

# Official Journal

## of the European Union

L 280



English edition

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Volume 56

22 October 2013

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## II

*(Non-legislative acts)*

## REGULATIONS

## COMMISSION REGULATION (EU) No 1010/2013

of 17 October 2013

**establishing a prohibition of fishing for black scabbardfish in EU and international waters of VIII, IX and X by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

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

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks <sup>(2)</sup>, lays down quotas for 2013.

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

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

*Article 3***Entry into force**

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

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

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

Done at Brussels, 17 October 2013.

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

Lowri EVANS

*Director-General for Maritime Affairs and Fisheries*

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> OJ L 356, 22.12.2012, p. 22.

## ANNEX

|              |                                               |
|--------------|-----------------------------------------------|
| No           | 40/DSS                                        |
| Member State | Spain                                         |
| Stock        | BSF/8910-                                     |
| Species      | Black scabbardfish ( <i>Aphanopus carbo</i> ) |
| Zone         | EU and international waters of VIII, IX and X |
| Date         | 20.8.2013                                     |

**COMMISSION IMPLEMENTING REGULATION (EU) No 1011/2013****of 21 October 2013****on the derogations from the rules of origin laid down in Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, that apply within quotas for certain products from El Salvador**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2012/734/EU of 25 June 2012 on the signing, on behalf of the Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and the provisional application of Part IV thereof concerning trade matters <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) By Decision 2012/734/EU, the Council authorised the signing, on behalf of the Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (hereinafter referred to as 'the Agreement'). Pursuant to Decision 2012/734/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion.
- (2) Annex II to the Agreement concerns the definition of the concept of 'originating products' and methods of administrative cooperation. For a number of products, Appendix 2A to that Annex provides for the possibility of derogations from the rules of origin set out in Appendix 2 to Annex II in the framework of annual quotas. As the Union has decided to use that possibility, it is necessary to provide the conditions for the application of those derogations for imports from El Salvador.
- (3) The quotas set out in Appendix 2A to Annex II should be managed on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(2)</sup>.
- (4) Entitlement to benefit from the tariff concessions should be subject to the presentation of the relevant proof of origin to the customs authorities, as provided for in the Agreement.

(5) Since the Agreement applies on a provisional basis as of 1 October 2013, this Regulation should apply from the same date.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rules of origin set out in Appendix 2A to Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (hereinafter referred to as 'the Agreement'), shall apply to the products listed in Annex to this Regulation.
2. The rules of origin referred to in paragraph 1 shall apply by derogation from the rules of origin set out in Appendix 2 to Annex II to the Agreement, within the quotas set out in Annex to this Regulation.

*Article 2*

To benefit from the derogation set out in Article 1, the products shall be accompanied by a proof of origin as set out in Annex II to the Agreement.

*Article 3*

The quotas set out in Annex shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 4*

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

It shall apply from 1 October 2013.

<sup>(1)</sup> OJ L 346, 15.12.2012, p. 1.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

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

Done at Brussels, 21 October 2013.

*For the Commission*

*The President*

José Manuel BARROSO

  

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## ANNEX

## EL SALVADOR

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

For the tariff quotas with quota order numbers from 09.7078 to 09.7103, the global yearly quota volume may not exceed the following number of items (pairs) for the respective calendar year:

|                                                                         | 2013      | 2014       | 2015       | 2016       | 2017       | From 2018  |
|-------------------------------------------------------------------------|-----------|------------|------------|------------|------------|------------|
| Total units per year<br>(global quota per year,<br>caps per subheading) | 2 250 000 | 10 157 500 | 11 315 000 | 12 472 500 | 13 630 000 | 14 787 500 |

| Order No | CN code    | Description of goods                                                                                                                                                                                                 | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7078  | 6102 20    | Women's or girls' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6104, of cotton          | From 1.10.2013 to 31.12.2013                                                 | 123 750                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 534 600                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 574 200                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 613 800                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 653 400                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 693 000                                                           |
| 09.7079  | 6102 30    | Women's or girls' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), wind-cheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6104, of man-made fibres | From 1.10.2013 to 31.12.2013                                                 | 192 500                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 831 600                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 893 200                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 954 800                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 1 016 400                                                         |
|          |            |                                                                                                                                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 1 078 000                                                         |
| 09.7080  | 6104 22 00 | Women's or girls' ensembles, of cotton                                                                                                                                                                               | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                                                                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                                                                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |

| Order No | CN code    | Description of goods                                                               | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
|          |            |                                                                                    | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |
| 09.7081  | 6104 42 00 | Women's or girls' dresses, of cotton                                               | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                    | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                    | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                    | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                    | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |
|          |            |                                                                                    | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |
| 09.7082  | 6104 43 00 | Women's or girls' dresses, of synthetic fibres                                     | From 1.10.2013 to 31.12.2013                                                 | 110 000                                                           |
|          |            |                                                                                    | From 1.1.2014 to 31.12.2014                                                  | 475 200                                                           |
|          |            |                                                                                    | From 1.1.2015 to 31.12.2015                                                  | 510 400                                                           |
|          |            |                                                                                    | From 1.1.2016 to 31.12.2016                                                  | 545 600                                                           |
|          |            |                                                                                    | From 1.1.2017 to 31.12.2017                                                  | 580 800                                                           |
|          |            |                                                                                    | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 616 000                                                           |
| 09.7083  | 6104 44 00 | Women's or girls' dresses, of artificial fibres                                    | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                    | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                    | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                    | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                    | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |
|          |            |                                                                                    | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |
| 09.7084  | 6104 62 00 | Women's or girls' trousers, bib and brace overalls, breeches and shorts, of cotton | From 1.10.2013 to 31.12.2013                                                 | 247 500                                                           |
|          |            |                                                                                    | From 1.1.2014 to 31.12.2014                                                  | 1 069 200                                                         |
|          |            |                                                                                    | From 1.1.2015 to 31.12.2015                                                  | 1 148 400                                                         |
|          |            |                                                                                    | From 1.1.2016 to 31.12.2016                                                  | 1 227 600                                                         |
|          |            |                                                                                    | From 1.1.2017 to 31.12.2017                                                  | 1 306 800                                                         |

| Order No | CN code    | Description of goods                                                                                                                                                                                | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 1 386 000                                                         |
| 09.7085  | 6104 63 00 | Women's or girls' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres                                                                                                        | From 1.10.2013 to 31.12.2013                                                 | 82 500                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 356 400                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 382 800                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 409 200                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 435 600                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 462 000                                                           |
| 09.7075  | 6115       | Pantyhose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example, stockings for varicose veins) and footwear without applied soles, knitted or crocheted | From 1.10.2013 to 31.12.2013                                                 | 625 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014 and for each period thereafter from 1.1 to 31.12 | 2 500 000                                                         |
| 09.7086  | 6202 12    | Women's or girls' overcoats, raincoats, car coats, capes, cloaks and similar articles, of cotton                                                                                                    | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |
| 09.7087  | 6202 13    | Women's or girls' overcoats, raincoats, car coats, capes, cloaks and similar articles, of man-made fibres                                                                                           | From 1.10.2013 to 31.12.2013                                                 | 137 500                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 594 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 638 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 682 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 726 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 770 000                                                           |

| Order No | CN code    | Description of goods                                                                                                                                      | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7088  | 6202 92 00 | Women's or girls' anoraks (including ski jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 6204, of cotton          | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |
|          |            |                                                                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |
| 09.7089  | 6202 93 00 | Women's or girls' anoraks (including ski jackets), wind-cheaters, wind-jackets and similar articles, other than those of heading 6204, of man-made fibres | From 1.10.2013 to 31.12.2013                                                 | 82 500                                                            |
|          |            |                                                                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 356 400                                                           |
|          |            |                                                                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 382 800                                                           |
|          |            |                                                                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 409 200                                                           |
|          |            |                                                                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 435 600                                                           |
|          |            |                                                                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 462 000                                                           |
| 09.7090  | 6203 42    | Men's or boys' trousers, bib and brace overalls, breeches and shorts, of cotton                                                                           | From 1.10.2013 to 31.12.2013                                                 | 137 500                                                           |
|          |            |                                                                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 594 000                                                           |
|          |            |                                                                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 638 000                                                           |
|          |            |                                                                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 682 000                                                           |
|          |            |                                                                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 726 000                                                           |
|          |            |                                                                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 770 000                                                           |
| 09.7091  | 6205 20 00 | Men's or boys' shirts, of cotton                                                                                                                          | From 1.10.2013 to 31.12.2013                                                 | 206 250                                                           |
|          |            |                                                                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 891 000                                                           |
|          |            |                                                                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 957 000                                                           |
|          |            |                                                                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 1 023 000                                                         |
|          |            |                                                                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 1 089 000                                                         |
|          |            |                                                                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 1 155 000                                                         |

| Order No | CN code    | Description of goods                                             | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7092  | 6205 30 00 | Men's or boys' shirts, of man-made fibres                        | From 1.10.2013 to 31.12.2013                                                 | 275 000                                                           |
|          |            |                                                                  | From 1.1.2014 to 31.12.2014                                                  | 1 188 000                                                         |
|          |            |                                                                  | From 1.1.2015 to 31.12.2015                                                  | 1 276 000                                                         |
|          |            |                                                                  | From 1.1.2016 to 31.12.2016                                                  | 1 364 000                                                         |
|          |            |                                                                  | From 1.1.2017 to 31.12.2017                                                  | 1 452 000                                                         |
|          |            |                                                                  | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 1 540 000                                                         |
| 09.7093  | 6207 11 00 | Men's or boys' underpants and briefs, of cotton                  | From 1.10.2013 to 31.12.2013                                                 | 137 500                                                           |
|          |            |                                                                  | From 1.1.2014 to 31.12.2014                                                  | 594 000                                                           |
|          |            |                                                                  | From 1.1.2015 to 31.12.2015                                                  | 638 000                                                           |
|          |            |                                                                  | From 1.1.2016 to 31.12.2016                                                  | 682 000                                                           |
|          |            |                                                                  | From 1.1.2017 to 31.12.2017                                                  | 726 000                                                           |
|          |            |                                                                  | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 770 000                                                           |
| 09.7094  | 6207 19 00 | Men's or boys' underpants and briefs, of other textile materials | From 1.10.2013 to 31.12.2013                                                 | 110 000                                                           |
|          |            |                                                                  | From 1.1.2014 to 31.12.2014                                                  | 475 200                                                           |
|          |            |                                                                  | From 1.1.2015 to 31.12.2015                                                  | 510 400                                                           |
|          |            |                                                                  | From 1.1.2016 to 31.12.2016                                                  | 545 600                                                           |
|          |            |                                                                  | From 1.1.2017 to 31.12.2017                                                  | 580 800                                                           |
|          |            |                                                                  | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 616 000                                                           |
| 09.7095  | 6207 21 00 | Men's or boys' nightshirts and pyjamas, of cotton                | From 1.10.2013 to 31.12.2013                                                 | 200 000                                                           |
|          |            |                                                                  | From 1.1.2014 to 31.12.2014                                                  | 864 000                                                           |
|          |            |                                                                  | From 1.1.2015 to 31.12.2015                                                  | 928 000                                                           |
|          |            |                                                                  | From 1.1.2016 to 31.12.2016                                                  | 992 000                                                           |
|          |            |                                                                  | From 1.1.2017 to 31.12.2017                                                  | 1 056 000                                                         |
|          |            |                                                                  | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 1 120 000                                                         |

| Order No | CN code    | Description of goods                                                                                                | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7096  | 6207 22 00 | Men's or boys' nightshirts and pyjamas, of man-made fibres                                                          | From 1.10.2013 to 31.12.2013                                                 | 137 500                                                           |
|          |            |                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 594 000                                                           |
|          |            |                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 638 000                                                           |
|          |            |                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 682 000                                                           |
|          |            |                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 726 000                                                           |
|          |            |                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 770 000                                                           |
| 09.7097  | 6207 91 00 | Men's or boys' singlets and other vests, bathrobes, dressing gowns and similar articles, of cotton                  | From 1.10.2013 to 31.12.2013                                                 | 96 250                                                            |
|          |            |                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 415 800                                                           |
|          |            |                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 446 600                                                           |
|          |            |                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 477 400                                                           |
|          |            |                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 508 200                                                           |
|          |            |                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 539 000                                                           |
| 09.7098  | 6207 99    | Men's or boys' singlets and other vests, bathrobes, dressing gowns and similar articles, of other textile materials | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |
|          |            |                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |
| 09.7099  | 6208 21 00 | Women's or girls' nightdresses and pyjamas, of cotton                                                               | From 1.10.2013 to 31.12.2013                                                 | 55 000                                                            |
|          |            |                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 237 600                                                           |
|          |            |                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 255 200                                                           |
|          |            |                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 272 800                                                           |
|          |            |                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 290 400                                                           |
|          |            |                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 308 000                                                           |

| Order No | CN code    | Description of goods                                                                                                                       | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|--------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7100  | 6208 22 00 | Women's or girls' nightdresses and pyjamas, of man-made fibres                                                                             | From 1.10.2013 to 31.12.2013                                                 | 110 000                                                           |
|          |            |                                                                                                                                            | From 1.1.2014 to 31.12.2014                                                  | 475 200                                                           |
|          |            |                                                                                                                                            | From 1.1.2015 to 31.12.2015                                                  | 510 400                                                           |
|          |            |                                                                                                                                            | From 1.1.2016 to 31.12.2016                                                  | 545 600                                                           |
|          |            |                                                                                                                                            | From 1.1.2017 to 31.12.2017                                                  | 580 800                                                           |
|          |            |                                                                                                                                            | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 616 000                                                           |
| 09.7101  | 6208 91 00 | Women's or girls' singlets and other vests, briefs, panties, negligees, bathrobes, dressing gowns and similar articles, of cotton          | From 1.10.2013 to 31.12.2013                                                 | 165 000                                                           |
|          |            |                                                                                                                                            | From 1.1.2014 to 31.12.2014                                                  | 712 800                                                           |
|          |            |                                                                                                                                            | From 1.1.2015 to 31.12.2015                                                  | 765 600                                                           |
|          |            |                                                                                                                                            | From 1.1.2016 to 31.12.2016                                                  | 818 400                                                           |
|          |            |                                                                                                                                            | From 1.1.2017 to 31.12.2017                                                  | 871 200                                                           |
|          |            |                                                                                                                                            | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 924 000                                                           |
| 09.7102  | 6208 92 00 | Women's or girls' singlets and other vests, briefs, panties, negligees, bathrobes, dressing gowns and similar articles, of man-made fibres | From 1.10.2013 to 31.12.2013                                                 | 68 750                                                            |
|          |            |                                                                                                                                            | From 1.1.2014 to 31.12.2014                                                  | 297 000                                                           |
|          |            |                                                                                                                                            | From 1.1.2015 to 31.12.2015                                                  | 319 000                                                           |
|          |            |                                                                                                                                            | From 1.1.2016 to 31.12.2016                                                  | 341 000                                                           |
|          |            |                                                                                                                                            | From 1.1.2017 to 31.12.2017                                                  | 363 000                                                           |
|          |            |                                                                                                                                            | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 385 000                                                           |
| 09.7103  | 6212 10    | Brassieres, whether or not knitted or crocheted                                                                                            | From 1.10.2013 to 31.12.2013                                                 | 247 500                                                           |
|          |            |                                                                                                                                            | From 1.1.2014 to 31.12.2014                                                  | 1 069 200                                                         |
|          |            |                                                                                                                                            | From 1.1.2015 to 31.12.2015                                                  | 1 148 400                                                         |
|          |            |                                                                                                                                            | From 1.1.2016 to 31.12.2016                                                  | 1 227 600                                                         |
|          |            |                                                                                                                                            | From 1.1.2017 to 31.12.2017                                                  | 1 306 800                                                         |
|          |            |                                                                                                                                            | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 1 386 000                                                         |

| Order No | CN code | Description of goods                                                                                                                                                      | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7076  | 7607 20 | Aluminium foil (whether or not printed) backed with paper, paperboard, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0,2 mm | From 1.10.2013 to 31.12.2013                                                 | 250 tonnes net weight                                             |
|          |         |                                                                                                                                                                           | From 1.1.2014 to 31.12.2014 and for each period thereafter from 1.1 to 31.12 | 1 000 tonnes net weight                                           |

**COMMISSION IMPLEMENTING REGULATION (EU) No 1012/2013****of 21 October 2013****on the derogations from the rules of origin laid down in Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, that apply within quotas for certain products from Costa Rica**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2012/734/EU of 25 June 2012 on the signing, on behalf of the European Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and the provisional application of Part IV thereof concerning trade matters <sup>(1)</sup>, and in particular Article 6 thereof,

Whereas:

- (1) By Decision 2012/734/EU, the Council authorised the signing, on behalf of the Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (hereinafter referred to as 'the Agreement'). Pursuant to Decision 2012/734/EU, the Agreement is to be applied on a provisional basis, pending the completion of the procedures for its conclusion.
- (2) Annex II to the Agreement concerns the definition of the concept of 'originating products' and methods of administrative cooperation. For a number of products, Appendix 2A to that Annex provides for the possibility of derogations from the rules of origin set out in Appendix 2 to Annex II in the framework of annual quotas. As the Union has decided to use that possibility, it is necessary to provide the conditions for the application of those derogations for imports from Costa Rica.
- (3) The quotas set out in Appendix 2A to Annex II should be managed on a first-come, first-served basis in accordance with Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code <sup>(2)</sup>.
- (4) Entitlement to benefit from the tariff concessions should be subject to the presentation of the relevant proof of origin to the customs authorities, as provided for in the Agreement.

(5) Since the Agreement applies on a provisional basis as of 1 October 2013, this Regulation should apply from the same date.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rules of origin set out in Appendix 2A to Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (hereinafter referred to as 'the Agreement'), shall apply to the products listed in the Annex to this Regulation.
2. The rules of origin referred to in paragraph 1 shall apply by derogation from the rules of origin set out in Appendix 2 to Annex II to the Agreement, within the quotas set out in the Annex to this Regulation.

*Article 2*

To benefit from the derogation set out in Article 1, the products shall be accompanied by a proof of origin as set out in Annex II to the Agreement.

*Article 3*

The quotas set out in the Annex shall be managed in accordance with Articles 308a, 308b and 308c of Regulation (EEC) No 2454/93.

*Article 4*

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

It shall apply from 1 October 2013.

<sup>(1)</sup> OJ L 346, 15.12.2012, p. 1.

<sup>(2)</sup> OJ L 253, 11.10.1993, p. 1.

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

Done at Brussels, 21 October 2013.

*For the Commission*

*The President*

José Manuel BARROSO

  

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## ANNEX

## COSTA RICA

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value, the scope of the preferential scheme being determined, within the context of this Annex, by CN codes as they exist at the time of adoption of this Regulation.

| Order No | CN code    | Description of goods                                                                                                                  | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7017  | 6103 43 00 | Men's or boys' trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, of synthetic fibres | From 1.10.2013 to 31.12.2013                                                 | 50 000                                                            |
|          |            |                                                                                                                                       | From 1.1.2014 to 31.12.2014                                                  | 218 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2015 to 31.12.2015                                                  | 236 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2016 to 31.12.2016                                                  | 254 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2017 to 31.12.2017                                                  | 272 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 290 000                                                           |
| 09.7018  | 6105 10 00 | Men's or boys' shirts, knitted or crocheted, of cotton                                                                                | From 1.10.2013 to 31.12.2013                                                 | 150 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2014 to 31.12.2014                                                  | 654 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2015 to 31.12.2015                                                  | 708 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2016 to 31.12.2016                                                  | 762 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2017 to 31.12.2017                                                  | 816 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 870 000                                                           |
| 09.7019  | 6105 90    | Men's or boys' shirts, knitted or crocheted, of other textile materials                                                               | From 1.10.2013 to 31.12.2013                                                 | 30 000                                                            |
|          |            |                                                                                                                                       | From 1.1.2014 to 31.12.2014                                                  | 130 800                                                           |
|          |            |                                                                                                                                       | From 1.1.2015 to 31.12.2015                                                  | 141 600                                                           |
|          |            |                                                                                                                                       | From 1.1.2016 to 31.12.2016                                                  | 152 400                                                           |
|          |            |                                                                                                                                       | From 1.1.2017 to 31.12.2017                                                  | 163 200                                                           |
|          |            |                                                                                                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 174 000                                                           |
| 09.7020  | 6106 10 00 | Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted, of cotton                                                  | From 1.10.2013 to 31.12.2013                                                 | 112 500                                                           |
|          |            |                                                                                                                                       | From 1.1.2014 to 31.12.2014                                                  | 490 500                                                           |
|          |            |                                                                                                                                       | From 1.1.2015 to 31.12.2015                                                  | 531 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2016 to 31.12.2016                                                  | 571 500                                                           |
|          |            |                                                                                                                                       | From 1.1.2017 to 31.12.2017                                                  | 612 000                                                           |
|          |            |                                                                                                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 652 500                                                           |

| Order No | CN code    | Description of goods                                                                   | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7021  | 6107 11 00 | Men's or boys' underpants and briefs, knitted or crocheted, of cotton                  | From 1.10.2013 to 31.12.2013                                                 | 58 750                                                            |
|          |            |                                                                                        | From 1.1.2014 to 31.12.2014                                                  | 256 150                                                           |
|          |            |                                                                                        | From 1.1.2015 to 31.12.2015                                                  | 277 300                                                           |
|          |            |                                                                                        | From 1.1.2016 to 31.12.2016                                                  | 298 450                                                           |
|          |            |                                                                                        | From 1.1.2017 to 31.12.2017                                                  | 319 600                                                           |
|          |            |                                                                                        | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 340 750                                                           |
| 09.7022  | 6107 19 00 | Men's or boys' underpants and briefs, knitted or crocheted, of other textile materials | From 1.10.2013 to 31.12.2013                                                 | 17 500                                                            |
|          |            |                                                                                        | From 1.1.2014 to 31.12.2014                                                  | 76 300                                                            |
|          |            |                                                                                        | From 1.1.2015 to 31.12.2015                                                  | 82 600                                                            |
|          |            |                                                                                        | From 1.1.2016 to 31.12.2016                                                  | 88 900                                                            |
|          |            |                                                                                        | From 1.1.2017 to 31.12.2017                                                  | 95 200                                                            |
|          |            |                                                                                        | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 101 500                                                           |
| 09.7023  | 6108 21 00 | Women's or girls' briefs and panties, knitted or crocheted, of cotton                  | From 1.10.2013 to 31.12.2013                                                 | 11 750                                                            |
|          |            |                                                                                        | From 1.1.2014 to 31.12.2014                                                  | 51 230                                                            |
|          |            |                                                                                        | From 1.1.2015 to 31.12.2015                                                  | 55 460                                                            |
|          |            |                                                                                        | From 1.1.2016 to 31.12.2016                                                  | 59 690                                                            |
|          |            |                                                                                        | From 1.1.2017 to 31.12.2017                                                  | 63 920                                                            |
|          |            |                                                                                        | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 68 150                                                            |
| 09.7024  | 6108 22 00 | Women's or girls' briefs and panties, knitted or crocheted, of man-made fibres         | From 1.10.2013 to 31.12.2013                                                 | 6 250                                                             |
|          |            |                                                                                        | From 1.1.2014 to 31.12.2014                                                  | 27 250                                                            |
|          |            |                                                                                        | From 1.1.2015 to 31.12.2015                                                  | 29 500                                                            |
|          |            |                                                                                        | From 1.1.2016 to 31.12.2016                                                  | 31 750                                                            |
|          |            |                                                                                        | From 1.1.2017 to 31.12.2017                                                  | 34 000                                                            |
|          |            |                                                                                        | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 36 250                                                            |
| 09.7025  | 6109 10 00 | T-shirts, singlets and other vests, knitted or crocheted, of cotton                    | From 1.10.2013 to 31.12.2013                                                 | 465 000                                                           |
|          |            |                                                                                        | From 1.1.2014 to 31.12.2014                                                  | 2 027 400                                                         |
|          |            |                                                                                        | From 1.1.2015 to 31.12.2015                                                  | 2 194 800                                                         |
|          |            |                                                                                        | From 1.1.2016 to 31.12.2016                                                  | 2 362 200                                                         |

| Order No | CN code    | Description of goods                                                                                                                                                                                | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 2 529 600                                                         |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 2 697 000                                                         |
| 09.7026  | 6111 20    | Babies' garments and clothing accessories, knitted or crocheted, of cotton                                                                                                                          | From 1.10.2013 to 31.12.2013                                                 | 50 000                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 218 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 236 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 254 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 272 000                                                           |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 290 000                                                           |
| 09.7027  | 6112 41    | Women's or girls' swimwear, knitted or crocheted, of synthetic fibres                                                                                                                               | From 1.10.2013 to 31.12.2013                                                 | 12 500                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 54 500                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 59 000                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 63 500                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 68 000                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 72 500                                                            |
| 09.7028  | 6114 30 00 | Other garments, knitted or crocheted, of man-made fibres                                                                                                                                            | From 1.10.2013 to 31.12.2013                                                 | 7 500                                                             |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 32 700                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 35 400                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 38 100                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2017 to 31.12.2017                                                  | 40 800                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 43 500                                                            |
| 09.7029  | 6115       | Pantyhose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example, stockings for varicose veins) and footwear without applied soles, knitted or crocheted | From 1.10.2013 to 31.12.2013                                                 | 1 000 000                                                         |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014 and for each period thereafter from 1.1 to 31.12 | 4 000 000                                                         |
| 09.7030  | 6117 80    | Other made-up clothing accessories, knitted or crocheted                                                                                                                                            | From 1.10.2013 to 31.12.2013                                                 | 5 000                                                             |
|          |            |                                                                                                                                                                                                     | From 1.1.2014 to 31.12.2014                                                  | 21 800                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2015 to 31.12.2015                                                  | 23 600                                                            |
|          |            |                                                                                                                                                                                                     | From 1.1.2016 to 31.12.2016                                                  | 25 400                                                            |

| Order No | CN code    | Description of goods                                                                                      | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
|          |            |                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 27 200                                                            |
|          |            |                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 29 000                                                            |
| 09.7031  | 6201 13    | Men's or boys' overcoats, raincoats, car coats, capes, cloaks and similar articles, of man-made fibres    | From 1.10.2013 to 31.12.2013                                                 | 2 000                                                             |
|          |            |                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 8 720                                                             |
|          |            |                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 9 440                                                             |
|          |            |                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 10 160                                                            |
|          |            |                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 10 880                                                            |
|          |            |                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 11 600                                                            |
| 09.7032  | 6202 13    | Women's or girls' overcoats, raincoats, car coats, capes, cloaks and similar articles, of man-made fibres | From 1.10.2013 to 31.12.2013                                                 | 3 750                                                             |
|          |            |                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 16 350                                                            |
|          |            |                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 17 700                                                            |
|          |            |                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 19 050                                                            |
|          |            |                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 20 400                                                            |
|          |            |                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 21 750                                                            |
| 09.7033  | 6203 11 00 | Men's or boys' suits, of wool or fine animal hair                                                         | From 1.10.2013 to 31.12.2013                                                 | 87 500                                                            |
|          |            |                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 381 500                                                           |
|          |            |                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 413 000                                                           |
|          |            |                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 444 500                                                           |
|          |            |                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 476 000                                                           |
|          |            |                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 507 500                                                           |
| 09.7034  | 6203 12 00 | Men's or boys' suits, of synthetic fibres                                                                 | From 1.10.2013 to 31.12.2013                                                 | 87 500                                                            |
|          |            |                                                                                                           | From 1.1.2014 to 31.12.2014                                                  | 381 500                                                           |
|          |            |                                                                                                           | From 1.1.2015 to 31.12.2015                                                  | 413 000                                                           |
|          |            |                                                                                                           | From 1.1.2016 to 31.12.2016                                                  | 444 500                                                           |
|          |            |                                                                                                           | From 1.1.2017 to 31.12.2017                                                  | 476 000                                                           |
|          |            |                                                                                                           | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 507 500                                                           |

| Order No | CN code    | Description of goods                                                                              | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7035  | 6203 31 00 | Men's or boys' jackets and blazers, of wool or fine animal hair                                   | From 1.10.2013 to 31.12.2013                                                 | 43 750                                                            |
|          |            |                                                                                                   | From 1.1.2014 to 31.12.2014                                                  | 190 750                                                           |
|          |            |                                                                                                   | From 1.1.2015 to 31.12.2015                                                  | 206 500                                                           |
|          |            |                                                                                                   | From 1.1.2016 to 31.12.2016                                                  | 222 250                                                           |
|          |            |                                                                                                   | From 1.1.2017 to 31.12.2017                                                  | 238 000                                                           |
|          |            |                                                                                                   | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 253 750                                                           |
| 09.7036  | 6203 33    | Men's or boys' jackets and blazers, of synthetic fibres                                           | From 1.10.2013 to 31.12.2013                                                 | 66 250                                                            |
|          |            |                                                                                                   | From 1.1.2014 to 31.12.2014                                                  | 288 850                                                           |
|          |            |                                                                                                   | From 1.1.2015 to 31.12.2015                                                  | 312 700                                                           |
|          |            |                                                                                                   | From 1.1.2016 to 31.12.2016                                                  | 336 550                                                           |
|          |            |                                                                                                   | From 1.1.2017 to 31.12.2017                                                  | 360 400                                                           |
|          |            |                                                                                                   | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 384 250                                                           |
| 09.7037  | 6203 41    | Men's or boys' trousers, bib and brace overalls, breeches and shorts, of wool or fine animal hair | From 1.10.2013 to 31.12.2013                                                 | 125 000                                                           |
|          |            |                                                                                                   | From 1.1.2014 to 31.12.2014                                                  | 545 000                                                           |
|          |            |                                                                                                   | From 1.1.2015 to 31.12.2015                                                  | 590 000                                                           |
|          |            |                                                                                                   | From 1.1.2016 to 31.12.2016                                                  | 635 000                                                           |
|          |            |                                                                                                   | From 1.1.2017 to 31.12.2017                                                  | 680 000                                                           |
|          |            |                                                                                                   | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 725 000                                                           |
| 09.7038  | 6203 43    | Men's or boys' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres         | From 1.10.2013 to 31.12.2013                                                 | 130 000                                                           |
|          |            |                                                                                                   | From 1.1.2014 to 31.12.2014                                                  | 566 800                                                           |
|          |            |                                                                                                   | From 1.1.2015 to 31.12.2015                                                  | 613 600                                                           |
|          |            |                                                                                                   | From 1.1.2016 to 31.12.2016                                                  | 660 400                                                           |
|          |            |                                                                                                   | From 1.1.2017 to 31.12.2017                                                  | 707 200                                                           |
|          |            |                                                                                                   | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 754 000                                                           |
| 09.7039  | 6204 31 00 | Women's or girls' jackets and blazers, of wool or fine animal hair                                | From 1.10.2013 to 31.12.2013                                                 | 43 750                                                            |
|          |            |                                                                                                   | From 1.1.2014 to 31.12.2014                                                  | 190 750                                                           |
|          |            |                                                                                                   | From 1.1.2015 to 31.12.2015                                                  | 206 500                                                           |
|          |            |                                                                                                   | From 1.1.2016 to 31.12.2016                                                  | 222 250                                                           |

| Order No | CN code    | Description of goods                                                                                 | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
|          |            |                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 238 000                                                           |
|          |            |                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 253 750                                                           |
| 09.7040  | 6204 33    | Women's or girls' jackets and blazers, of synthetic fibres                                           | From 1.10.2013 to 31.12.2013                                                 | 41 250                                                            |
|          |            |                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 179 850                                                           |
|          |            |                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 194 700                                                           |
|          |            |                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 209 550                                                           |
|          |            |                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 224 400                                                           |
|          |            |                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 239 250                                                           |
| 09.7041  | 6204 53 00 | Women's or girls' skirts and divided skirts, of synthetic fibres                                     | From 1.10.2013 to 31.12.2013                                                 | 7 500                                                             |
|          |            |                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 32 700                                                            |
|          |            |                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 35 400                                                            |
|          |            |                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 38 100                                                            |
|          |            |                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 40 800                                                            |
|          |            |                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 43 500                                                            |
| 09.7042  | 6204 61    | Women's or girls' trousers, bib and brace overalls, breeches and shorts, of wool or fine animal hair | From 1.10.2013 to 31.12.2013                                                 | 17 500                                                            |
|          |            |                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 76 300                                                            |
|          |            |                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 82 600                                                            |
|          |            |                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 88 900                                                            |
|          |            |                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 95 200                                                            |
|          |            |                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 101 500                                                           |
| 09.7043  | 6204 63    | Women's or girls' trousers, bib and brace overalls, breeches and shorts, of synthetic fibres         | From 1.10.2013 to 31.12.2013                                                 | 70 000                                                            |
|          |            |                                                                                                      | From 1.1.2014 to 31.12.2014                                                  | 305 200                                                           |
|          |            |                                                                                                      | From 1.1.2015 to 31.12.2015                                                  | 330 400                                                           |
|          |            |                                                                                                      | From 1.1.2016 to 31.12.2016                                                  | 355 600                                                           |
|          |            |                                                                                                      | From 1.1.2017 to 31.12.2017                                                  | 380 800                                                           |
|          |            |                                                                                                      | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 406 000                                                           |

| Order No | CN code | Description of goods                                  | Quota period                                                                 | Annual quota volume (in items (pairs) if not otherwise specified) |
|----------|---------|-------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 09.7044  | 6211 33 | Other garments, men's or boys', of man-made fibres    | From 1.10.2013 to 31.12.2013                                                 | 11 250                                                            |
|          |         |                                                       | From 1.1.2014 to 31.12.2014                                                  | 49 050                                                            |
|          |         |                                                       | From 1.1.2015 to 31.12.2015                                                  | 53 100                                                            |
|          |         |                                                       | From 1.1.2016 to 31.12.2016                                                  | 57 150                                                            |
|          |         |                                                       | From 1.1.2017 to 31.12.2017                                                  | 61 200                                                            |
|          |         |                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 65 250                                                            |
| 09.7045  | 6211 43 | Other garments, women's or girls', of man-made fibres | From 1.10.2013 to 31.12.2013                                                 | 11 250                                                            |
|          |         |                                                       | From 1.1.2014 to 31.12.2014                                                  | 49 050                                                            |
|          |         |                                                       | From 1.1.2015 to 31.12.2015                                                  | 53 100                                                            |
|          |         |                                                       | From 1.1.2016 to 31.12.2016                                                  | 57 150                                                            |
|          |         |                                                       | From 1.1.2017 to 31.12.2017                                                  | 61 200                                                            |
|          |         |                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 65 250                                                            |
| 09.7046  | 6212 10 | Brassieres, whether or not knitted or crocheted       | From 1.10.2013 to 31.12.2013                                                 | 25 000                                                            |
|          |         |                                                       | From 1.1.2014 to 31.12.2014                                                  | 109 000                                                           |
|          |         |                                                       | From 1.1.2015 to 31.12.2015                                                  | 118 000                                                           |
|          |         |                                                       | From 1.1.2016 to 31.12.2016                                                  | 127 000                                                           |
|          |         |                                                       | From 1.1.2017 to 31.12.2017                                                  | 136 000                                                           |
|          |         |                                                       | From 1.1.2018 to 31.12.2018 and for each period thereafter from 1.1 to 31.12 | 145 000                                                           |

**COMMISSION IMPLEMENTING REGULATION (EU) No 1013/2013****of 21 October 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) <sup>(1)</sup>,

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 <sup>(2)</sup>, 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, 21 October 2013.

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

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

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> 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 <sup>(1)</sup> | Standard import value |
|------------|-----------------------------------|-----------------------|
| 0702 00 00 | MA                                | 53,1                  |
|            | MK                                | 46,1                  |
|            | ZZ                                | 49,6                  |
| 0707 00 05 | MK                                | 58,4                  |
|            | TR                                | 126,8                 |
|            | ZZ                                | 92,6                  |
| 0709 93 10 | TR                                | 151,2                 |
|            | ZZ                                | 151,2                 |
| 0805 50 10 | AR                                | 100,6                 |
|            | CL                                | 101,0                 |
|            | IL                                | 97,0                  |
|            | TR                                | 81,5                  |
|            | ZA                                | 102,4                 |
|            | ZZ                                | 96,5                  |
| 0806 10 10 | BR                                | 216,8                 |
|            | TR                                | 156,8                 |
|            | ZZ                                | 186,8                 |
| 0808 10 80 | CL                                | 140,0                 |
|            | NZ                                | 123,1                 |
|            | US                                | 156,2                 |
|            | ZA                                | 123,4                 |
|            | ZZ                                | 135,7                 |
| 0808 30 90 | TR                                | 122,6                 |
|            | ZZ                                | 122,6                 |

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

## DECISIONS

## DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 9 October 2013

**on the mobilisation of the European Globalisation Adjustment Fund, in accordance with point 28 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (application EGF/2012/008 IT/De Tomaso Automobili from Italy)**

(2013/514/EU)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management <sup>(1)</sup>, and in particular point 28 thereof,

Having regard to Regulation (EC) No 1927/2006 of the European Parliament and of the Council of 20 December 2006 establishing the European Globalisation Adjustment Fund <sup>(2)</sup>, and in particular Article 12(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) was established to provide additional support for workers made redundant as a result of major structural changes in world trade patterns due to globalisation and to assist them with their reintegration into the labour market.
- (2) The Interinstitutional Agreement of 17 May 2006 allows the mobilisation of the EGF within the annual ceiling of EUR 500 million.
- (3) Italy submitted an application on 5 November 2012 to mobilise the EGF in respect of redundancies in the

enterprise De Tomaso Automobili S.p.A. and supplemented it by additional information up to 5 March 2013. This application complies with the requirements for determining the financial contributions as laid down in Article 10 of Regulation (EC) No 1927/2006. The Commission, therefore, proposes to mobilise an amount of EUR 2 594 672.

- (4) The EGF should, therefore, be mobilised in order to provide a financial contribution for the application submitted by Italy,

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the European Union for the financial year 2013, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 2 594 672 in commitment and payment appropriations.

*Article 2*

This Decision shall be published in the *Official Journal of the European Union*.

Done at Strasbourg, 9 October 2013.

*For the European Parliament*  
*The President*  
M. SCHULZ

*For the Council*  
*The President*  
V. LEŠKEVIČIUS

<sup>(1)</sup> OJ C 139, 14.6.2006, p. 1.

<sup>(2)</sup> OJ L 406, 30.12.2006, p. 1.

**COUNCIL DECISION 2013/515/CFSP****of 21 October 2013****amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 25 October 2010, the Council adopted Decision 2010/638/CFSP <sup>(1)</sup>.
- (2) On the basis of a review of Decision 2010/638/CFSP, the restrictive measures should be extended until 27 October 2014.
- (3) Decision 2010/638/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 8 of Decision 2010/638/CFSP, paragraph 2 is replaced by the following:

‘2. This Decision shall apply until 27 October 2014. It shall be kept under constant review. It may be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.’.

*Article 2*

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

Done at Luxembourg, 21 October 2013.

*For the Council*

*The President*

C. ASHTON

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<sup>(1)</sup> Council Decision 2010/638/CFSP of 25 October 2010 concerning restrictive measures against the Republic of Guinea (OJ L 280, 26.10.2010, p. 10).

## COMMISSION DECISION

of 6 July 2010

on the measure C 40/07 (ex NN 48/07) implemented by Romania for ArcelorMittal Tubular Products Roman S.A. (formerly Petrotub Roman S.A.)

(notified under document C(2010) 4492)

(Only the Romanian version is authentic)

(Text with EEA relevance)

(2013/516/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to the provisions of Annex VII, and Appendix A to Annex VII, to the Protocol on Transitional Measures to the Accession Treaty of Romania,

Having called on interested parties to submit their comments pursuant to the provision(s) cited above <sup>(1)</sup>, and having regard to their comments,

Whereas:

Decision was published in the *Official Journal of the European Union* <sup>(4)</sup>. The Commission invited interested parties to submit their comments on the measure.

(3) Romania submitted its comments by letter of 26 November 2007, registered on the same date. By letters dated 28 January 2008, registered on 29 January 2008, ArcelorMittal (the parent company) and AM Roman (the subsidiary concerned) submitted their comments, which were communicated to Romania on 12 February 2008. Romania reacted by letter of 11 March 2008, registered on the same date.

(4) The Commission requested additional information by letters of 26 February 2009, 8 October 2009 and 29 January 2010. Romania replied by letters of 27 April 2009, 19 October 2009 and 3 February 2010, all registered on the same dates.

## I. PROCEDURE

- (1) By letter dating from 2 February 2007, the Commission requested Romania to provide information regarding public debt waivers and the rescheduling of public debt for Petrotub Roman S.A. (hereinafter 'Petrotub') in the context of its privatisation in 2003 (following privatisation, the company was re-named Mittal Steel Roman, and subsequently ArcelorMittal Tubular Products S.A. <sup>(2)</sup> - hereinafter 'AM Roman').
- (2) By letter dated 25 September 2007, the Commission informed Romania that it decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union <sup>(3)</sup> in respect of possible aid involved in the privatisation of Petrotub. The

<sup>(1)</sup> OJ C 287, 29.11.2007, p. 29.

<sup>(2)</sup> Petrotub was acquired in 2003 by LNM Holdings, and the latter merged in 2004 with ISPAT International, to form the Mittal Steel group. In 2006, Mittal Steel merged with Arcelor to form the ArcelorMittal group. As of December 31, 2009, ArcelorMittal Tubular Products Holding B.V. Rotterdam NLD holds a 69,7684 % stake in ArcelorMittal Tubular Products Roman S.A.

<sup>(3)</sup> With effect from 1 December 2009, Articles 87 and 88 of the EC Treaty have become Articles 107 and 108, respectively, of the Treaty on the Functioning of the European Union ('TFEU'). The two sets of provisions are, in substance, identical. For the purposes of this Decision, references to Articles 107 and 108 of the TFEU should be understood as references to Articles 87 and 88, respectively, of the EC Treaty where appropriate.

## II. DESCRIPTION OF THE FACTS

## 1. The company

- (5) AM Roman is a seamless steel tubes producer located in Roman, a Romanian region receiving assistance under Article 107(3)(a) TFEU <sup>(5)</sup>. Before privatisation in 2003, the company, then named Petrotub, was a producer of seamless steel tubes, whose production consisted of hot-rolled and cold-rolled steel tubes with diameters between 6 and 620 mm and wall width between 0,5 and 70 mm. These products have various applications in energy industries (oil, gas, chemicals, nuclear and conventional energy) and in the machinery and construction industries. After privatisation, the company continued to operate on the same product market. At present ArcelorMittal Tubular Products Holding B.V. Rotterdam NLD (of the ArcelorMittal group) holds a 69,76 % stake in the company <sup>(6)</sup>.

<sup>(4)</sup> See footnote 1 above.

<sup>(5)</sup> Roman is the second largest city of a North-Eastern Romanian county qualifying as assisted region under Article 107(3)(a) TFEU pursuant to the Commission Decision of 24 January 2007 on the national regional State Aid map for Romania (N 2/07) (OJ C 73, 30.3.2007, p. 17).

<sup>(6)</sup> Further details on the company's current profile are available on the website of ArcelorMittal (see <http://www.arcelormittal.com/tubular/roman-54.html>).

## 2. The measure at stake

- (6) On 23 July 2003 the Romanian privatisation agency APAPS (now AVAS) <sup>(7)</sup> made public its intention to sell its 70 % stake in Petrotub. The privatisation took place through public tender. A sale agreement was signed with LNM Holdings NV (now ArcelorMittal) on 28 October 2003, for the purchase price of USD 6 million (EUR 5,1 million <sup>(8)</sup>).
- (7) In the context of privatisation, APAPS agreed on behalf of the Romanian state to write off public debt totalling EUR 22,5 million, and to reschedule the remaining public debt.
- (8) In 1998 Petrotub had contracted a commercial loan of DEM [30-50] (\*) million [EUR 15-25 million] with duration until 2011 from the German development bank Kreditanstalt für Wiederaufbau (hereinafter 'KfW'), in order to purchase a new mill from Mannesmann AG. The KfW financing package was secured on its different segments with State guarantees granted by Germany and Austria and a bank guarantee from the Romanian bank Banca Comercială Română (BCR). The German State guarantee was counter-guaranteed by the Romanian State. The Romanian counter-guarantee covered 85 % of the total KfW loan of DEM 30-50 million. Romania charged Petrotub a one-off fee of [3-7 %].

## III. THE OPENING DECISION

- (9) In the opening decision, the Commission informed Romania that the basis for opening the formal investigation procedure was Annex VII Section B on Steel Restructuring to the Protocol to the Accession Treaty of Romania (hereinafter 'Annex VII'); and that, in the absence of specific provisions in Annex VII with respect to the legal situation of Romanian tube producers at the time of the privatisation, the Commission would investigate the existence and compatibility of State aid to AM Roman on that basis.
- (10) The Commission noted that the acquisition price (EUR 5,1 million) did not cover the loss incurred by the State in the form of the waiver of EUR 22,5 million of public debt to which the Romanian privatisation agency APAPS agreed in the context of privatisation.

<sup>(7)</sup> In May 2004, the Romanian privatisation agency APAPS (Romanian acronym for the Authority for the Privatisation and Administration of State Holdings) was merged with AVAB (Romanian acronym for the Authority for the Administration of Bank Assets) and renamed AVAS (Romanian acronym for the Authority for the Administration of State Assets).

<sup>(8)</sup> The EUR sums are calculated at the ROL/EUR exchange rate of 30 September 2003 – 1 EUR = 38 185 ROL.

(\*) Business secret.

- (11) Before the opening of the formal investigation procedure, Romania had provided a report by an external consultant <sup>(9)</sup> to show that privatisation on the given terms had been the most advantageous solution for the State.
- (12) The report identified privatisation as leading to the most advantageous situation for the Romanian State. The table below compares the sums estimated to be obtained by each of the creditor public institutions in the privatisation and the liquidation scenarios <sup>(10)</sup>.

|                      | Privatisation                                                   | Liquidation         |
|----------------------|-----------------------------------------------------------------|---------------------|
| Social Security Fund | EUR [...] million                                               | EUR [...] million   |
| Unemployment Fund    | EUR [...] million                                               | EUR [...] million   |
| Health Fund          | EUR [...] million                                               | EUR [...] million   |
| APAPS                | EUR [...] million (including the sale price of EUR 5,1 million) | 0                   |
| Total State          | EUR [4-9] million                                               | EUR [19-26] million |

- (13) The report was based on the assumption that, in the event of liquidation, the 1998 guarantee would have been triggered, and the State (through the Ministry of Finance) would have become liable for the outstanding amount of the 1998 KfW loan taken by Petrotub, i.e. for EUR [15-25] million. In other words, in the liquidation scenario, the State would have eventually received only EUR [2-9] million, which is lower by comparison to the total of EUR [4-9] million received through privatisation.
- (14) In the opening Decision, the Commission questioned whether the outcomes of the privatisation and liquidation scenarios should have been estimated for the State as a whole, as the expert report suggested, or separately for each of the public creditors, in line with the *HAMSA* jurisprudence <sup>(11)</sup>.
- (15) Inter alia, the Commission also doubted that the loss of EUR [15-25] million as a result of the triggering of the 1998 guarantee could be taken into account in estimating the outcome of liquidation. In line with the *HYTASA* <sup>(12)</sup> and *Gröditzer* <sup>(13)</sup> cases, a distinction

<sup>(9)</sup> BDO Conti Audit SA, report of October 2007.

<sup>(10)</sup> The sums expressed in ROL are converted into EUR at the ROL/EUR exchange rate applicable on 30 September 2003 – see footnote 8 above.

<sup>(11)</sup> Case T-152/99 *HAMSA and Spain v Commission* [2002] ECR II-3049.

<sup>(12)</sup> Joined Cases C-278/92 to 280/92 *Spain v Commission* (*HYTASA*) [1994] ECR I-4103.

<sup>(13)</sup> Case C-344/99 *Germany v Commission* (*Gröditzer Stahlwerke*) [2003] ECR I-1139.

should be made between the obligations which the State must assume as shareholder of the company and the obligations it must assume as public authority. It follows that the costs assumed in relation to a public authority act cannot be taken into account for the purpose of estimating the costs that a private shareholder would have been in the position to, and willing to incur. The Commission regards the fact that in 1998 the Romanian Ministry of Finance issued a sovereign guarantee for Petrotub as an indication that a private shareholder would not have been in the position to issue such a guarantee. Another indication in this sense is the fact that the 1998 guarantee was granted on terms and conditions that a private operator might not have accepted.

#### IV. COMMENTS FROM ROMANIA AND INTERESTED PARTIES

- (16) In its submission of 27 November 2007, Romania argued mainly that the privatisation of Petrotub in October 2003 had not involved an advantage to Petrotub or the buyer, and therefore the operation had not involved State aid within the meaning of Article 107(1) TFEU.
- (17) Romania first underlined that Petrotub had been sold through an open, transparent and unconditional tender procedure – a fact which, in the opinion of the Romanian authorities, showed that Petrotub had been sold at the market price and that the buyer did not derive any advantage from the purchase. Second, Romania considered that it had acted in the same way as any private vendor would have acted: in choosing between the privatisation and liquidation scenarios, the State opted for the scenario that was most advantageous exclusively on financial terms, without taking into account non-commercial or policy considerations of the kind that by their nature are characteristic of the exercise of public authority.
- (18) In relation to this second argument, Romania showed that, under national law, the privatisation agency AVAS was required and empowered to estimate and compare the overall outcomes of privatisation and liquidation by reference to the State budget as a whole. In other words, the privatisation agency chooses the scenario that is most advantageous for the State budget as a whole, in the same way in which a large holding company comprising several creditors would do. From this perspective, contrary to the Commission's views, the State could not and did not have to estimate the outcomes of privatisation and liquidation separately for each of the public bodies concerned.
- (19) In addition, in estimating the outcomes of liquidation, the State was entitled to take into account the loss associated with the triggering of the 1998 guarantee, because, under the given conditions, such guarantee would have been granted to Petrotub also by a private investor. The company was not in difficulty at the time when the guarantee was granted, and the risk premium

charged to Petrotub for the guarantee was an appropriate remuneration for a shareholder guarantee issued in favour of a company which was in good condition at the time.

- (20) Moreover, the 1998 guarantee must be assessed from the perspective of the relevant State aid rules in force at that time. The Commission Communication on short-term export credit guarantees applicable at the time excluded long-term export credit guarantees from the scope of scrutiny under Article 107(1) TFEU (then Article 87(1) TEC) <sup>(14)</sup>. Romania also stressed that in 1998, when the guarantee was granted, Petrotub was a tube producer, and as such was not covered by the ECSC definition of steel or by the provisions of Protocol 2 on ECSC steel in the Europe Agreement.
- (21) AM Roman and its parent company ArcelorMittal fully endorsed Romania's argumentation. The companies also underlined that, under the Romanian legislation applicable at the time, and under the Europe Agreement rules on State aid, the State guarantee issued in favour of Petrotub in 1998 did not involve State aid. Furthermore, the 1998 guarantee constituted a clear enforceable commercial obligation undertaken by the State as majority shareholder of the company concerned, and can therefore be included in the estimate of the liquidation costs. ArcelorMittal also stressed that it had paid a market price for the acquisition of Petrotub, and therefore any possible advantage resulting from privatisation, *quod non*, would at any rate have remained with the State as a seller.

#### V. ASSESSMENT

##### 1. Applicable law and Commission competence

- (22) This procedure addresses events which took place before Romania's accession to the European Union (1 January 2007). Petrotub was privatised in October 2003. Also, in 1998 the Romanian State had issued a guarantee in favour of Petrotub in relation to a loan of DEM [30-50] million from KfW to purchase a new mill. The 1998 guarantee is linked to the 2003 privatisation insofar as Romania argued that its costs in case of liquidation must be taken into account when assessing the 2003 privatisation operation under the market economy operator test.
- (23) As a general rule, Articles 107-108 TFEU do not apply to measures granted before accession which are no longer

<sup>(14)</sup> Communication of the Commission to the Member States pursuant to Article 93(1) of the EC Treaty applying Articles 92 and 93 of the Treaty to short-term export-credit insurance (OJ C 281, 17.9.1997, p. 4). The text is available at: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997Y0917\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31997Y0917(01):EN:NOT)

applicable thereafter<sup>(15)</sup>. By derogation from this general rule, and therefore on an exceptional basis, the Commission has the competence to review State aid granted by Romania in the context of the restructuring of its steel industry before accession on the basis of Annex VII to the Accession Treaty of Romania<sup>(16)</sup>.

#### *The lex specialis nature of Annex VII*

- (24) Annex VII contains provisions allowing Romania to conclude the restructuring of its steel industry as initiated before accession. The pre-accession restructuring of the Romanian steel sector was carried out on the basis of Protocol 2 on ECSC Steel annexed to the Europe Agreement (hereinafter 'Protocol 2'), as extended by the Additional Protocol signed on 23 October 2002 (hereinafter 'the Additional Protocol').
- (25) Protocol 2 granted to Romania a 'grace period' of 5 years, from 1993 until the end of 1998, to restructure its ECSC steel industry in view of accession. The 'grace period' was extended until the end of 2004 by an Additional Protocol approved by Council Decision of 29 July 2002 and signed on 23 October 2002. During the resulting total 'grace period', i.e. from 1993 until the end of 2004, Romania was allowed to give restructuring aid to the steel sector on terms and conditions resulting from Protocol 2 (as extended by the Additional Protocol) and on the basis of a National Restructuring Program (hereinafter 'NRP') agreed by the Community. The Romanian NRP was approved by the Council on 18 July 2005<sup>(17)</sup>.
- (26) Annex VII is a 'safeguard mechanism' allowing the Commission to monitor after 1 January 2007 (the accession date) aid granted by Romania to the steel sector before accession on the basis of Protocol 2 (as extended by the Additional Protocol) and the NRP. Furthermore, Annex VII empowers the Commission to recover aid given in breach of Protocol 2 and the NRP. Thus Annex VII is a *lex specialis* allowing on an exceptional basis and by derogation from the general regime the retroactive monitoring and review of State aid granted by Romania to its steel industry before accession. In recent judgments concerning pre-accession State aid granted to

Polish steel companies<sup>(18)</sup> the General Court confirmed the *lex specialis* character of Protocol 8 to the Accession Treaty of Poland, which contains equivalent provisions to those set out in Annex VII.

#### *Scope of the Commission's retroactive control competence under Annex VII*

- (27) In the context of this procedure, the Commission must assess whether the exceptional retroactive control competence described in recitals (23)-(26) above also covers measures granted by Romania to tube producers before accession. To this end, the legal bases applicable to this case, consisting of Annex VII in conjunction with Protocol 2 and the Additional Protocol, have to be interpreted with a view to determining whether their provisions cover measures granted to Romanian tube producers before accession.
- (28) It is a generally-recognised principle of law that the provisions of a *lex specialis*, which derogates from the general regime, must be interpreted in a strict sense. A strict interpretation of the above-mentioned legal bases (see recitals (29)-(43) below) leads to the conclusion that the Commission's exceptional retroactive control competence is limited to (potential) pre-accession aid to ECSC producers, thereby excluding (potential) aid to tube producers.

#### *Interpretation of the legal bases*

- (29) Paragraphs (12) and (17) of Annex VII lay down the Commission's monitoring and retroactive control competences with respect to pre-accession aid to the Romanian steel industry. Paragraph (12) empowers the Commission and the Council to monitor the implementation of the Romanian NRP before and after accession, until 2009. Paragraph (17) empowers the Commission to order recovery of State aid granted in breach of paragraphs (1) to (3) of Annex VII (as indicated in recitals (30)-(32) below).
- (30) Paragraph (1) of Annex VII stipulates that State aid granted by Romania for the restructuring of 'specified parts of its steel industry' from 1993 to 2004 shall be deemed compatible with the internal market provided that: '[...] the period provided for in Article 9(4) of Protocol 2 on ECSC products to the Europe Agreement [...] has been extended until 31 December 2005'; the terms and conditions set out in the NRP have been complied with; no further State aid is granted or paid to beneficiaries of the NRP after 1 January 2005; and '[...] no State aid for restructuring is paid to the Romanian steel sector after 31 December 2004'. It also stipulates that: 'For the

<sup>(15)</sup> In Joined Cases T-273/06 and T-297/06 *ISD Polska and Others v Commission*, judgment of 1 July 2009, the General Court confirmed at paragraph 90 that '[...] it is common ground that, in principle, Articles 87 EC and 88 EC do not apply to aid granted before accession which was no longer applicable thereafter'. See also Commission Decision 2006/937/EC of 5 July 2005 on State aid C 20/04 (ex NN 25/04) in favour of Huta Czysta S.A. (OJ L 366, 21.12.2006, p. 1, paragraph 108).

<sup>(16)</sup> OJ L 157, 21.6.2005.

<sup>(17)</sup> Council Decision of 18 July 2005 on the fulfilment of the conditions laid down in Article 3 of the Additional Protocol to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, with regard to an extension of the period laid down in Article 9(4) of Protocol 2 to the Europe Agreement (OJ L 195, 27.7.2005, p. 22).

<sup>(18)</sup> Case T288/06 *Regionalny Fundusz Gospodarczy v Commission*, judgment of 1 July 2009, paragraphs 40-44, and Joined Cases T-273/06 and T-297/06 *ISD Polska and Others v Commission*, judgment of 1 July 2009, paragraphs 91-97.

*purpose of these provisions and Appendix A, State aid for restructuring is to be understood as any measure concerning steel companies that constitutes State aid within the meaning of Article 87(1) of the EC Treaty and that cannot be held to be compatible with the internal market in accordance with the normal rules applied in the Community'.*

- (31) Paragraph (2) of Annex VII provides that only the companies listed as beneficiaries of the NRP (also listed in Appendix A to Annex VII) are eligible for receiving State aid over the period 1993 to 2004.
- (32) Paragraph (6) of Annex VII provides that companies not listed as beneficiaries of the NRP 'shall not benefit from aid for restructuring or any other aid', and shall not be required to reduce their capacity either.
- (33) The first subparagraph of paragraph (1) of Annex VII refers explicitly to Article 9(4) of Protocol 2, as extended by the Additional Protocol signed on 23 October 2002. Protocol 2 covered only ECSC steel, and even listed the ECSC steel products in an Annex. The latter contained the same list of ECSC products as that in Annex I to the ECSC Treaty, where the definition of 'ECSC steel' specifically excluded steel tubes (tubes (seamless or welded) [...] bright bars and iron castings (tubes, pipes and fittings, and other iron castings)).
- (34) The ECSC Treaty expired on 23 July 2002. As of that date, State aid to the steel industry was brought under the general EC regime. On that occasion it was decided to broaden the definition of the European steel sector to include tube producers. This was codified in Article 27 and Annex B of the Multisectoral Framework on regional aid for large investment projects<sup>(19)</sup>, which defined the EU steel sector so as to include seamless tubes and large welded tubes (with a diameter greater than 406,4 mm). The extended definition of the steel sector was thereafter taken over in Annex I to the Guidelines on national regional aid for 2007-2013<sup>(20)</sup>, and in Point 29 under Article 2 of the General Block Exemption Regulation<sup>(21)</sup>.
- (35) Nevertheless, neither Protocol 2 nor the Additional Protocol were explicitly amended to include this broadened definition of the EU steel sector as including tube producers. Protocol 2 expired on 31 December 1997. The Additional Protocol extended the validity of Protocol 2 from 1 January 1998 for another 8 years or until the date of Romania's accession (whichever came first). The Additional Protocol refers to 'steel products' in general, but its scope is also specifically linked to Article 9(4) of Protocol 2, which covered ECSC products only. In particular, under Article 2 of the

Additional Protocol, the extension of Protocol 2 was made conditional on the submission by Romania to the Commission of an NRP and company restructuring plans, for beneficiaries of the NRP, both meeting 'the requirements of Article 9(4) of Protocol 2 to the Europe Agreement and assessed and agreed by its national State aid authority (the Competition Council)'.

- (36) It should therefore be concluded that Paragraph 17 of Annex VII, as interpreted in the light of paragraphs (1)-(2) and (6) of Annex VII, together with Protocol 2 and the Additional Protocol, do not give the Commission competence to control aid granted to Romanian tube producers prior to accession, in particular over the period 1993 to 2004.

*Implementing Rules for the Europe Agreement as interpretation instrument*

- (37) In addition to the legal interpretation of the scope of the relevant legal bases (i.e. Annex VII, Protocol 2 and the Additional Protocol - see recitals (29)-(36) above), the Commission also examined the question of whether the implementing rules for the application of the State aid provisions in the Europe Agreement and Protocol 2, as adopted by the Community and Romania in 2001 (hereinafter 'the Implementing Rules'<sup>(22)</sup>), are relevant when determining the scope of the Commission's retroactive control competence with respect to (potential) pre-accession aid to Romanian tube producers.
- (38) As a general rule, the Implementing Rules contain rules of procedure, to be distinguished from the substantive State aid provisions in the Europe Agreement and Protocol 2. It must be noted however that the Implementing Rules also contain specific provisions on the criteria for assessing the compatibility of aid with the Europe Agreement, and with Protocol 2, respectively.
- (39) The first sentence of Article 2(1) of the Implementing Rules provides as follows: 'The assessment of compatibility of individual aid awards and programmes with the Europe Agreement, as provided for in Article 1 of these Rules, shall be made on the basis of the criteria arising from the application of the rules of Article 87 of the Treaty establishing the European Community, including the present and future secondary legislation, frameworks, guidelines and other relevant administrative acts in force in the Community, as well as the case law of the Court of First Instance and the Court of Justice of the European Communities and any decision taken by the Association Council pursuant to Article 4(3).' This sentence lays down the general principle that the substantive criteria for assessing compatibility of State aid in

<sup>(19)</sup> OJ C 70, 19.3.2002, p. 8.

<sup>(20)</sup> OJ C 54, 4.3.2006, p. 13.

<sup>(21)</sup> OJ L 214, 9.8.2008, p. 3.

<sup>(22)</sup> OJ L 138, 22.5.2001, p. 16.

general with the Europe Agreement are 'evolutive', in the sense that they incorporate any new changes/developments in EU law and case law.

(40) The second sentence of Article 2(1) refers in particular to the compatibility criteria laid down in Protocol 2: *'Insofar as the aid awards or aid programmes are destined for products covered by Protocol 2 to the Europe Agreement, the first sentence of this paragraph applies fully with the exception that the assessment shall not be made on the basis of the criteria arising from the application of the rules of Article 87 of the Treaty establishing the European Community but on the basis of the criteria arising from the application of the rules on State aid of the Treaty establishing the European Coal and Steel Community.'* It must be noted that the wording of this sentence clearly indicates that, by contrast to the situation of general aid covered by the first sentence of Article 2(1) (see recital (41) above), in the case of aid covered by Protocol 2 the compatibility criteria evolve by reference to the ECSC Treaty. No specific indications are given as to the evolution of the compatibility criteria after the expiry of the ECSC Treaty in 2002.

(41) Articles 2(2) and 2(3) of the Implementing Rules set out the mechanism whereby Romania must incorporate changes in the EU compatibility criteria. In particular, Romania shall be informed of any changes in the Community compatibility criteria which are not published, and *'where such changes do not encounter objections from Romania within three months from the date of receiving the official information about them, they shall become criteria of compatibility as provided for in paragraph 1 of this Article. Where such changes encounter objections from Romania and having regard to the approximation of legislation as provided for in the Europe Agreement, consultations shall take place, in accordance with Articles 7 and 8 of these Rules.'*

(42) Although Romania did not object within three months to the change in 2002 of the Community definition of the steel industry to also cover tube producers, those changes in Community law could not have become applicable to measures that fall outside the scope of the Europe Agreement, namely those that were not covered by the ECSC Treaty. Moreover, since Annex VII is a *lex specialis*, when determining its scope the Commission cannot rely

on broadening the definition of EU steel following the expiry of the ECSC Treaty. It must therefore be concluded that a clear distinction must be made between, on the one hand, the 'evolutive' nature of the law applicable to State aid for the steel sector in Romania before accession, under the Europe Agreement, and on the other hand the necessarily strict interpretation of the scope of the Commission's retroactive control competence as stemming from Annex VII, Protocol 2 and the Additional Protocol.

## VI. CONCLUSION

(43) On the basis of the aforementioned considerations (see in particular recitals (36) and (42) above), the Commission concludes that it does not have competence to review measures granted to Romanian tube producers before accession, in particular over the period 1993-2004, on the basis of Annex VII. This procedure is closed, taking note of the Commission's lack of competence to assess the acts concerned,

HAS DECIDED AS FOLLOWS:

### Article 1

The formal investigation procedure laid down in Article 108(2) TFEU initiated by letter addressed to Romania of 25 September 2007, is closed for lack of Commission competence under the provisions of Annex VII Section B to the Accession Treaty of Romania to review the measures granted by Romania in the context of the privatisation of Petrotub Roman S.A in 2003.

### Article 2

This Decision is addressed to Romania.

Done at Brussels, 6 July 2010.

For the Commission  
Joaquín ALMUNIA  
Vice-President

**CORRIGENDA****Corrigendum to Commission Decision 2013/250/EU of 21 May 2013 establishing the ecological criteria for the award of the EU Ecolabel for sanitary tapware**

*(Official Journal of the European Union L 145 of 31 May 2013)*

On page 7, in Article 5:

*for:* 'For administrative purposes, the code number assigned to the product group "sanitary tapware" shall be "x".',

*read:* 'For administrative purposes, the code number assigned to the product group "sanitary tapware" shall be "40".'

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