements below; II.2. consist of animal by-products: (a) derived from meat which satisfies the relevant animal and public health requirements laid down in: — Commission Regulation (EU) No 206/2010 (3) and provided the animals from which the meat is derived come from the third countries, territories or parts thereof (ISO code in case of country or codes for territories or parts thereof) which has been free of foot-and-mouth disease, rinderpest, classical swine fever, African swine fever and swine vesicular disease for the last 12 months and where no vaccination has taken place during that time (only as relevant for the susceptible species); — and/or Commission Regulation (EC) No 798/2008 (4), and provided the animals from which the meat is derived come from the third countries, territories or parts thereof (ISO code in case of country or codes for territories or parts thereof) as listed in that Regulation which has been free from Newcastle disease and avian influenza for the last 12 months; — and/or Commission Regulation (EC) No 119/2009 (5), and provided the animals from which the meat is derived come from the third countries, territories or parts thereof (ISO code in case of country or codes for territories or parts thereof) as listed in that Regulation which has been free from foot-and-mouth disease, rinderpest, classical swine fever, African swine fever, swine vesicular disease, Newcastle disease and avian influenza for the last 12 months and where no vaccination has taken place during that time (only as relevant for the susceptible species); (b) derived from animals that, at the slaughterhouse, have passed the ante-mortem health inspection during the 24 hours before the slaughter and have shown no evidence of the diseases referred in the Regulations laid down in point (a) for which the animals are susceptible; and (c) derived from animals that have been handled in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Union legislation and have met requirements at least equivalent to those laid down in Chapters II and III of Council Regulation (EC) No 1099/2009; or (d) in the case of feed for fur animals derived from aquatic animals which satisfies the relevant animal and public health requirements laid down in Commission Decision 2006/766/EC (6), come from countries or territories thereof (ISO code) as listed in Annex II to that Decision; II.3.1. consist only of the following animal by-products: (a) carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with Union legislation, but are not intended for human consumption for commercial reasons; and (b) parts of slaughtered animals, which are rejected as unfit for human consumption but are not affected by any signs of diseases communicable to humans or animals and derive from carcasses that are fit for human consumption in accordance with Union legislation; II.3.2. in the case of feed for fur animals in addition to II.3.1. consist also of the following animal by-products: (2) either [- animal by-products from poultry and lagomorphs slaughtered on the farm as referred to in Article 1(3)(d) of Regulation (EC) No 853/2004, which did not show any signs of disease communicable to humans or animals;] (2) and/or [- blood of animals which did not show any signs of disease communicable through blood to humans or animals, obtained from animals other than ruminants that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with Union legislation;] (2) and/or [- animal by-products arising from the production of products intended for human consumption, including degreased bone, greaves and centrifuge or separator sludge from milk processing;] (2) and/or [- products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;] (2) and/or [- pet food and feedingstuffs of animal origin, or feedingstuffs containing animal by-products or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;] (2) and/or [- blood, placenta, wool, feathers, hair, horns, hoof cuts and raw milk originating from live animals that did not show signs of any disease communicable through that product to humans or animals;] (2) and/or [- aquatic animals, and parts of such animals, except sea mammals, which did not show any signs of diseases communicable to humans or animals;]		

COUNTRY		Raw pet food for direct sale or animal by-products to be fed to fur animals	
II.	Health information	II.a. Certificate reference No	II.b.
	(²) and/or [- animal by-products from aquatic animals originating from plants or establishments manufacturing products for human consumption;]		
	(²) and/or [- the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals: (i) shells from shellfish with soft tissue or flesh; (ii) the following originating from terrestrial animals: — hatchery by-products, — eggs, — egg by-products, including egg shells; (iii) day-old chicks killed for commercial reasons;]		
	(²) and/or [- animal by-products from aquatic or terrestrial invertebrates other than species pathogenic to humans or animals;]		
	(²) and/or [- animals and parts thereof of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in Article 8(a)(iii), (iv) and (v) of Regulation (EC) No 1069/2009 and Category 2 material as referred to in Article 9(a) to (g) of that Regulation;]		
II.4.	have been obtained and prepared without contact with other material not complying with the conditions laid down in the Regulation (EC) No 1069/2009, and it has been handled so as to avoid contamination with pathogenic agents;		
II.5.	have been packed in final packaging which bear labels indicating 'RAW PET FOOD — NOT FOR HUMAN CONSUMPTION' or 'ANIMAL BY-PRODUCTS FOR FEED FOR FUR ANIMALS — NOT FOR HUMAN CONSUMPTION' and then in leak-proof and officially sealed boxes/containers or in new packaging preventing any leakage and officially sealed boxes/containers which bear labels indicating 'RAW PET FOOD — NOT FOR HUMAN CONSUMPTION' or 'ANIMAL BY-PRODUCTS FOR FEED FOR FUR ANIMALS — NOT FOR HUMAN CONSUMPTION', and the name and the address of the establishment of destination;		
II.6.	in the case of raw pet food:		
	(a) have been prepared and stored in a plant approved and supervised by the competent authority in accordance with Article 24 of Regulation (EC) No 1069/2009; and		
	(b) were examined by random sampling of at least five samples from each batch taken during storage (before dispatch) and complies with the following standards (⁷):		
	Salmonella: absence in 25 g: n=5, c=0, m=0, M=0		
	Enterobacteriaceae: n=5, c=2, m=10, M=5000 in 1 gram;		
II.7.			
	(²) either [the product does not contain and is not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council (⁸) or mechanically separated meat obtained from bones of bovine, ovine or caprine animals; and the animals from which this product is derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;]		
	(²) or [the product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001;]		
II.8.	in addition as regards TSE:		
	(²) either [in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last three years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last three years:		
	(i) it has been subject to regular official veterinary checks;		
	(ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:		
	— all animals in which classical scrapie was confirmed have been killed and destroyed, and		
	— all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;		
	(iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]		

COUNTRY		Raw pet food for direct sale or animal by-products to be fed to fur animals	
II.	Health information	II.a. Certificate reference No	II.b.
(²) or	[In case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, and destined to a Member State listed in the Annex to Commission Regulation (EC) No 546/2006 (⁹), the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last seven years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last seven years: (i) it has been subject to regular official veterinary checks; (ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case: — all animals in which classical scrapie was confirmed have been killed and destroyed, and — all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele; (iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]		
Notes Part I: — Box reference I.6: Person responsible for the consignment in the European Union: this box is to be filled in only if it is a certificate for transit commodity; it may be filled in if the certificate is for import commodity. — Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for transit commodity. The products in transit can only be stored in free zones, free warehouses and custom warehouses. — Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the EU. — Box I.19: use the appropriate Harmonized System (HS) code under the following heading: 05.11. — Box reference I.23: for bulk containers, the container number and the seal number (if applicable) should be given. — Box reference I.25: technical use: any use other than for animal consumption. — Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate. — Box reference I.28: Nature of commodity: select raw pet food or animal by-product. In case of raw material for manufacture of raw pet food indicate scientific name of the species. In case of raw material for manufacture of feed for fur animals select from the following: Aves, Ruminantia, Mammalia - Ruminantia, Pesca, Mollusca, Crustacea, Invertebrata. Part II: (^{1a}) OJ L 300, 14.11.2009, p. 1. (^{1b}) OJ L 54, 26.2.2011, p. 1 (²) Delete as appropriate. (³) OJ L 73, 20.3.2010, p. 1. (⁴) OJ L 226, 23.8.2008, p. 1. (⁵) OJ L 39, 10.2.2009, p. 12.			

COUNTRY		Raw pet food for direct sale or animal by-products to be fed to fur animals	
II.	Health information	II.a. Certificate reference No	II.b.
(⁶) OJ L 320, 18.11.2006, p. 53. (⁷) Where: n = number of samples to be tested; m = threshold value for the number of bacteria; the result is considered satisfactory if the number of bacteria in all samples does not exceed m; M = maximum value for the number of bacteria; the result is considered unsatisfactory if the number of bacteria in one or more samples is M or more; and c = number of samples the bacterial count of which may be between m and M, the sample still being considered acceptable if the bacterial count of the other samples is m or less. (⁸) OJ L 147, 31.5.2001, p. 1. (⁹) OJ L 94, 1.4.2006, p. 28. — The signature and the stamp must be in a different colour to that of the printing. — Note for the person responsible for the consignment in the European Union: This certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.			
Official veterinarian/Official inspector Name (in capital letters): Date: Stamp: Qualification and title: Signature:'			

(2) Chapter 3(F) is replaced by the following:

'CHAPTER 3(F)

Health certificate

for animal by-products ⁽³⁾ for the manufacture of pet food, intended for dispatch to or for transit through ⁽²⁾ the European Union

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.				I.2. Certificate reference No		I.2.a.									
					I.3. Central competent authority											
					I.4. Local competent authority											
	I.5. Consignee Name Address Postcode Tel.				I.6. Person responsible for the load in EU Name Address Postcode Tel.											
	I.7. Country of origin		ISO code		I.8. Region of origin		Code		I.9. Country of destination		ISO code		I.10. Region of destination		Code	
	I.11. Place of origin Name Address Approval number Name Address Approval number Name Address Approval number				I.12. Place of destination Name Address Custom warehouse ☐ Address Approval number Postcode											
	I.13. Place of loading				I.14. Date of departure											
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentation references				I.16. Entry BIP in EU											
I.17.																
I.18. Description of commodity								I.19. Commodity code (HS code)								
								I.20. Quantity								
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐								I.22. Number of packages								
I.23. Seal/Container No								I.24. Type of packaging								
I.25. Commodities certified for: Technical use ☐																
I.26. For transit through EU to third country ☐ Third country ISO code						I.27. For import or admission into EU ☐										
I.28. Identification of the commodities Species (Scientific name) Nature of commodity Approval number of establishments Manufacturing plant Number of packages Net weight Batch number																

COUNTRY

Animal by-products for the manufacture of pet food

Part II: Certification	II. Health information	II.a. Certificate reference No	II.b.
		I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1069/2009 of the European Parliament and of the Council ^(1a) and Commission Regulation (EU) No 142/2011 ^(1b), and in particular Annex XIV, Chapter II thereof, and certify that the animal by-products described above: II.1.1. consist of animal by-products that satisfy the animal health requirements below; II.1.2. have been obtained in the territory of: ^(1c) from animals: (²) either [(a) that have remained in this territory since birth or for at least the last three months before slaughter;] (²) or [(b) killed in the wild in this territory ^(1d)]; II.1.3. have been obtained from animals: (²) either [(a) coming from holdings: (i) where, for the following diseases for which the animals are susceptible, there has been neither case/outbreak of rinderpest, swine vesicular disease, Newcastle disease or highly pathogenic avian influenza during the prior 30 days, nor of classical or African swine fever during the prior 40 days; nor in the holdings situated in their vicinity within 10 km, during the prior 30 days; and (ii) where there has been neither case/outbreak of foot-and-mouth disease during the prior 60 days, nor in the holdings situated in their vicinity within 25 km, during the prior 30 days; and (b) which: (i) were not killed to eradicate any epizootic disease; (ii) have remained in their holdings of origin for at least 40 days before departure and which have been transported directly to the slaughterhouse without contact with other animals which did not comply with the same health conditions; (iii) at the slaughterhouse, have passed the ante-mortem health inspection during the 24 hours before the slaughter and have shown no evidence of the diseases referred to above for which the animals are susceptible; and (iv) have been handled in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Union legislation and have met requirements at least equivalent to those laid down in Chapters II and III of Council Regulation (EC) No 1099/2009; (²) or [(a) captured and killed in the wild in an area: (i) in which within 25 km there has been no case/outbreak of any of the following diseases for which the animals are susceptible: foot-and-mouth disease, rinderpest, Newcastle disease or highly pathogenic avian influenza during the prior 30 days, nor of classical or African swine fever during the prior 40 days; and (ii) that is situated at a distance that exceeds 20 km from the borders separating another territory of a country or part thereof, which is not authorised at these dates for exporting this material to the European Union; and (b) which after killing were transported within 12 hours for chilling either to a collection centre and immediately afterwards to a game establishment, or directly to a game establishment;] II.1.4. have been obtained in an establishment around which, within a radius of 10 km, there has been no case/outbreak of diseases referred to in point II.1.3 for which the animals are susceptible during the prior 30 days or, in the event of a case of disease, the preparation of raw material for exportation to the European Union has been authorised only after removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian; II.1.5. have been obtained and prepared without contact with other material not complying with the conditions required above, and it has been handled so as to avoid contamination with pathogenic agents; II.1.6. have been packed in new packaging preventing any leakage and in officially sealed containers bearing the label indicating 'RAW MATERIAL ONLY FOR THE MANUFACTURE OF PET FOOD' and the name and address of the EU establishment of destination; II.1.7. consist only of the following animal by-products: (²) either [- carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with Union legislation, but are not intended for human consumption for commercial reasons;]	

COUNTRY

Animal by-products for the manufacture of pet food

II. Health information	II.a. Certificate reference No	II.b.
(²) and/or [- carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or bodies and the following parts of animals from game killed for human consumption in accordance with Union legislation: (i) carcasses or bodies and parts of animals which are rejected as unfit for human consumption in accordance with Union legislation, but which did not show any signs of disease communicable to humans or animals; (ii) heads of poultry; (iii) hides and skins, including trimmings and splitting thereof, horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones, of animals other than ruminants; (iv) pig bristles; (v) feathers;] (²) and/or [- animal by-products arising from the production of products intended for human consumption, including degreased bone, greaves and centrifuge or separator sludge from milk processing;] (²) and/or [- products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arise;] (²) and/or [- aquatic animals, and parts of such animals, except sea mammals, which did not show any signs of diseases communicable to humans or animals;] (²) and/or [- animal by-products from aquatic animals originating from plants or establishments manufacturing products for human consumption;] (²) and/or [- the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals: (i) shells from shellfish with soft tissue or flesh; (ii) the following originating from terrestrial animals: — hatchery by-products, — eggs, — egg by-products, including egg shells; (iii) day-old chicks killed for commercial reasons;] (²) and/or [- animal by-products from aquatic or terrestrial invertebrates, other than species pathogenic to humans or animals;] (²) and/or [- material from animals which have been treated with certain substances which are prohibited pursuant to Directive 96/22/EC, the import of the material being permitted in accordance with Article 35(a)(ii) of Regulation (EC) No 1069/2009;]		II.1.8. have been deep-frozen at the plant of origin or have been preserved in accordance with EU legislation in such a way that they will not spoil between dispatch and delivery to the plant of destination; II.1.9. in the case of raw material derived from animals which have been treated with certain substances prohibited in accordance with Directive 96/22/EC for the manufacture of pet food, the import being permitted in accordance with Article 35(a)(ii) of Regulation (EC) No 1069/2009: (a) it has been marked in the third country before entry into the territory of the Union by a cross of liquefied charcoal or activated carbon on each outer side of each frozen block, or, when the raw material is transported in pallets which are not divided into separate consignments during transport to the pet food plant of destination, on each outer side of each pallet, in a way that the marking covers at least 70 % of the diagonal length of the frozen block and be of at least 10 cm width;

COUNTRY

Animal by-products for the manufacture of pet food

II. Health information	II.a. Certificate reference No	II.b.
(b) in case of material which is not frozen, the raw material has been marked in the third country before entry into the territory of the Union by spraying it with liquefied charcoal or by applying charcoal powder in a way that the charcoal is clearly visible on the material; and (c) in the case the animal by-products are made up of raw material which has been treated as referred to above and other non-treated raw material, all the raw materials have been marked as laid down in point (a) and (b) above.		
(2) (4) [II.2. Specific requirements		
(2) (5) II.2.1. The by-products in this consignment come from animals that have been kept in the territory mentioned under II.1.2, where vaccination programmes against foot-and-mouth disease are being regularly carried out and officially controlled in domestic bovine animals.		
(2) (6) II.2.2. The by-products in this consignment consist only of animal by-products derived from trimmed offal of domestic ruminants, which have matured at an ambient temperature of more than + 2 °C for at least three hours, or in the case of masseter muscles of bovine animals and deboned meat of domestic animals, for at least 24 hours.]		
II.3.		
(2) <i>either</i> [the product does not contain and is not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council (7) or mechanically separated meat obtained from bones of bovine, ovine or caprine animals; and the animals from which this product is derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;]		
(2) <i>or</i> [the product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001;]		
II.4. in addition as regards TSE:		
(2) <i>either</i> [in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last three years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last three years:		
(i) it has been subject to regular official veterinary checks;		
(ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:		
— all animals in which classical scrapie was confirmed have been killed and destroyed, and		
— all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;		
(iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]		
(2) <i>or</i> [in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, and destined to a Member State listed in the Annex to Commission Regulation (EC) No 546/2006 (8), the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last seven years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last seven years:		
(i) it has been subject to regular official veterinary checks;		
(ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:		
— all animals in which classical scrapie was confirmed have been killed and destroyed, and		
— all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;		
(iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]		

COUNTRY

Animal by-products for the manufacture of pet food

II. Health information	II.a. Certificate reference No	II.b.
<i>Notes</i> Part I: — Box reference I.6: Person responsible for the consignment in the European Union: this box is to be filled in only if it is a certificate for transit commodity; it may be filled in if the certificate is for import commodity. — Box reference I.12: Place of destination: this box is to be filled in only if it is a certificate for transit commodity. The products in transit can only be stored in free zones, free warehouses and custom warehouses. — Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship); information is to be provided in case of unloading and reloading. — Box reference I.19: use the appropriate HS code: 05.11.91 or 05.11.99. — Box reference I.23: for bulk containers, the container number and the seal number (if applicable) should be included. — Box reference I.25: technical use: any use other than for animal consumption. — Box reference I.26 and I.27: fill in according to whether it is a transit or an import certificate. — Box reference I.28: Manufacturing plant: provide the veterinary control number of the approved establishment. Part II: (^{1a}) OJ L 300, 14.11.2009, p. 1. (^{1b}) OJ L 54, 26.2.2011, p. 1. (^{1c}) The name and ISO code number of the exporting country as laid down in: — Part 1 of Annex II to Regulation (EU) No 206/2010, — the Annex to Regulation (EC) No 798/2008, and — the Annex to Regulation (EC) No 119/2009. In addition the ISO code of territories and parts thereof referred to in Regulations mentioned in this footnote (where applicable for the susceptible species concerned) should be included. (^{1d}) Only for countries from where game meat intended for human consumption of the same animal species is authorised for importation into the European Union. (²) Delete as appropriate. (³) Excluding raw blood, raw milk, hides and skins, hooves and horn, pig bristles and feathers (see relevant specific certificates for the import of these products). (⁴) Supplementary guarantees to be provided when the material of domestic ruminants originated in the territory of a South American or South African country or part thereof from where only matured and deboned fresh meat of domestic ruminants for human consumption is permitted for exportation to the European Union. The whole masseter muscles of bovine animals, incised in accordance with Annex I, Section IV, Chapter I, Part B(1) of Regulation (EC) No 854/2004 of the European Parliament and of the Council (OJ L 139, 30.4.2004, p. 206), are also permitted. (⁵) Only for certain South American countries. (⁶) Only for certain South American and South African countries. (⁷) OJ L 147, 31.5.2001, p. 1. (⁸) OJ L 94, 1.4.2006, p. 28.		

COUNTRY**Animal by-products for the manufacture of pet food**

II. Health information	II.a. Certificate reference No	II.b.						
— The signature and the stamp must be in a different colour to that of the printing. — Note for the person responsible for the consignment in the European Union: this certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.								
Official veterinarian/Official inspector <table><tr><td>Name (in capital letters):</td><td>Qualification and title:</td></tr><tr><td>Date:</td><td>Signature:</td></tr><tr><td>Stamp:</td><td></td></tr></table>			Name (in capital letters):	Qualification and title:	Date:	Signature:	Stamp:	
Name (in capital letters):	Qualification and title:							
Date:	Signature:							
Stamp:								

(3) Chapter 8 is replaced by the following:

‘CHAPTER 8

Health certificate

for animal by-products to be used for purposes outside the feed chain or for trade samples ⁽²⁾, intended for dispatch to or for transit through ⁽²⁾ the European Union

COUNTRY

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference No		I.2.a.	
			I.3. Central competent authority			
			I.4. Local competent authority			
	I.5. Consignee Name Address Postcode Tel.		I.6. Person responsible for the load in EU Name Address Postcode Tel.			
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code
					I.10. Region of destination	Code
	I.11. Place of origin Name Address Name Address Name Address		Approval number Approval number Approval number		I.12. Place of destination Name Address Postcode Custom warehouse ☐ Approval number	
	I.13. Place of loading		I.14. Date of departure			
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentation references		I.16. Entry BIP in EU		I.17.	
	I.18. Description of commodity				I.19. Commodity code (HS code)	
				I.20. Quantity		
I.21. Temperature of product Ambient ☐ Chilled ☐ Frozen ☐				I.22. Number of packages		
I.23. Seal/Container No				I.24. Type of packaging		
I.25. Commodities certified for: Technical use ☐						
I.26. For transit through EU to third country ☐ Third country ISO code			I.27. For import or admission into EU ☐			
I.28. Identification of the commodities Species (Scientific name) Nature of commodity Approval number of establishments Manufacturing plant Number of packages Net weight Batch number						

COUNTRY		Animal by-products to be used for purposes outside the feed chain or for trade samples ⁽²⁾	
		II.a. Certificate reference No	II.b.
Part II: Certification	II. Health information		
		I, the undersigned official veterinarian, declare that I have read and understood Regulation (EC) No 1069/2009 of the European Parliament and of the Council ^(1a) and Commission Regulation (EU) No 142/2011 ^(1b) , and in particular Annex XIV, Chapter II thereof, and certify that the animal by-products described above:	
	⁽²⁾ II.1.	are trade samples which consist of animal by-products intended for particular studies or analyses as referred to in definition No 39 of Annex I to Commission Regulation (EU) No 142/2011, that are bearing the label 'TRADE SAMPLE NOT FOR HUMAN CONSUMPTION'; or	
	⁽²⁾ II.2.	satisfy the animal health requirements below;	
	II.2.1.	have been	
	⁽²⁾ either	[(a) obtained from materials imported from third country, territory or part thereof: ⁽³⁾ authorised to export fresh meat of the species to the EU;]	
	⁽²⁾ and/or	[(b) obtained in the exporting country, territory or part thereof: ⁽³⁾ from animals	
		either	
		(i) That have remained in this territory or in a region eligible to export fresh meat of the species to the EU since birth or for at least the last three months before slaughter; and/or	
		(ii) Killed in the wild in this territory ⁽⁴⁾ ;	
	⁽²⁾ and/or	[(c) are derived from eggs, milk, rodents, lagomorphs, or aquatic animals or terrestrial or aquatic invertebrates;]	
	II.2.2.	⁽²⁾ in the case of materials other than derived from eggs, milk, rodents, lagomorphs, or aquatic animals or terrestrial or aquatic invertebrates, have been obtained from animals:	
	⁽²⁾ either	[(a) coming from holdings:	
		(i) where, for the following diseases for which the animals are susceptible, there has been neither case/outbreak of rinderpest, swine vesicular disease, Newcastle disease or highly pathogenic avian influenza during the prior 30 days, nor of classical or African swine fever during the prior 40 days; nor in the holdings situated in their vicinity within 10 km, during the prior 30 days; and	
		(ii) where there has been neither case/outbreak of foot-and-mouth disease during the prior 60 days, nor in the holdings situated in their vicinity within 25 km, during the prior 30 days; and	
	(b) which:		
		(i) were not killed to eradicate any epizootic disease;	
		(ii) have remained in their holdings of origin for at least 40 days before departure and which have been transported directly to the slaughterhouse without contact with other animals which did not comply with the same health conditions;	
		(iii) at the slaughterhouse, have passed the ante-mortem health inspection during the 24 hours before the slaughter and have shown no evidence of the diseases referred to above for which the animals are susceptible; and	
		(iv) have been handled in the slaughterhouse before and at the time of slaughter or killing in accordance with the relevant provisions of Union legislation and have met requirements at least equivalent to those laid down in Chapters II and III of Council Regulation (EC) No 1099/2009;	
	⁽²⁾ or	[(a) captured and killed in the wild in an area:	
		(i) in which within 25 km there has been no case/outbreak of any of the following diseases for which the animals are susceptible: foot-and-mouth disease, rinderpest, Newcastle disease or highly pathogenic avian influenza during the prior 30 days nor of classical or African swine fever during the prior 40 days; and	
		(ii) that is situated at a distance that exceeds 20 km from the borders separating another territory of a country or part thereof, which is not authorised at these dates for exporting this material to the European Union; and	
	(b) which after killing were transported within 12 hours for chilling either to a collection centre and immediately afterwards to a game establishment, or directly to a game establishment;]		

COUNTRY		Animal by-products to be used for purposes outside the feed chain or for trade samples ⁽²⁾	
II.	Health information	II.a. Certificate reference No	II.b.
II.2.3.	⁽²⁾ in the case of materials other than materials derived from wild caught fish or invertebrates, have been obtained in an establishment around which, within a radius of 10 km, there has been no case/outbreak of diseases referred to in point II.2.2 for which the animals are susceptible during the prior 30 days or, in the event of a case of disease, the preparation of raw material for exportation to the European Union has been authorised only after removal of all meat, and the total cleaning and disinfection of the establishment under the control of an official veterinarian;		
II.2.4.	have been obtained and prepared without contact with other material not complying with the conditions required above, and it has been handled so as to avoid contamination with pathogenic agents;		
II.2.5.	have been packed in new packaging preventing any leakage or in packaging which has been cleaned and disinfected before use and, in the case of consignments shipped other than via parcel post, in containers sealed under the responsibility of the competent authority, bearing the label indicating 'ANIMAL BY-PRODUCTS ONLY FOR THE MANUFACTURE OF DERIVED PRODUCTS FOR USES OUTSIDE THE FEED CHAIN' and the name and address of the EU establishment of destination;		
II.2.6.	consist only of the following animal by-products: ⁽²⁾ <i>either</i> [- carcasses and parts of animals slaughtered or, in the case of game, bodies or parts of animals killed, and which are fit for human consumption in accordance with Union legislation, but are not intended for human consumption for commercial reasons;] ⁽²⁾ <i>and/or</i> [- carcasses and the following parts originating either from animals that have been slaughtered in a slaughterhouse and were considered fit for slaughter for human consumption following an ante-mortem inspection or bodies and the following parts of animals from game killed for human consumption in accordance with Union legislation: (i) carcasses or bodies and parts of animals which are rejected as unfit for human consumption in accordance with Union legislation, but which did not show any signs of disease communicable to humans or animals; (ii) heads of poultry; (iii) hides and skins, including trimmings and splitting thereof, horns and feet, including the phalanges and the carpus and metacarpus bones, tarsus and metatarsus bones; (iv) pig bristles; (v) feathers;] ⁽²⁾ <i>and/or</i> [- animal by-products from poultry and lagomorphs slaughtered on the farm as referred to in Article 1(3)(d) of Regulation (EC) No 853/2004, which did not show any signs of disease communicable to humans or animals;] ⁽²⁾ <i>and/or</i> [- blood of animals which did not show any signs of disease communicable through blood to humans or animals, obtained from animals other than ruminants that have been slaughtered in a slaughterhouse after having been considered fit for slaughter for human consumption following an ante-mortem inspection in accordance with Union legislation;] ⁽²⁾ <i>and/or</i> [- animal by-products arising from the production of products intended for human consumption, including degreased bone, greaves and centrifuge or separator sludge from milk processing;] ⁽²⁾ <i>and/or</i> [- products of animal origin, or foodstuffs containing products of animal origin, which are no longer intended for human consumption for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;] ⁽²⁾ <i>and/or</i> [- pet food and feedingstuffs of animal origin, or feedingstuffs containing animal by-products or derived products, which are no longer intended for feeding for commercial reasons or due to problems of manufacturing or packaging defects or other defects from which no risk to public or animal health arises;] ⁽²⁾ <i>and/or</i> [- blood, placenta, wool, feathers, hair, horns, hoof cuts and raw milk originating from live animals that did not show signs of any disease communicable through that product to humans or animals;] ⁽²⁾ <i>and/or</i> [- aquatic animals, and parts of such animals, except sea mammals, which did not show any signs of diseases communicable to humans or animals;] ⁽²⁾ <i>and/or</i> [- animal by-products from aquatic animals originating from establishments or plants manufacturing products for human consumption;]		

COUNTRY	Animal by-products to be used for purposes outside the feed chain or for trade samples ⁽²⁾	
II. Health information	II.a. Certificate reference No	II.b.
(²) <i>and/or</i> [- the following material originating from animals which did not show any signs of disease communicable through that material to humans or animals: (i) shells from shellfish with soft tissue or flesh; (ii) the following originating from terrestrial animals: — hatchery by-products, — eggs, — egg by-products, including egg shells; (iii) day-old chicks killed for commercial reasons;] (²) <i>and/or</i> [- animal by-products from aquatic or terrestrial invertebrates, other than species pathogenic to humans or animals;] (²) <i>and/or</i> [- animals and parts thereof of the zoological orders of Rodentia and Lagomorpha, except Category 1 material as referred to in Article 8(a)(iii), (iv) and (v) of Regulation (EC) No 1069/2009 and Category 2 material as referred to in Article 9(a) to (g) of that Regulation;] (²) <i>and/or</i> [- fur originating from dead animals that did not show clinical signs of any disease communicable through that product to humans or animals;]		
II.2.7.	have been deep-frozen at the plant of origin or have been preserved in accordance with EU legislation in such a way that they will not spoil between dispatch and delivery to the plant of destination.	
(2) ⁽⁵⁾ II.2.8.	Specific requirements	
(2) ⁽⁶⁾ II.2.8.1.	The by-products in this consignment come from animals that have been obtained in the territory mentioned under (II.2.1), where vaccination programmes against foot-and-mouth disease are being regularly carried out and officially controlled in domestic bovine animals.	
(2) ⁽⁷⁾ II.2.8.2.	The by-products in this consignment consist of animal by-products derived from offal or deboned meat.]	
II.2.9.		
(2) <i>either</i>	[the product does not contain and is not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001 of the European Parliament and of the Council ⁽⁸⁾ or mechanically separated meat obtained from bones of bovine, ovine or caprine animals; and the animals from which this product is derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;]	
(2) <i>or</i>	[the product does not contain and is not derived from bovine, ovine or caprine materials other than those derived from animals born, continuously reared and slaughtered in a country or region classified as posing a negligible BSE risk by a decision in accordance with Article 5(2) of Regulation (EC) No 999/2001;]	
II.2.10.	in addition as regards TSE:	
(2) <i>either</i>	[in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last three years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last three years:	
(i)	it has been subject to regular official veterinary checks;	
(ii)	no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case:	
—	all animals in which classical scrapie was confirmed have been killed and destroyed, and	
—	all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele;	
(iii)	ovine and caprine animals, with the exception of sheep of the ARR/ARR prior genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]	

COUNTRY		Animal by-products to be used for purposes outside the feed chain or for trade samples ⁽²⁾	
II.	Health information	II.a. Certificate reference No	II.b.
(²) or	[in case of animal by-products intended for feeding ruminants and containing milk or milk products of ovine or caprine origin, and destined to a Member State listed in the Annex to Commission Regulation (EC) No 546/2006 ⁽⁹⁾, the ovine and caprine animals from which these products are derived have been kept continuously since birth or for the last seven years on a holding where no official movement restriction is imposed due to a suspicion of TSE and which has satisfied the following requirements for the last seven years: (i) it has been subject to regular official veterinary checks; (ii) no classical scrapie case, as defined in point 2(g) of Annex I to Regulation (EC) No 999/2001, has been diagnosed or, following the confirmation of a classical scrapie case: — all animals in which classical scrapie was confirmed have been killed and destroyed, and — all goats and sheep on the holding have been killed and destroyed, except for breeding rams of the ARR/ARR genotype and breeding ewes carrying at least one ARR allele and no VRQ allele; (iii) ovine and caprine animals, with the exception of sheep of the ARR/ARR prion genotype, are introduced into the holding only if they come from a holding which complies with the requirements set out in points (i) and (ii).]		
Notes Part I: — Box reference I.6: Person responsible for the consignment in the European Union: this box is to be filled in only if it is a certificate for transit commodity; it may be filled in if the certificate is for import commodity. — Box reference I.11: In case of consignments for the particular technological studies or analyses: indicate name and address of establishment only. — Box reference I.11 and I.12: Approval number: the registration number of the establishment or plant, which has been issued by the competent authority. — Box reference I.12: Place of destination: this box is to be filled in: — products for the manufacture of derived products for uses outside the feed chain: only if it is a certificate for transit commodity. The products in transit can only be stored in free zones, free warehouses and custom warehouses; — products for the particular technological studies or analyses: the EU plant indicated in authorisation of competent authority when appropriate. — Box reference I.15: Registration number (railway wagons or container and lorries), flight number (aircraft) or name (ship) is to be provided. In case of unloading and reloading, the consignor must inform the BIP of entry into the EU. — Box reference I.19: use the appropriate Harmonized System (HS) code under the following headings: 05.11.91; 05.11.99 or 30.01. — Box reference I.23: for bulk containers, the container number and the seal number (if applicable) should be included. — Box reference I.25: technical use: any use other than for animal consumption. — Box reference I.25: for the purposes of the certificate, 'technical use' includes use as a trade sample. — Box reference I.26 and I.27: except for trade samples, which are not sent in transit, fill in according to whether it is a transit or an import certificate. — Box reference I.28: — products for the manufacture of derived products for uses outside the feed chain: Manufacturing plant: provide the veterinary control number of the approved establishment; — products for the particular technological studies or analyses: the EU plant indicated in authorisation of competent authority when appropriate. — Species: select from the following: Aves, Ruminantia, Mammalia - Ruminantia, Pesca, Mollusca, Crustacea, Invertebrata.			

COUNTRY		Animal by-products to be used for purposes outside the feed chain or for trade samples ⁽²⁾	
II.	Health information	II.a. Certificate reference No	II.b.
Part II: (^{1a}) OJ L 300, 14.11.2009, p. 1. (^{1b}) OJ L 54, 26.2.2011, p. 1. (²) Delete as appropriate. (³) The name and ISO code number of the exporting country as laid down in: — Part 1 of Annex II to Regulation (EU) No 206/2010, — the Annex to Regulation (EC) No 798/2008, and — the Annex to Regulation (EC) No 119/2009. In addition the ISO code of territories and parts thereof referred to in Regulations mentioned in this footnote (where applicable for the susceptible species concerned) should be included. (⁴) Only for countries from where game meat intended for human consumption of the same animal species is authorised for importation into the European Union. (⁵) Supplementary guarantees to be provided when the material of domestic ruminants originated in the territory of a South American or South African country or part thereof from where only matured and deboned fresh meat of domestic ruminants for human consumption is permitted for exportation to the European Union. The whole masseter muscles of bovine animals, incised in accordance with Annex I, Section IV, Chapter I, Part B(1) of Regulation (EC) No 854/2004 of the European Parliament and of the Council, are also permitted. (⁶) Only for certain South American countries. (⁷) Only for certain South American and South African countries. (⁸) OJ L 147, 31.5.2001, p. 1. (⁹) OJ L 94, 1.4.2006, p. 28. — The signature and the stamp must be in a different colour to that of the printing. — Note for the person responsible for the consignment in the European Union: this certificate is only for veterinary purposes and has to accompany the consignment until it reaches the border inspection post.			
Official veterinarian/Official inspector Name (in capital letters): Date: Stamp: Qualification and title: Signature:*			

COMMISSION REGULATION (EU) No 718/2013**of 25 July 2013****amending Regulation (EC) No 608/2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

(1) Following the Opinion of the Scientific Committee on Food (SCF) of 26 September 2002⁽²⁾ and in order to ensure that consumers receive adequate information when purchasing foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and phytostanol esters, Commission Regulation (EC) No 608/2004 of 31 March 2004 concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters⁽³⁾ provides for mandatory particulars in addition to those listed in Article 3 of Directive 2000/13/EC on the labelling of such foods.

(2) Regulation (EC) No 608/2004 provides that the labelling of such foods and food ingredients shall contain, amongst others, a statement that the product is intended exclusively for people who want to lower their blood cholesterol level. The purpose of this mandatory statement is to ensure that the product reaches its target group, and thus avoid unnecessary consumption by non-targeted groups.

(3) The voluntary inclusion of nutrition or health claims on food labels is governed by Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods⁽⁴⁾. Accordingly, Commission Regulation (EC) No 983/2009 of 21 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health⁽⁵⁾, Commission Regulation (EU) No 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health⁽⁶⁾ and Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health⁽⁷⁾ have authorised health claims relating to the reduction and maintenance of blood cholesterol with respect to foods containing plant sterols and plant stanols, subject to certain conditions of use.

(4) Regulation (EC) No 983/2009 authorised, under certain conditions of use, the following health claims: 'Plant sterols have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease' and 'Plant stanol esters have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease'.

(5) Regulation (EU) No 384/2010 authorised, under certain conditions of use, the following health claim: 'Plant sterols and plant stanol esters have been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease.'

(6) Regulation (EU) No 432/2012 authorised, under certain conditions of use, the following health claim: 'Plant sterols/stanols contribute to the maintenance of normal blood cholesterol levels'.

⁽¹⁾ OJ L 109, 6.5.2000, p. 29.

⁽²⁾ Opinion of the SCF titled 'General view on the long-term effects of the intake of elevated levels of phytosterols from multiple dietary sources'.

⁽³⁾ OJ L 97, 1.4.2004, p. 44.

⁽⁴⁾ OJ L 404, 30.12.2006, p. 9.

⁽⁵⁾ OJ L 277, 22.10.2009, p. 3.

⁽⁶⁾ OJ L 113, 6.5.2010, p. 6.

⁽⁷⁾ OJ L 136, 25.5.2012, p. 1.

- (7) The wording of the authorised health claims in combination with the mandatory statement relating to the target group laid down in Regulation (EC) No 608/2004 could potentially lead consumers who do not need to control their blood cholesterol level to use the product. Therefore, with a view to ensure consistency of the information provided on the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters, it is appropriate to amend the mandatory statement laid down in Regulation (EC) No 608/2004 while ensuring that its wording serves adequately the informative purpose for which it was initially introduced.
- (8) In order to enable food business operators to adapt the labelling of their products to the requirements introduced by this Regulation, it is important to provide for an appropriate transition period for the application of this Regulation.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EC) No 608/2004

In Article 2 of Regulation (EC) No 608/2004, point 3 is replaced by the following:

- ‘3. there shall be a statement that the product is not intended for people who do not need to control their blood cholesterol level.’

Article 2

Transitional measures

Food and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters placed on the market or labelled prior to 15 February 2014 which do not comply with the requirements of this Regulation may be marketed until the stocks of the foods are exhausted.

Article 3

Entry into force

This Regulation shall enter into force on the twentieth 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, 25 July 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 719/2013**of 25 July 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, 25 July 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
0707 00 05	TR	133,1
	ZZ	133,1
0709 93 10	TR	128,9
	ZZ	128,9
0805 50 10	AR	88,6
	CL	73,3
	TR	70,0
	UY	72,5
	ZA	92,0
	ZZ	79,3
0806 10 10	CL	51,4
	EG	143,5
	TR	171,3
	ZZ	122,1
0808 10 80	AR	185,9
	BR	117,1
	CL	133,9
	CN	96,1
	NZ	132,0
	US	154,6
	ZA	124,5
	ZZ	134,9
0808 30 90	AR	98,1
	CL	142,7
	CN	77,3
	TR	225,6
	ZA	111,0
	ZZ	130,9
0809 10 00	TR	191,7
	ZZ	191,7
0809 29 00	TR	345,7
	ZZ	345,7
0809 30	TR	173,0
	ZZ	173,0
0809 40 05	BA	63,8
	TR	115,1
	XS	88,4
	ZZ	89,1

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

COMMISSION IMPLEMENTING REGULATION (EU) No 720/2013**of 25 July 2013****on the issue of licences for importing rice under the tariff quotas opened for the July 2013 subperiod by Implementing Regulation (EU) No 1273/2011**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽²⁾, and in particular Article 7(2) thereof,

Having regard to Commission Implementing Regulation (EU) No 1273/2011 of 7 December 2011 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽³⁾, and in particular the first paragraph of Article 5 thereof,

Whereas:

(1) Implementing Regulation (EU) No 1273/2011 opened and provided for the administration of certain import tariff quotas for rice and broken rice, broken down by country of origin and split into several subperiods in accordance with Annex I to that Implementing Regulation.

(2) July is the third subperiod for the quota provided for under Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011 and the second subperiod for the quotas provided for under Article 1(1)(b), (c) and (d) of that Implementing Regulation.

(3) The notifications sent in accordance with point (a) of Article 8 of Implementing Regulation (EU) No 1273/2011 show that, for the quotas with order number 09.4154 — 09.4166, the applications lodged in the first 10 working days of July 2013 under

Article 4(1) of that Implementing Regulation cover a quantity greater than that available. The extent to which import licences may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantity requested under the quotas concerned.

(4) Those notifications also show that, for the quotas with order number 09.4127 — 09.4128 — 09.4129 — 09.4148 — 09.4149 — 09.4150 — 09.4152 — 09.4153, the applications lodged in the first 10 working days of July 2013 under Article 4(1) of Implementing Regulation (EU) No 1273/2011 cover a quantity less than that available.

(5) The total quantity available for the following subperiod should also be fixed for the quotas with order number 09.4127 — 09.4128 — 09.4129 — 09.4130 — 09.4148 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166, in accordance with the first subparagraph of Article 5 of Implementing Regulation (EU) No 1273/2011.

(6) In order to ensure sound management of the procedure of issuing import licences, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

1. For import licence applications for rice under the quotas with order number 09.4154 — 09.4166 referred to in Implementing Regulation (EU) No 1273/2011 lodged in the first 10 working days of July 2013, licences shall be issued for the quantity requested, multiplied by the allocation coefficient set out in the Annex to this Regulation.

2. The total quantity available for the following subperiod under the quotas with order number 09.4127 — 09.4128 — 09.4129 — 09.4130 — 09.4148 — 09.4112 — 09.4116 — 09.4117 — 09.4118 — 09.4119 — 09.4166 referred to in Implementing Regulation (EU) No 1273/2011 is set out in the Annex to this Regulation.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 325, 8.12.2011, p. 6.

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, 25 July 2013.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and
Rural Development*

ANNEX

Quantities to be allocated for the July 2013 subperiod and quantities available for the following subperiod under Implementing Regulation (EU) No 1273/2011

- (a) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(a) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for July 2013 subperiod	Total quantity available for September 2013 subperiod (kg)
United States	09.4127	— ⁽¹⁾	23 797 401
Thailand	09.4128	— ⁽¹⁾	1 000 890
Australia	09.4129	— ⁽¹⁾	480 370
Other origins	09.4130	— ⁽²⁾	313

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽²⁾ No quantity available for this subperiod.

- (b) Quota of husked rice covered by CN code 1006 20 as provided for in Article 1(1)(b) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for July 2013 subperiod	Total quantity available for October 2013 subperiod (kg)
All countries	09.4148	— ⁽¹⁾	1 494 000

⁽¹⁾ No allocation coefficient applied for this subperiod: no licence applications were notified to the Commission.

- (c) Quota of broken rice covered by CN code 1006 40 00 as provided for in Article 1(1)(c) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for July 2013 subperiod
Thailand	09.4149	— ⁽¹⁾
Australia	09.4150	— ⁽¹⁾
Guyana	09.4152	— ⁽²⁾
United States	09.4153	— ⁽²⁾
Other origins	09.4154	15,487 488 %

⁽¹⁾ Applications cover quantities less than or equal to the quantities available: all applications are therefore acceptable.

⁽²⁾ No allocation coefficient applied for this subperiod: no licence applications were notified to the Commission.

(d) Quota of wholly milled or semi-milled rice covered by CN code 1006 30 as provided for in Article 1(1)(d) of Implementing Regulation (EU) No 1273/2011:

Origin	Order number	Allocation coefficient for July 2013 subperiod	Total quantity available for September 2013 subperiod (kg)
Thailand	09.4112	— ⁽¹⁾	10 985
United States	09.4116	— ⁽¹⁾	23 384
India	09.4117	— ⁽¹⁾	40 694
Pakistan	09.4118	— ⁽¹⁾	432
Other origins	09.4119	— ⁽¹⁾	239 251
All countries	09.4166	0,785369 %	0

⁽¹⁾ No quantity available for this subperiod.

DECISIONS

COUNCIL DECISION 2013/395/CFSP

of 25 July 2013

updating and amending the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision 2012/765/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP on the application of specific measures to combat terrorism ⁽¹⁾.
- (2) On 10 December 2012, the Council adopted Decision 2012/765/CFSP updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP ⁽²⁾.
- (3) In accordance with Article 1(6) of Common Position 2001/931/CFSP, it is necessary to carry out a complete review of the list of persons, groups and entities to which Decision 2012/765/CFSP applies.
- (4) This Decision sets out the result of the review that the Council has carried out in respect of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply.
- (5) The Council has concluded that the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for therein.
- (6) The Council has further determined that an additional group has been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with

respect to that group by a competent authority within the meaning of Article 1(4) of that Common Position, and that it should be added to the list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply. The decision to designate the group does not affect legitimate financial transfers to Lebanon and the delivery of assistance, including humanitarian assistance, from the European Union and its Member States in Lebanon.

- (7) The list of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply should be updated accordingly, and Decision 2012/765/CFSP should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply shall be that set out in the Annex to this Decision.

Article 2

Decision 2012/765/CFSP is hereby repealed.

Article 3

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

Done at Brussels, 25 July 2013.

For the Council
The President
L. LINKEVIČIUS

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 337, 11.12.2012, p. 50.

ANNEX

List of persons, groups and entities referred to in Article 1**1. PERSONS**

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born August 11, 1960 in Iran. Passport: D9004878.
2. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia.
3. AL YACoub, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia.
4. ARBABSAR Manssor (a.k.a. Mansour Arbabsar), born March 6 or 15, 1955 in Iran. Iranian and US national. Passport: C2002515 (Iran); Passport: 477845448 (USA). National ID no.: 07442833, expiry date 15 March 2016 (USA driving licence).
5. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the "Hofstadgroep".
6. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra".
7. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon.
8. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555.
9. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahlai, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusif, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
10. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran.
11. SOLEIMANI Qasem (a.k.a. Ghasem Soleymani, a.k.a. Qasmi Sulayman, a.k.a. Qasem Soleymani, a.k.a. Qasem Solaimani, a.k.a. Qasem Salimani, a.k.a. Qasem Solemani, a.k.a. Qasem Sulaimani, a.k.a. Qasem Sulemani), born March 11, 1957 in Iran. Iranian national. Passport: 008827 (Iran Diplomatic), issued 1999. Title: Major General.

2. GROUPS AND ENTITIES

1. "Abu Nidal Organisation" – "ANO" (a.k.a. "Fatah Revolutionary Council", a.k.a. "Arab Revolutionary Brigades", a.k.a. "Black September", a.k.a. "Revolutionary Organisation of Socialist Muslims").
2. "Al-Aqsa Martyrs' Brigade".
3. "Al-Aqsa e.V".
4. "Al-Takfir" and "Al-Hijra".
5. "Babbar Khalsa".
6. "Communist Party of the Philippines", including "New People's Army" – "NPA", Philippines.
7. "Gama'a al-Islamiyya" (a.k.a. "Al-Gama'a al-Islamiyya") ("Islamic Group" – "IG").
8. "İslami Büyük Doğu Akıncılar Cephesi" – "IBDA-C" ("Great Islamic Eastern Warriors Front").
9. "Hamas", including "Hamas-Izz al-Din al-Qassem".
10. "Hizballah Military Wing" (a.k.a. "Hezbollah Military Wing", a.k.a. "Hizbullah Military Wing", a.k.a. "Hizbollah Military Wing", a.k.a. "Hezbollah Military Wing", a.k.a. "Hisbollah Military Wing", a.k.a. "Hizbu'llah Military Wing" a.k.a. "Hizb Allah Military Wing", a.k.a. "Jihad Council" (and all units reporting to it, including the External Security Organisation))
11. "Hizbul Mujahideen" – "HM".
12. "Hofstadgroep".
13. "Holy Land Foundation for Relief and Development".
14. "International Sikh Youth Federation" – "ISYF".
15. "Khalistan Zindabad Force" – "KZF".

16. "Kurdistan Workers' Party" – "PKK", (a.k.a. "KADEK", a.k.a. "KONGRA-GEL").
 17. "Liberation Tigers of Tamil Eelam" – "LTTE".
 18. "Ejército de Liberación Nacional" ("National Liberation Army").
 19. "Palestinian Islamic Jihad" – "PIJ".
 20. "Popular Front for the Liberation of Palestine" – "PFLP".
 21. "Popular Front for the Liberation of Palestine – General Command" (a.k.a. "PFLP – General Command").
 22. "Fuerzas armadas revolucionarias de Colombia" – "FARC" ("Revolutionary Armed Forces of Colombia").
 23. "Devrimci Halk Kurtuluş Partisi-Cephesi" – "DHKP/C" (a.k.a. "Devrimci Sol" ("Revolutionary Left"), a.k.a. "Dev Sol") ("Revolutionary People's Liberation Army/Front/Party").
 24. "Sendero Luminoso" – "SL" ("Shining Path").
 25. "Stichting Al Aqsa" (a.k.a. "Stichting Al Aqsa Nederland", a.k.a. "Al Aqsa Nederland").
 26. "Teyrbazen Azadiya Kurdistan" – "TAK" (a.k.a. "Kurdistan Freedom Falcons", a.k.a. "Kurdistan Freedom Hawks").
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RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 11 June 2013

on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law

(2013/396/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice, *inter alia*, by facilitating access to justice, as well as the objective of ensuring a high level of consumer protection.
- (2) The modern economy sometimes creates situations in which a large number of persons can be harmed by the same illegal practices relating to the violation of rights granted under Union law by one or more traders or other persons ('mass harm situation'). They may therefore have cause to seek the cessation of such practices or to claim damages.
- (3) The Commission adopted a Green Paper on antitrust damages actions in 2005 ⁽¹⁾ and a White Paper in 2008, which included policy suggestions on antitrust-specific collective redress ⁽²⁾. In 2008 the Commission published a Green Paper on consumer collective redress ⁽³⁾. In 2011 the Commission carried out a public consultation 'Towards a more coherent European approach to collective redress' ⁽⁴⁾.
- (4) On 2 February 2012 the European Parliament adopted the resolution 'Towards a Coherent European Approach to Collective Redress', in which it called for any proposal in the field of collective redress to take the form of a horizontal framework including a common set of prin-

ciples providing uniform access to justice via collective redress within the Union and specifically but not exclusively dealing with the infringement of consumer rights. The Parliament also stressed the need to take due account of the legal traditions and legal orders of the individual Member States and enhance the coordination of good practices between Member States ⁽⁵⁾.

- (5) On 11 June 2013 the Commission issued a Communication 'Towards a European Horizontal Framework for Collective Redress' ⁽⁶⁾, which took stock of the actions to date and the opinions of stakeholders and of the European Parliament, and presented the Commission's position on some central issues regarding collective redress.
- (6) It is a core task of public enforcement to prevent and punish the violations of rights granted under Union law. The possibility for private persons to pursue claims based on violations of such rights supplements public enforcement. Where this Recommendation refers to the violation of rights granted under Union Law, it covers all the situations where the breach of rules established at Union level has caused or is likely to cause prejudice to natural and legal persons.
- (7) Amongst those areas where the supplementary private enforcement of rights granted under Union law in the form of collective redress is of value, are consumer protection, competition, environment protection, protection of personal data, financial services legislation and investor protection. The principles set out in this Recommendation should be applied horizontally and equally in those areas but also in any other areas where collective claims for injunctions or damages in respect of violations of the rights granted under Union law would be relevant.
- (8) Individual actions, such as the small claims procedure for consumer cases, are the usual tools to address disputes to prevent harm and also to claim for compensation.

⁽¹⁾ COM(2005) 672, 19.12.2005.

⁽²⁾ COM(2008) 165, 2.4.2008.

⁽³⁾ COM(2008) 794, 27.11.2008.

⁽⁴⁾ COM(2010) 135 final, 31.3.2010.

⁽⁵⁾ 2011/2089(INI).

⁽⁶⁾ COM(2013) 401 final.

- (9) In addition to individual redress, different types of collective redress mechanisms have been introduced by all Member States. These measures are intended to prevent and stop unlawful practices as well as to ensure that compensation can be obtained for the detriment caused in mass harm situations. The possibility of joining claims and pursuing them collectively may constitute a better means of access to justice, in particular when the cost of individual actions would deter the harmed individuals from going to court.
- (10) The aim of this Recommendation is to facilitate access to justice in relation to violations of rights under Union law and to that end to recommend that all Member States should have collective redress systems at national level that follow the same basic principles throughout the Union, taking into account the legal traditions of the Member States and safeguarding against abuse.
- (11) In the area of injunctive relief, the European Parliament and the Council have already adopted Directive 2009/22/EC on injunctions for the protection of consumers' interests⁽¹⁾. The injunction procedure introduced by the Directive does not, however, enable those who claim to have suffered detriment as a result of an illicit practice to obtain compensation.
- (12) Procedures to bring collective claims for compensatory relief have been introduced in some Member States, and to differing extents. However, the existing procedures for bringing claims for collective redress vary widely between the Member States.
- (13) This Recommendation puts forward a set of principles relating both to judicial and out-of-court collective redress that should be common across the Union, while respecting the different legal traditions of the Member States. These principles should ensure that fundamental procedural rights of the parties are preserved and should prevent abuse through appropriate safeguards.
- (14) This Recommendation addresses both compensatory and — as far as appropriate and pertinent to the particular principles — injunctive collective redress. It is without prejudice to the existing sectorial mechanisms of injunctive relief provided for by Union law.
- (15) Collective redress mechanisms should preserve procedural safeguards and guarantees of parties to civil actions. In order to avoid the development of an abusive litigation culture in mass harm situations, the national collective redress mechanisms should contain the fundamental safeguards identified in this Recommendation. Elements such as punitive damages, intrusive pre-trial discovery procedures and jury awards, most of which are foreign to the legal traditions of most Member States, should be avoided as a general rule.
- (16) Alternative dispute resolution procedures can be an efficient way of obtaining redress in mass harm situations. They should always be available alongside, or as a voluntary element of, judicial collective redress.
- (17) Legal standing to bring a collective action in the Member States depends on the type of collective redress mechanism. In certain types of collective actions, such as group actions where the action can be brought jointly by those who claim to have suffered harm, the issue of standing is more straightforward than in the context of representative actions, where accordingly the issue of legal standing should be clarified.
- (18) In the case of a representative action, the legal standing to bring the representative action should be limited to ad hoc certified entities, designated representative entities that fulfil certain criteria set by law or to public authorities. The representative entity should be required to prove the administrative and financial capacity to be able to represent the interest of claimants in an appropriate manner.
- (19) The availability of funding for collective redress litigation should be arranged in such a way that it cannot lead to an abuse of the system or a conflict of interest.
- (20) In order to avoid an abuse of the system and in the interest of the sound administration of justice, no judicial collective redress action should be permitted to proceed unless admissibility conditions set out by law are met.
- (21) A key role should be given to courts in protecting the rights and interests of all the parties involved in collective redress actions as well as in managing the collective redress actions effectively.
- (22) In fields of law where a public authority is empowered to adopt a decision finding that there has been a violation of Union law, it is important to ensure consistency between the final decision concerning that violation and the outcome of the collective redress action.

⁽¹⁾ OJ L 110, 1.5.2009, p. 30.

Moreover, in the case of collective actions following a decision by a public authority (follow-on actions), the public interest and the need to avoid abuse can be presumed to have been taken into account already by the public authority as regards the finding of a violation of Union law.

- (23) With regard to environmental law, this Recommendation takes account of the provisions of Article 9(3), (4) and (5) of the UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention') which, respectively, encourage wide access to justice in environmental matters, set out criteria that procedures should respect, including criteria that they be timely and not prohibitively expensive, and address information to the public and the consideration of assistance mechanisms.
- (24) The Member States should take the necessary measures to implement the principles set out in this Recommendation at the latest two years after its publication.
- (25) The Member States should report to the Commission on the implementation of this Recommendation. Based on this reporting, the Commission should monitor and assess the measures taken by Member States.
- (26) Within four years after publication of this Recommendation, the Commission should assess if any further action, including legislative measures, is needed, in order to ensure that the objectives of this Recommendation are fully met. The Commission should in particular assess the implementation of this Recommendation and its impact on access to justice, on the right to obtain compensation, on the need prevent abusive litigation and on the functioning of the single market, the economy of the European Union and consumer trust,

HAS ADOPTED THIS RECOMMENDATION:

I. PURPOSE AND SUBJECT MATTER

1. The purpose of this Recommendation is to facilitate access to justice, stop illegal practices and enable injured parties to obtain compensation in mass harm situations caused by violations of rights granted under Union law, while ensuring appropriate procedural safeguards to avoid abusive litigation.
2. All Member States should have collective redress mechanisms at national level for both injunctive and compensatory relief, which respect the basic principles set out in

this Recommendation. These principles should be common across the Union, while respecting the different legal traditions of the Member States. Member States should ensure that the collective redress procedures are fair, equitable, timely and not prohibitively expensive.

II. DEFINITIONS AND SCOPE

3. For the purposes of this Recommendation:

- (a) 'collective redress' means: (i) a legal mechanism that ensures a possibility to claim cessation of illegal behaviour collectively by two or more natural or legal persons or by an entity entitled to bring a representative action (injunctive collective redress); (ii) a legal mechanism that ensures a possibility to claim compensation collectively by two or more natural or legal persons claiming to have been harmed in a mass harm situation or by an entity entitled to bring a representative action (compensatory collective redress);
- (b) 'mass harm situation' means a situation where two or more natural or legal persons claim to have suffered harm causing damage resulting from the same illegal activity of one or more natural or legal persons;
- (c) 'action for damages' means an action by which a claim for damages is brought before a national court;
- (d) 'representative action' means an action which is brought by a representative entity, an ad hoc certified entity or a public authority on behalf and in the name of two or more natural or legal persons who claim to be exposed to the risk of suffering harm or to have been harmed in a mass harm situation whereas those persons are not parties to the proceedings;
- (e) 'collective follow-on action' means a collective redress action that is brought after a public authority has adopted a final decision finding that there has been a violation of Union law.

This Recommendation identifies common principles which should apply in all instances of collective redress, and also those specific either to injunctive or to compensatory collective redress.

III. PRINCIPLES COMMON TO INJUNCTIVE AND COMPENSATORY COLLECTIVE REDRESS

Standing to bring a representative action

4. The Member States should designate representative entities to bring representative actions on the basis of clearly defined conditions of eligibility. These conditions should include at least the following requirements:
 - (a) the entity should have a non-profit making character;

(b) there should be a direct relationship between the main objectives of the entity and the rights granted under Union law that are claimed to have been violated in respect of which the action is brought; and

(c) the entity should have sufficient capacity in terms of financial resources, human resources, and legal expertise, to represent multiple claimants acting in their best interest.

5. The Member States should ensure that the designated entity will lose its status if one or more of the conditions are no longer met.

6. The Member States should ensure that representative actions can only be brought by entities which have been officially designated in advance as recommended in point 4 or by entities which have been certified on an ad hoc basis by a Member State's national authorities or courts for a particular representative action.

7. In addition, or as an alternative, the Member States should empower public authorities to bring representative actions.

Admissibility

8. The Member States should provide for verification at the earliest possible stage of litigation that cases in which conditions for collective actions are not met, and manifestly unfounded cases, are not continued.

9. To this end, the courts should carry out the necessary examination of their own motion.

Information on a collective redress action

10. The Member States should ensure that it is possible for the representative entity or for the group of claimants to disseminate information about a claimed violation of rights granted under Union law and their intention to seek an injunction to stop it as well as about a mass harm situation and their intention to pursue an action for damages in the form of collective redress. The same possibilities for the representative entity, ad hoc certified entity, a public authority or for the group of claimants should be ensured as regards the information on the ongoing compensatory actions.

11. The dissemination methods should take into account the particular circumstances of the mass harm situation concerned, the freedom of expression, the right to information, and the right to protection of the reputation or the company value of a defendant before its responsibility for the alleged violation or harm is established by the final judgement of the court.

12. The dissemination methods are without prejudice to the Union rules on insider dealing and market manipulation.

Reimbursement of legal costs of the winning party

13. The Member States should ensure that the party that loses a collective redress action reimburses necessary legal costs borne by the winning party ('loser pays principle'), subject to the conditions provided for in the relevant national law.

Funding

14. The claimant party should be required to declare to the court at the outset of the proceedings the origin of the funds that it is going to use to support the legal action.

15. The court should be allowed to stay the proceedings if in the case of use of financial resources provided by a third party:

(a) there is a conflict of interest between the third party and the claimant party and its members;

(b) the third party has insufficient resources in order to meet its financial commitments to the claimant party initiating the collective redress procedure;

(c) the claimant party has insufficient resources to meet any adverse costs should the collective redress procedure fail.

16. The Member States should ensure, that in cases where an action for collective redress is funded by a private third party, it is prohibited for the private third party:

(a) to seek to influence procedural decisions of the claimant party, including on settlements;

(b) to provide financing for a collective action against a defendant who is a competitor of the fund provider or against a defendant on whom the fund provider is dependant;

(c) to charge excessive interest on the funds provided.

Cross-border cases

17. The Member States should ensure that where a dispute concerns natural or legal persons from several Member States, a single collective action in a single forum is not prevented by national rules on admissibility or standing of the foreign groups of claimants or the representative entities originating from other national legal systems.

18. Any representative entity that has been officially designated in advance by a Member State to have standing to bring representative actions should be permitted to seize the court in the Member State having jurisdiction to consider the mass harm situation.

IV. SPECIFIC PRINCIPLES RELATING TO INJUNCTIVE COLLECTIVE REDRESS

Expedient procedures for claims for injunctive orders

19. The courts and the competent public authorities should treat claims for injunctive orders requiring cessation of or prohibiting a violation of rights granted under Union law with all due expediency, where appropriate by way of summary proceedings, in order to prevent any or further harm causing damage because of such violation.

Efficient enforcement of injunctive orders

20. The Member States should establish appropriate sanctions against the losing defendant with a view to ensuring the effective compliance with the injunctive order, including the payments of a fixed amount for each day's delay or any other amount provided for in national legislation.

V. SPECIFIC PRINCIPLES RELATING TO COMPENSATORY COLLECTIVE REDRESS

Constitution of the claimant party by 'opt-in' principle

21. The claimant party should be formed on the basis of express consent of the natural or legal persons claiming to have been harmed ('opt-in' principle). Any exception to this principle, by law or by court order, should be duly justified by reasons of sound administration of justice.
22. A member of the claimant party should be free to leave the claimant party at any time before the final judgement is given or the case is otherwise validly settled, subject to the same conditions that apply to withdrawal in individual actions, without being deprived of the possibility to pursue its claims in another form, if this does not undermine the sound administration of justice.
23. Natural or legal persons claiming to have been harmed in the same mass harm situation should be able to join the claimant party at any time before the judgement is given or the case is otherwise validly settled, if this does not undermine the sound administration of justice.
24. The defendant should be informed about the composition of the claimant party and about any changes therein.

Collective alternative dispute resolution and settlements

25. The Member States should ensure that the parties to a dispute in a mass harm situation are encouraged to settle

the dispute about compensation consensually or out-of-court, both at the pre-trial stage and during civil trial, taking also into account the requirements of Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters ⁽¹⁾.

26. The Member States should ensure that judicial collective redress mechanisms are accompanied by appropriate means of collective alternative dispute resolution available to the parties before and throughout the litigation. Use of such means should depend on the consent of the parties involved in the case.
27. Any limitation period applicable to the claims should be suspended during the period from the moment the parties agree to attempt to resolve the dispute by means of an alternative dispute resolution procedure until at least the moment at which one or both parties expressly withdraw from that alternative dispute resolution procedure.
28. The legality of the binding outcome of a collective settlement should be verified by the courts taking into consideration the appropriate protection of interests and rights of all parties involved.

Legal representation and lawyers' fees

29. The Member States should ensure that the lawyers' remuneration and the method by which it is calculated do not create any incentive to litigation that is unnecessary from the point of view of the interest of any of the parties.
30. The Member States should not permit contingency fees which risk creating such an incentive. The Member States that exceptionally allow for contingency fees should provide for appropriate national regulation of those fees in collective redress cases, taking into account in particular the right to full compensation of the members of the claimant party.

Prohibition of punitive damages

31. The compensation awarded to natural or legal persons harmed in a mass harm situation should not exceed the compensation that would have been awarded, if the claim had been pursued by means of individual actions. In

⁽¹⁾ OJ L 136, 24.5.2008, p. 3.

particular, punitive damages, leading to overcompensation in favour of the claimant party of the damage suffered, should be prohibited.

Funding of compensatory collective redress

32. The Member States should ensure, that, in addition to the general principles of funding, for cases of private third party funding of compensatory collective redress, it is prohibited to base remuneration given to or interest charged by the fund provider on the amount of the settlement reached or the compensation awarded unless that funding arrangement is regulated by a public authority to ensure the interests of the parties.

Collective follow-on actions

33. The Member States should ensure that in fields of law where a public authority is empowered to adopt a decision finding that there has been a violation of Union law, collective redress actions should, as a general rule, only start after any proceedings of the public authority, which were launched before commencement of the private action, have been concluded definitively. If the proceedings of the public authority are launched after the commencement of the collective redress action, the court should avoid giving a decision which would conflict with a decision contemplated by the public authority. To that end, the court may stay the collective redress action until the proceedings of the public authority have been concluded.
34. The Member States should ensure that in the case of follow-on actions, the persons who claim to have been harmed are not prevented from seeking compensation due to the expiry of limitation or prescription periods before the definitive conclusion of the proceedings by the public authority.

VI. GENERAL INFORMATION

Registry of collective redress actions

35. The Member States should establish a national registry of collective redress actions.
36. The national registry should be available free of charge to any interested person through electronic means and otherwise. Websites publishing the registries should provide access to comprehensive and objective information

on the available methods of obtaining compensation, including out of court methods.

37. The Member States, assisted by the Commission should endeavour to ensure coherence of the information gathered in the registries and their interoperability.

VII. SUPERVISION AND REPORTING

38. The Member States should implement the principles set out in this Recommendation in national collective redress systems by 26 July 2015 at the latest.
39. The Member States should collect reliable annual statistics on the number of out-of-court and judicial collective redress procedures and information about the parties, the subject matter and outcome of the cases.
40. The Member States should communicate the information collected in accordance with point 39 to the Commission on an annual basis and for the first time by 26 July 2016 at the latest.
41. The Commission should assess the implementation of the Recommendation on the basis of practical experience by 26 July 2017 at the latest. In this context, the Commission should in particular evaluate its impact on access to justice, on the right to obtain compensation, on the need to prevent abusive litigation and on the functioning of the single market, on SMEs, the competitiveness of the economy of the European Union and consumer trust. The Commission should assess also whether further measures to consolidate and strengthen the horizontal approach reflected in the Recommendation should be proposed.

Final provisions

42. The Recommendation should be published in the *Official Journal of the European Union*.

Done at Brussels, 11 June 2013.

For the Commission

The President

José Manuel BARROSO

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COMMISSION DECISION

of 26 May 2009

approving on behalf of the European Community certain amendments to Annex V to the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products

(Text with EEA relevance)

(2013/397/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 1999/201/EC of 14 December 1998 on the conclusion of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products ⁽¹⁾, and in particular the third paragraph of Article 4 thereof,

Whereas:

- (1) The Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products (hereafter 'the Agreement') provides for the possibility of recognising equivalence for sanitary measures after the exporting Party has objectively demonstrated that its measures achieve the importing Party's appropriate level of protection. The Agreement was approved on behalf of the Community by Decision 1999/201/EC.
- (2) The determination of equivalence was carried out and concluded with Canada for equivalence on public health measures concerning fishery products. Equivalence has been concluded on a reciprocal basis.
- (3) The Joint Management Committee established under the Agreement ('the Joint Management Committee'), at its meeting on 5 and 6 October 2006, issued a recommendation concerning the determination of equivalence on hygiene rules for fishery products. This was complemented by a specific recommendation concerning equivalence on microbiological criteria for fishery products at the meeting of the Joint Management Committee on 3 and 4 October 2007.
- (4) The Joint Management Committee, at its meeting on 5 and 6 October 2006, issued a recommendation

concerning the establishment of rules for imports into the Community for fish caught under the authority of a recreational fishing licence from Canada. The Joint Management Committee, at its meeting on 5 and 6 October 2006, issued a recommendation as regards fresh meat to update the legal basis of the EU and Canadian standards.

- (5) The Joint Management Committee, at its meeting on 5 and 6 October 2006, issued a recommendation as regards minced meat and to update the legal basis of the EU standards.
- (6) The Joint Management Committee, at its meeting on 3 and 4 October 2007, issued a recommendation concerning the determination of equivalence for poultry post-mortem requirements on poultry meat.
- (7) The Joint Management Committee, at its meeting on 27 and 28 April 2005, issued a recommendation providing for the possibility of imports from Canada of live bivalve molluscs for wet storage, relaying or depuration in the Community other than market size live bivalve molluscs, in line with Community legislation.
- (8) As a result of those recommendations it is appropriate to modify the relevant parts in Annex V to the Agreement.
- (9) Pursuant to Article 16(3) of the Agreement amendments to the Annexes are to be agreed upon by an exchange of notes between the Parties.
- (10) Accordingly, the recommended modifications to Annex V to the Agreement should be approved on behalf of the Community.
- (11) Commission Decision C(2008) 2633 of 19 June 2008, which was not published in the *Official Journal of the European Union*, made certain amendments to the Annex V to the Agreement.
- (12) It is necessary to make certain adaptations of a diplomatic nature to the text of the letters set out in the Annex to Decision C(2008) 2633. In the interests of clarity, that Decision should be annulled and replaced by the present Decision.

⁽¹⁾ OJ L 71, 18.3.1999, p. 1.

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

HAS DECIDED AS FOLLOWS

Article 1

Pursuant to the recommendations made by the Joint Management Committee established under Article 16(1) of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products, the modifications to Annex V to that Agreement are hereby approved on behalf of the Community.

The text of an Exchange of Letters between the European Community and the Government of Canada setting out those modifications to Annex V to that Agreement, is attached in the Annex to this Decision.

Article 2

The Director-General for Health and Consumers is hereby authorised, on behalf of the Community, to sign the Letter from the European Community.

Article 3

This Decision annuls and replaces Decision C(2008) 2633.

Done at Brussels, 26 May 2009.

For the Commission
Androulla VASSILIOU
Member of the Commission

ANNEX

Exchange of Letters on the modifications of Annex V to the Agreement between the Government of Canada and the European Community on sanitary measures to protect public and animal health in respect of trade in live animals and animal products

A. LETTER FROM THE EUROPEAN COMMUNITY

22 March 2010

Sir,

With reference to Article 16(2) and (3) of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products, done at Ottawa on 17 December 1998, hereafter called 'the Agreement', I have the honour to propose modifications to Annex V to the Agreement in accordance with the recommendations of the Joint Management Committee established under Article 16(1) of the Agreement, as follows:

1. The table at point 6 concerning Fresh meat in Annex V to the Agreement is replaced by the table in Appendix I to this Exchange of Letters.
2. The table at point 11 concerning Fisheries products for human consumption in Annex V to the Agreement is replaced by the table in Appendix II to this Exchange of Letters.
3. The table at point 15 concerning Minced meat in Annex V to the Agreement is replaced by the table in Appendix III to this Exchange of Letters.
4. Paragraph 1 of Chapter II of Footnote A in Annex V to the Agreement is deleted.
5. Paragraph 1 of Chapter I of Footnote B in Annex V to the Agreement is replaced as follows:

'For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions have to be fulfilled:

- the fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;
- the fish has been eviscerated under appropriate hygiene and preservation measures;
- the fish is not a toxic species nor a species that may contain biotoxins;
- the fish must be introduced into the Community within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence has to be attached to the accompanying document.'

6. Paragraphs 3, 4 and 5 of Chapter I of Footnote B in Annex V to the Agreement are deleted.
7. Paragraphs 1, 2, 3, 4 and 5 of Chapter II of Footnote B in Annex V to the Agreement are deleted.
8. Paragraph 2 of Chapter I of Footnote C in Annex V to the Agreement is replaced as follows:

'Market size live bivalve molluscs must be destined for direct human consumption and not wet storage, relaying or depuration in EC.'

I have the honour to propose that if this letter and the Appendices thereto, which are equally authentic in English and French, are acceptable to your Government, this letter and your confirmation shall together constitute an agreement to amend the Agreement, which shall enter into force on the date of the last note of an exchange of diplomatic notes between the Government of Canada and the European Community confirming that all necessary internal procedures for the entry into force of this Exchange of Letters have been completed.

Please accept, Sir, the assurance of my highest consideration.

For the European Community
Robert MADELIN

B. LETTER FROM THE GOVERNMENT OF CANADA

16 April 2010

Sir,

I have the honour to acknowledge receipt of your letter of 22 March 2010 which reads as follows:

'Sir,

With reference to Article 16(2) and (3) of the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products, done at Ottawa on 17 December 1998, hereafter called "the Agreement", I have the honour to propose modifications to Annex V to the Agreement in accordance with the recommendations of the Joint Management Committee established under Article 16(1) of the Agreement, as follows:

1. The table at point 6 concerning Fresh meat in Annex V to the Agreement is replaced by the table in Appendix I to this Exchange of Letters.
2. The table at point 11 concerning Fisheries products for human consumption in Annex V to the Agreement is replaced by the table in Appendix II to this Exchange of Letters.
3. The table at point 15 concerning Minced meat in Annex V to the Agreement is replaced by the table in Appendix III to this Exchange of Letters.
4. Paragraph 1 of Chapter II of Footnote A in Annex V to the Agreement is deleted.
5. Paragraph 1 of Chapter I of Footnote B in Annex V to the Agreement is replaced as follows:

"For fish caught under the authority of a recreational fishing licence from Canada with the name of the importer, the following conditions have to be fulfilled:

- the fish was caught in Canadian fisheries waters on the dates while the licence is valid, in accordance with Canadian regulations on sport fishing and that possession limits have been respected;
- the fish has been eviscerated under appropriate hygiene and preservation measures;
- the fish is not a toxic species nor a species that may contain biotoxins;
- the fish must be introduced into the Community within one month following the last date of validity of the recreational fishing licence and is not intended to be marketed. A copy of the recreational fishing licence has to be attached to the accompanying document."

6. Paragraphs 3, 4 and 5 of Chapter I of Footnote B in Annex V to the Agreement are deleted.
7. Paragraphs 1, 2, 3, 4 and 5 of Chapter II of Footnote B in Annex V to the Agreement are deleted.
8. Paragraph 2 of Chapter I of Footnote C in Annex V to the Agreement is replaced as follows:

"Market size live bivalve molluscs must be destined for direct human consumption and not wet storage, relaying or depuration in EC."

I have the honour to propose that if this letter and the Appendices thereto, which are equally authentic in English and French, are acceptable to your Government, this letter and your confirmation shall together constitute an agreement to amend the Agreement, which shall enter into force on the date of the last note of an exchange of diplomatic notes between the Government of Canada and the European Community confirming that all necessary internal procedures for the entry into force of this Exchange of Letters have been completed.'

I have the honour to confirm that the above is acceptable to my Government and that your letter, and this reply and the attached Appendices, which are equally authentic in English and French, together shall constitute an agreement to amend the Agreement, in accordance with your proposal, which shall come into force on the date of the last note of an exchange of diplomatic notes between the Government of Canada and the European Community confirming that all necessary internal procedures for the entry into force of this Exchange of Letters have been completed.

Please accept, Sir, the assurances of my highest consideration.

For the competent authority of the Government of Canada
Ross HORNBLY

6. Fresh meat

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Animal health										
— Ruminants	2002/99/EC Regulation (EC) No 999/2001	H of A Act and Regs. Sec 40, 41	Yes 2	Statement of origin		H of A Act and Regs.	2002/99/EC Regulation (EC) No 999/2001 Decision 79/542/EEC	Yes 3		
— Equidae	2002/99/EC	H of A Act and Regs. Sec 40, 41	Yes 2	Statement of origin		H of A Act and Regs.	2002/99/EC Decision 79/542/EEC	Yes 3		
— Pigs	2002/99/EC	H of A Act and Regs. Sec 40, 41	Yes 2	Statement of origin		H of A Act and Regs.	2002/99/EC Decision 79/542/EEC	Yes 3		
Public health	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004	Meat Inspection Act & Regs. Food and Drugs Act & Regs. Consumer Packaging & Labelling Act & Regs. (if packaged for retail sale) Canada Agricultural Products Act& Livestock and Poultry Carcass Grading Regs. (if beef)	Yes 1		Some provisions to be reviewed when the Meat Inspection Regulation will be amended.	Meat Inspection Act & Regs. Food and Drugs Act & Regs. Consumer Packaging & Labelling Act & Regs. (if packaged for retail sale) Canada Agricultural Products Act& Livestock and Poultry Carcass Grading Regs. (if beef)	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 Decision 79/542/EEC Decision 2005/290/EC	Yes 1	Subsections (2) and (3) of section 11.7.3 on the European Union of Chapter 11 of the Meat Hygiene Manual as prescribed in the meat hygiene Directive (No 2008/33/EC) ⁽¹⁾	Ante and post mortem provisions, the definition of market hogs and other hygiene requirements to be reviewed when the new EU Food Hygiene Regulations will be applied.

⁽¹⁾ <http://www.inspection.gc.ca/francais/anima/meavia/mmopmmhv/chap11/eu-uef.shtml> for the French version and <http://www.inspection.gc.ca/english/anima/meavia/mmopmmhv/chap11/eu-uee.shtml> for the English version.

11. Fishery products and live bivalve molluscs

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Animal health										
1. Live aquaculture animals and products destined for human consumption or aquaculture	Directive 2006/88/EC	Fish Health Protection Regulations made under the Fisheries Act, R.S.C. 1985, c.F-14	1. NE	Fish health certificate issued by an official body		Fish Health Protection Regulations made under the Fisheries Act, R.S.C. 1985, c. F-14	Directive 2006/88/EC	1. NE	Official health certificate	
2. Dead eviscerated fish for human consumption			2. Yes 2				2. Yes 2			
3. Dead non-eviscerated products for human consumption			3. NE				3. NE			
4. Live fish eggs for aquaculture			4. NE				4. NE			
5. Live fish for aquaculture (include finfish, molluscs, crustacean and other invertebrates)			5. NE				5. NE			
							Decisions 2003/858/EC 2003/804/EC 2006/656/EC			
							Regulation (EC) No 1251/2008			
							Regulations (EC) No 2074/2005, (EC) No 1250/2008			

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Public health										
— Fish and fishery products for human consumption	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004, (EC) No 2073/2005	Fish Inspection Regulations made under the Fish Inspection Act, R.S.C., 1985, c. F-12 Food and Drugs Act and Regulations Consumer Packaging and Labelling Regulations (if packaged for retail sale)	Yes 1	Smoked fish packed in hermetically sealed containers that are not frozen, must contain a salt level not less than 9 % (water phase method). The Canadian and EC systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EC for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the criteria of the importing country.		Fish Inspection Regulations made under the Fish Inspection Act, R.S.C., 1985, c. F-12	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004, (EC) No 2073/2005 Decision 2005/290/EC	Yes 1	Footnote B (I) The Canadian and EC systems are deemed to provide an equivalent level of protection with respect to microbiological requirements. However, the microbiological criteria used by Canada and the EC for end product monitoring differ in some aspects. For exported products it is the responsibility of the exporter to assure their products meet the criteria of the importing country.	Health Canada to be requested to review the smoked fish regulations on priority basis

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
— Live bivalve molluscs for human consumption, including echi- noderms, tunicates and marine gastropods	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004	Fish Inspection Regulations made under the Fish Inspection Act, R.S.C., 1985, c. F-12 Food and Drugs Act and Regulations	Yes 2	Footnote C (ii)	EC to supply a list of approved dispatch centres EC requests Canada to review contaminants limits to assess equivalency	Fish Inspection Regulations made under the Fish Act, R.S.C., 1985, c. F-12 Management of Contaminated Fisheries Regulations made under the Fisheries Act, R.S.C. 1985, c. F-14	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004, (EC) No 2074/2005	Yes 2	Footnote C (ii) Official certificate	Evaluate the equivalency of bacteriological quality based on growing waters vs shellfish flesh Canada to supply a list of approved processing plants

15. Minced meat

Commodity	EC Exports to Canada					Canada Exports to EC				
	Trade conditions		Equivalence	Special conditions	Action	Trade conditions		Equivalence	Special conditions	Action
	EC standards	Canadian standards				Canadian standards	EC standards			
Animal health										
— Ruminants	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3	As defined in the Meat Inspection Regulations		H of A Act and Regs	Directive 2002/99/EC Decision 79/542/EEC	Yes 3		
— Pigs	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3	As defined in the Meat Inspection Regulations		H of A Act and Regs	Directive 2002/99/EC Decision 79/542/EEC	Yes 3		
— Equidae	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3			H of A Act and Regs	Directive 2002/99/EC	Yes 3		
— Poultry/Wild game/Farmed game	Directive 2002/99/EC	H of A Act and Regs. Sec 40—52	Yes 3			H of A Act and Regs	Directive 2002/99/EC	Yes 3		
Public health	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004	Meat Inspection Act & Regs Food and Drugs Act & Regs Consumer Packaging and Labelling Act & Regs. (if packaged for retail sale)	Yes 2	No trade in wild game minced meat		Meat Inspection Act & Regs. Food and Drugs Act & Regs. Consumer Packaging and Labelling Act & Regs. (if packaged for retail sale)	Regulations (EC) No 852/2004, (EC) No 853/2004, (EC) No 854/2004 Decision 79/542/EEC	Yes 3	Footnote A (I)	

RECOMMENDATIONS

2013/396/EU:

★ Commission Recommendation of 11 June 2013 on common principles for injunctive and compensatory collective redress mechanisms in the Member States concerning violations of rights granted under Union Law	60
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IV Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty

2013/397/EC:

★ Commission Decision of 26 May 2009 approving on behalf of the European Community certain amendments to Annex V to the Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products ⁽¹⁾	66
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⁽¹⁾ Text with EEA relevance

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