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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Council Regulation (Euratom) No 1368/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia, and repealing Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010** 1
- ★ **Council Regulation (Euratom) No 1369/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programme in Lithuania, and repealing Regulation (EC) No 1990/2006** 7
- ★ **Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products** 12
- ★ **Council Implementing Regulation (EU) No 1371/2013 of 16 December 2013 extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not** 20
- ★ **Commission Regulation (EU) No 1372/2013 of 19 December 2013 amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004 ⁽¹⁾** 27

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(Continued overleaf)

⁽¹⁾ Text with relevance for the EEA and for Switzerland

EN

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

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

★ Commission Implementing Regulation (EU) No 1373/2013 of 19 December 2013 laying down detailed rules for implementing the system of export licences in the pigmeat sector	29
★ Commission Regulation (EU) No 1374/2013 of 19 December 2013 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 36 ⁽¹⁾	38
★ Commission Regulation (EU) No 1375/2013 of 19 December 2013 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 39 ⁽¹⁾	42
Commission Implementing Regulation (EU) No 1376/2013 of 19 December 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables	47
Commission Implementing Regulation (EU) No 1377/2013 of 19 December 2013 on the issue of import licences for applications lodged during the first seven days of December 2013 under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat	49
Commission Implementing Regulation (EU) No 1378/2013 of 19 December 2013 on the issue of import licences for applications lodged during the first seven days of December 2013 under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat	51

DECISIONS

2013/777/CFSP:

★ Political and Security Committee Decision EUTM Somalia/1/2013 of 17 December 2013 on the appointment of an EU Mission Commander for the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia)	53
---	----

2013/778/EU:

★ Commission Implementing Decision of 13 December 2013 establishing the Research Executive Agency and repealing Decision 2008/46/EC	54
--	----

2013/779/EU:

★ Commission Implementing Decision of 17 December 2013 establishing the European Research Council Executive Agency and repealing Decision 2008/37/EC	58
---	----



⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EURATOM) No 1368/2013

of 13 December 2013

**on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia,
and repealing Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010**

THE COUNCIL OF THE EUROPEAN UNION,

obligations, Slovakia shut down all units concerned within the respective deadlines.

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 203 thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

(1) According to the Protocol concerning the conditions and arrangements for admission of the Republic of Bulgaria and Romania to the European Union ⁽²⁾, Bulgaria committed itself to the closure of units 1 and 2 and units 3 and 4 of the Kozloduy nuclear power plant by 31 December 2002 and 31 December 2006 respectively, and to the subsequent decommissioning of those units. In line with its obligations, Bulgaria shut down all units concerned within the respective deadlines.

(2) According to Protocol No 9 on unit 1 and unit 2 of the Bohunice V1 nuclear power plant in Slovakia ⁽³⁾ attached to the 2003 Act of Accession, Slovakia committed itself to the closure of unit 1 and unit 2 of the Bohunice V1 nuclear power plant by 31 December 2006 and 31 December 2008 respectively, and to the subsequent decommissioning of those units. In line with its

(3) In line with their obligations under the Accession Treaty and with Union assistance, Bulgaria and Slovakia have closed the Kozloduy and Bohunice V1 nuclear power plants and have made significant progress towards their decommissioning. Further work is necessary in order to continue the progress with the actual decontamination, dismantling, management of spent fuel and radioactive waste operations and to implement the steady process towards the decommissioning end state in accordance with the respective decommissioning plans, whilst ensuring that the highest safety standards are applied. Based on the available estimates, completion of the decommissioning work will require substantial additional financial resources.

(4) The premature shutdown and consequent decommissioning of the Bohunice VI nuclear power plant with two WWER 440 V 230 type units with an overall capacity of 880 MW has resulted, besides social and energy implications, in a significant financial burden of direct and indirect costs for Slovakia.

(5) The premature shutdown and consequent decommissioning of four WWER 440 V 230 type units of the Kozloduy nuclear power plant with an overall capacity of 1 760 MW has imposed a heavy long-term burden on Bulgarian citizens in terms of energy, economic, environmental and social implications.

(6) The Union has committed to assist Bulgaria and Slovakia in addressing the exceptional financial burden imposed by the decommissioning process. Since the pre-accession period, Bulgaria and Slovakia have received substantial financial support from the Union, notably through the Kozloduy and Bohunice programmes established for the period 2007 - 2013. The Union financial support under those programmes will end in 2013.

⁽¹⁾ Opinion of 19 November 2013 (not yet published in the Official Journal).

⁽²⁾ OJ L 157, 21.6.2005, p. 29.

⁽³⁾ OJ L 236, 23.9.2003, p. 954.

- (7) Following the request for further funding from Bulgaria, Lithuania and Slovakia, provision has been made in the Commission proposal for the next multi-annual financial framework for the period 2014-2020: 'A Budget for Europe 2020' for an amount of EUR 700 million from the general budget of the Union for nuclear safety and decommissioning. From this, the amount of EUR 500 million in 2011 prices, which is approximately EUR 553 million in current prices, is foreseen for a new programme to further support the decommissioning of the Bohunice V1 units 1 and 2, the Ignalina units 1 and 2 and the Kozloduy units 1 to 4 for the period from 2014 to 2020.
- (8) The amount of the appropriations allocated to the Kozloduy and Bohunice programmes, as well as the programming period and the distribution of funds amongst the Kozloduy, Bohunice and Ignalina programmes may be reviewed based on the results of the mid-term and the final evaluation reports.
- (9) The support pursuant to this Regulation should ensure the seamless continuation of decommissioning and concentrate on measures to implement the steady process towards the decommissioning end state, whilst ensuring that the highest safety standards are applied, as such measures bring the greatest Union added value, while the ultimate responsibility for nuclear safety remains with the Member States concerned. This Regulation does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU).
- (10) This Regulation is without prejudice to the rights and obligations of the Member States concerned under the Accession Treaties, in particular under the Protocols referred to in recitals 1 and 2.
- (11) The decommissioning of the nuclear power plants covered by this Regulation should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the units to be shut down, in order to ensure the highest possible efficiency, thus taking into account international best practices.
- (12) The activities covered by this Regulation and the operations which they support should comply with applicable Union and national law. The decommissioning of the nuclear power plants covered by this Regulation should be carried out in accordance with the legislation on nuclear safety, namely Council Directive 2009/71/Euratom⁽¹⁾, waste management, namely Council Directive 2011/70/Euratom⁽²⁾, and the environment, in particular Directive 2009/31/EC of the European Parliament and of the Council⁽³⁾ and Directive 2011/92/EU of the European Parliament and of the Council⁽⁴⁾.
- (13) The activities covered by this Regulation and the operations which they support should be based on an up-to-date decommissioning plan covering the decommissioning activities, their associated schedule, costs and required human resources. The costs should be established according to internationally recognised standards for the estimation of decommissioning costs, such as, for example, the International Structure for Decommissioning Costing jointly published by the Nuclear Energy Agency, the International Atomic Energy Agency and the European Commission.
- (14) An effective control of the evolution of the decommissioning process should be ensured by the Commission in order to assure the highest Union added value of the funding allocated under this Regulation, although the final responsibility for the decommissioning rests with the Member States concerned. This includes the measurement of effective performance and the assessment of corrective measures during the programme concerned.
- (15) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties.
- (16) Since the objectives of this Regulation, in particular as regards the provisions for adequate financial resources for the continuation of safe decommissioning, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (1) Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).
- (2) Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).
- (3) Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).
- (4) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

- (17) Certain measures under the Kozloduy and Bohunice programmes may require a high level of financing from the Union, which may, in well-founded exceptional cases, amount to the full amount of the funding. However, every effort should be made to continue the co-financing practice established under the pre-accession assistance and the assistance provided over the period 2007-2013 for the decommissioning efforts of Bulgaria and Slovakia, as well as to attract co-financing from other sources as appropriate.
- (18) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the adoption of annual work programmes and detailed implementation procedures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (19) Council Regulation (Euratom) No 549/2007 ⁽²⁾ and Council Regulation (Euratom) No 647/2010 ⁽³⁾ should be repealed.
- (20) Due account was taken of the Court of Auditors' Special report No 16/2011 on EU financial assistance for the decommissioning of nuclear plants in Bulgaria, Lithuania and Slovakia, its recommendations and the reply from the Commission,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a programme for the implementation of Union financial support for measures connected with the decommissioning of units 1 to 4 of the Kozloduy nuclear power plant in Bulgaria (the 'Kozloduy programme') and units 1 and 2 of the Bohunice V1 nuclear power plant in Slovakia (the 'Bohunice programme') (together, 'the Kozloduy and Bohunice programmes').

Article 2

Objectives

1. The general objective of the Kozloduy and Bohunice programmes is to assist the Member States concerned in

- ⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).
- ⁽²⁾ Council Regulation (Euratom) No 549/2007 of 14 May 2007 on the implementation of Protocol No 9 on Unit 1 and Unit 2 of the Bohunice V1 nuclear power plant in Slovakia to the Act concerning the conditions of accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ L 131, 23.5.2007, p. 1).
- ⁽³⁾ Regulation (Euratom) No 647/2010 of the Council of 13 July 2010 on financial assistance of the Union with respect to the decommissioning of Units 1 to 4 of the Kozloduy Nuclear Power Plant in Bulgaria (Kozloduy Programme) (OJ L 189, 22.7.2010, p. 9).

implementing the steady process towards the decommissioning end state of Kozloduy units 1 to 4 and Bohunice V1 units 1 and 2 in accordance with their respective decommissioning plans, whilst maintaining the highest level of safety.

2. Within the funding period, the main specific objectives of the Kozloduy and Bohunice programmes are:

(a) in respect of the Kozloduy programme:

- (i) performing dismantling in the turbine halls of units 1 to 4 and in auxiliary buildings, to be measured by the number and type of systems dismantled;
- (ii) dismantling of large components and equipment in the reactor buildings of units 1 to 4, to be measured by the number and type of systems and equipment dismantled;
- (iii) safely managing the decommissioning waste in accordance with a detailed waste management plan, to be measured by the quantity and type of safely conditioned waste;

(b) in respect of the Bohunice programme:

- (i) performing dismantling in the turbine hall and auxiliary buildings of reactor V1, to be measured by the number and type of systems dismantled;
- (ii) dismantling of large components and equipment in the V1 reactor buildings, to be measured by the number and type of systems and equipment dismantled;
- (iii) safely managing the decommissioning waste in accordance with a detailed waste management plan, to be measured by the quantity and type of safely conditioned waste.

3. The Kozloduy and Bohunice programmes may also include measures to maintain a high level of safety at the units under decommissioning, including support with respect to the nuclear power plants' personnel.

Article 3

Budget

1. The financial envelope for the implementation of the Kozloduy and Bohunice programmes for the period from 2014 to 2020 shall be EUR 323 318 000 in current prices. That amount shall be distributed between the Kozloduy and Bohunice programmes as follows:

- (a) EUR 208 503 000 for the Kozloduy programme for the period from 2014 to 2020;
- (b) EUR 114 815 000 for the Bohunice programme for the period from 2014 to 2020.

This Regulation does not prejudice in any way financial commitments under future multi-annual financial frameworks.

2. The Commission shall review the performance of the Kozloduy and Bohunice programmes and assess the progress of those programmes against the milestones and target dates referred to in Article 7 by the end of 2017 within the framework of the mid-term evaluation referred to in Article 9. Based on the results of that assessment, the amount of the appropriations allocated to the Kozloduy and Bohunice programmes, as well as the programming period and distribution of funds amongst the Kozloduy and Bohunice programmes and the Ignalina programme as established in Council Regulation (Euratom) No 1369/2013 ⁽¹⁾, may be reviewed to take account of the progress made in the implementation of those programmes and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

3. The financial allocation for the Kozloduy and Bohunice programmes may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of each programme and for the achievement of their objectives. In particular, expenses pertaining to studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union as far as they are related to the general objectives of this Regulation, and expenses linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Kozloduy and Bohunice programmes may be covered.

The financial allocation for the Kozloduy and Bohunice programmes may also cover the expenses of technical and administrative assistance necessary to ensure the transition between those programmes and the measures adopted under Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010.

Article 4

Ex ante conditionalities

1. By 1 January 2014, Bulgaria and Slovakia shall take the appropriate measures to fulfil the following *ex ante* conditionalities:

⁽¹⁾ Council Regulation (Euratom) No 1369/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programme in Lithuania, and repealing Regulation (EC) No 1990/2006 (See page 7 of this Official Journal).

(a) comply with the Euratom Treaty's *acquis* in the area of nuclear safety, in particular regarding the transposition into national law of Directives 2009/71/Euratom and 2011/70/Euratom;

(b) establish, in a national framework, a financing plan identifying the full costs and the envisaged funding sources required for the safe completion of decommissioning of the nuclear reactor units, including management of spent fuel and radioactive waste, in accordance with this Regulation.

(c) submit to the Commission a revised detailed decommissioning plan, broken down to detail the level of decommissioning activities, including a schedule and corresponding costs structure based on internationally recognised standards for the estimation of decommissioning costs.

2. Bulgaria and Slovakia shall provide the Commission with the necessary information on the fulfilment of the *ex ante* conditionalities referred to in paragraph 1 at the latest by the time of the budgetary commitment in 2014.

3. The Commission shall assess the information referred to in paragraph 2 when preparing the 2014 annual work programme referred to in Article 6(1). If the Commission is of reasoned opinion that an infringement under Article 258 TFEU for non-compliance with the *ex ante* conditionality set out in paragraph 1(a) has occurred or that the *ex ante* conditionalities set out in paragraph 1(b) or 1(c) are not fulfilled satisfactorily, a decision on suspension of all or part of the Union financial assistance shall be taken in accordance with the examination procedure referred to in Article 11(2). Such decision shall be reflected in the adoption of the 2014 annual work programme. The amount of the suspended assistance shall be defined following the criteria set out in the implementing acts referred to in Article 7.

Article 5

Forms of implementation

1. The Kozloduy and Bohunice programmes shall be implemented by one or several of the forms provided for in Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽²⁾, in particular, by grants and procurements.

2. The Commission may entrust the implementation of the Union financial assistance under the Kozloduy and Bohunice programmes to the bodies set out in Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

⁽²⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

Article 6

Annual work programmes

1. At the beginning of each year, the Commission shall adopt, by means of implementing acts, a joint annual work programme for the Kozloduy and Bohunice programmes specifying, in respect of each programme, the objectives, expected results, related performance indicators and timeline for the use of funds under each annual financial commitment, in accordance with the examination procedure referred to in Article 11(2).

2. At the end of each year, the Commission shall establish a progress report on the implementation of the work carried out in the previous years. That progress report shall be transmitted to the European Parliament and to the Council and shall be a basis for the adoption of the next joint annual work programme.

Article 7

Detailed implementation procedures

By 31 December 2014, the Commission shall adopt, by means of implementing acts, detailed implementation procedures for the Kozloduy and Bohunice programmes for their entire duration, in accordance with the examination procedure referred to in Article 11(2). Those implementing acts shall define in more detail, in respect of those programmes, the objectives, expected results, milestones, target dates, as well as the corresponding performance indicators. They shall also contain the revised detailed decommissioning plans as referred to in Article 4(1)(c) that shall serve as baseline for the monitoring of the progress and the timely achievement of the expected results.

Article 8

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, both on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds.

The European Anti-Fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by Union funding, in accordance with the procedures laid down in Regulation (EU,

Euratom) No 883/2013 of the European Parliament and of the Council⁽¹⁾ and in Council Regulation (Euratom, EC) No 2185/96⁽²⁾, with a view to establishing whether fraud, corruption or any other illegal activity has occurred affecting the financial interests of the Union in connection with a grant agreement, grant decision or a contract concerning Union funding.

3. Without prejudice to paragraphs 1 and 2, cooperation agreements with third countries and international organisations, grant agreements, grant decisions and contracts resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct the audits, on-the-spot checks and inspections referred to in those paragraphs, in accordance with their respective competences.

Article 9

Mid-term evaluation

1. By 31 December 2017, a mid-term evaluation report shall be established by the Commission, in close cooperation with the Member States, on the achievement of the objectives of all the measures related to the Kozloduy and Bohunice programmes, at the level of results and impacts, the efficiency of the use of resources and its Union added value, with a view to adopting a decision amending or suspending those measures. The evaluation shall also address the scope for modification of the specific objectives and detailed implementation procedures described in Article 2(2) and Article 7 respectively.

2. The mid-term evaluation shall take account of progress against performance indicators as referred to in Article 2(2).

3. The Commission shall communicate the conclusions of the evaluation referred to in paragraph 1 to the European Parliament and to the Council.

Article 10

Final evaluation

1. The Commission shall conduct, in close cooperation with the Member States, an *ex-post* evaluation on the effectiveness and efficiency of the Kozloduy and Bohunice programmes, as well as the effectiveness of financed measures in terms of impacts, use of resources and added-value for the Union.

⁽¹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽²⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

2. The final evaluation shall take account of progress against performance indicators as referred to in Article 2(2).

3. The Commission shall communicate the conclusions of the evaluation referred to in paragraph 1 to the European Parliament and to the Council.

Article 11

Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

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

Done at Brussels, 13 December 2013.

Article 12

Transitional provision

This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of the projects concerned, until their closure, or of financial aid awarded by the Commission on the basis of Regulations (Euratom) No 549/2007, (Euratom) No 647/2010 or any other legislation applying to that assistance on 31 December 2013, which shall continue to apply to the actions concerned until their closure.

Article 13

Repeal

Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010 are hereby repealed with effect from 1 January 2014.

Article 14

Entry into force

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

It shall apply from 1 January 2014.

For the Council

The President

V. MAZURONIS

COUNCIL REGULATION (EURATOM) No 1369/2013**of 13 December 2013****on Union support for the nuclear decommissioning assistance programme in Lithuania, and
repealing Regulation (EC) No 1990/2006**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the 2003 Act of Accession, and in particular Article 56 thereof and Protocol No 4 thereto,

Having regard to the proposal from the European Commission,

Whereas:

economic strength of the country, Protocol No 4 states that the Union assistance under the Ignalina programme will be seamlessly continued and extended beyond 2006, for the period of next financial perspectives.

(1) According to Protocol No 4 on the Ignalina nuclear power plant in Lithuania⁽¹⁾ attached to the 2003 Act of Accession ('Protocol No 4'), acknowledging in 2004 the readiness of the Union to provide adequate additional Union assistance to the efforts by Lithuania to decommission the Ignalina nuclear power plant and highlighting this expression of solidarity, Lithuania committed to the closure of unit 1 of the Ignalina nuclear power plant before 2005 and of unit 2 of that plant by 31 December 2009 at the latest, and to the subsequent decommissioning of those units. In line with its obligations, Lithuania shut down both units concerned within the respective deadlines.

(2) In line with its obligations under the Accession Treaty and with Union assistance, Lithuania has closed the Ignalina nuclear power plant and made significant progress towards its decommissioning. Further work is necessary in order to continue the progress with the actual decontamination, dismantling, management of spent fuel and radioactive waste operations and to implement the steady process towards the decommissioning end state in accordance with the decommissioning plan, whilst ensuring that the highest safety standards are applied. Based on the available estimates, completion of decommissioning work will require substantial additional financial resources.

(3) Recognising that the premature shutdown and consequent decommissioning of the Ignalina nuclear power plant with two 1 500 MW RBMK type reactor units inherited from the Soviet Union is of an unprecedented nature and represents for Lithuania an exceptional financial burden not commensurate with the size and

(4) The Union has committed to assist Lithuania in addressing the exceptional financial burden imposed by the decommissioning process. Since the pre-accession period, Lithuania has received substantial financial support from the Union, notably through the Ignalina programme established for the period 2007 - 2013. The Union financial support under that programme will end in 2013.

(5) Acknowledging the Union's commitment under Protocol No. 4 and following the request for further funding from Bulgaria, Lithuania and Slovakia, provision has been made in the Commission proposal for the next multi-annual financial framework for the period 2014-2020: 'A Budget for Europe 2020' for an amount of EUR 700 million from the general budget of the Union for nuclear safety and decommissioning. From this, the amount of EUR 500 million in 2011 prices which is approximately EUR 553 million in current prices, is foreseen for a new programme to further support the decommissioning of the Bohunice V1 units 1 and 2, the Ignalina units 1 and 2 and the Kozloduy units 1 to 4 for the period from 2014 to 2020.

(6) The amount of the appropriations allocated to the Kozloduy, Ignalina and Bohunice programmes, as well as the programming period and the distribution of funds amongst those programmes may be reviewed based on the results of the mid-term and the final evaluation reports.

(7) The support pursuant to this Regulation should ensure the seamless continuation of decommissioning and concentrate on measures to implement the steady process towards the decommissioning end state, whilst ensuring that the highest safety standards are applied, as such measures bring the greatest Union added value, while the ultimate responsibility for nuclear safety remains with the Member State concerned. This Regulation does not prejudice the outcome of any future State aid procedures that may be undertaken in accordance with Articles 107 and 108 of the Treaty on the Functioning of the European Union (TFEU).

⁽¹⁾ OJ L 236, 23.9.2003, p. 944.

- (8) This Regulation is without prejudice to the rights and obligations of the Member State concerned under the Accession Treaty, in particular under Protocol No 4.
- (9) The decommissioning of the nuclear power plant covered by this Regulation should be carried out with recourse to the best available technical expertise, and with due regard to the nature and technological specifications of the units to be shut down, in order to ensure the highest possible efficiency, thus taking into account international best practices.
- (10) The activities covered by this Regulation and the operations which they support should comply with applicable Union and national law. The decommissioning of the nuclear power plant covered by this Regulation should be carried out in accordance with the legislation on nuclear safety, namely Council Directive 2009/71/Euratom⁽¹⁾, waste management, namely Council Directive 2011/70/Euratom⁽²⁾, and the environment, in particular Directive 2009/31/EC of the European Parliament and of the Council⁽³⁾ and Directive 2011/92/EU of the European Parliament and of the Council⁽⁴⁾.
- (11) The activities covered by this Regulation and the operations which they support should be based on an up-to-date decommissioning plan covering the decommissioning activities, their associated schedule, costs and required human resources. The costs should be established according to internationally recognised standards for the estimation of decommissioning costs, such as, for example, the International Structure for Decommissioning Costing jointly published by the Nuclear Energy Agency, the International Atomic Energy Agency and the European Commission.
- (12) An effective control of the evolution of the decommissioning process should be ensured by the Commission in order to assure the highest Union added value of the funding allocated under this Regulation, although the final responsibility for the decommissioning rests with the Member State concerned. This includes the measurement of effective performance and the assessment of corrective measures during the Ignalina programme.
- (13) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties.
- (14) Since the objectives of this Regulation, in particular as regards the provisions for adequate financial resources for the continuation of safe decommissioning, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (15) Certain measures under the Ignalina programme may require a high level of financing from the Union, which may, in well-founded exceptional cases, amount to the full amount of the funding. However, every effort should be made to continue the co-financing practice established under the pre-accession assistance and the assistance provided over the period 2007-2013 for the decommissioning efforts of Lithuania, as well as to attract co-financing from other sources as appropriate.
- (16) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards the adoption of annual work programmes and detailed implementation procedures. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽⁵⁾.
- (17) Council Regulation (EC) No 1990/2006⁽⁶⁾ should be repealed.
- (18) Due account was taken of the Court of Auditors' Special report No 16/2011 on EU financial assistance for the decommissioning of nuclear plants in Bulgaria, Lithuania and Slovakia, its recommendations and the reply from the Commission,
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- ⁽¹⁾ Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).
- ⁽²⁾ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).
- ⁽³⁾ Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114).
- ⁽⁴⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).
- ⁽⁵⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).
- ⁽⁶⁾ Council Regulation (EC) No 1990/2006 of 21 December 2006 on the implementation of Protocol No 4 on the Ignalina nuclear power plant in Lithuania to the Act of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (Ignalina Programme) (OJ L 411, 30.12.2006, p. 10).

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation establishes a programme for the implementation of Union financial support for measures connected with the decommissioning of units 1 and 2 of the Ignalina nuclear power plant in Lithuania (the 'Ignalina programme').

Article 2

Objectives

1. The general objective of the Ignalina programme is to assist the Member State concerned in implementing the steady process towards the decommissioning end state of units 1 and 2 of the Ignalina nuclear power plant in accordance with its decommissioning plan, whilst maintaining the highest level of safety.

2. Within the funding period, the main specific objectives of the Ignalina programme are:

- (a) defueling of the reactor core of unit 2 and the reactor fuel ponds of units 1 and 2 into the dry spent fuel storage facility, to be measured by the number of unloaded fuel assemblies;
- (b) safely maintaining the reactor units, to be measured by the number of registered incidents;
- (c) performing dismantling in the turbine hall and other auxiliary buildings and safely managing the decommissioning waste in accordance with a detailed waste management plan, to be measured by the type and number of auxiliary systems dismantled, and the quantity and type of safely conditioned waste.

3. The Ignalina programme may also include measures to maintain a high level of safety at the units under decommissioning, including support with respect to the nuclear power plants' personnel.

Article 3

Budget

1. The financial envelope for the implementation of the Ignalina programme for the period from 2014 to 2020 shall be EUR 229 629 000 in current prices. This Regulation does not prejudice in any way financial commitments under future multi-annual financial frameworks.

2. The Commission shall review the performance of the Ignalina programme and assess its progress against the milestones and target dates referred to in Article 7 by the end of 2017 within the framework of the mid-term evaluation referred to in Article 9. Based on the results of that assessment, the amount of the appropriations allocated to the Ignalina programme, as well as the programming period and distribution of funds amongst the Ignalina programme and the Kozloduy and Bohunice programmes as established in Council Regulation (Euratom) No 1368/2013 ⁽¹⁾, may be reviewed to take account of the progress made in the implementation of those programmes and to ensure that the programming and allocation of the resources are based on actual payment needs and absorption capacity.

3. The financial allocation for the Ignalina programme may also cover expenses pertaining to preparatory, monitoring, control, audit and evaluation activities which are required for the management of that programme and for the achievement of its objectives. In particular, expenses pertaining to studies, meetings of experts, information and communication actions, including corporate communication of the political priorities of the Union as far as they are related to the general objectives of this Regulation, and expenses linked to IT networks focusing on information processing and exchange, together with all other technical and administrative assistance expenses incurred by the Commission for the management of the Ignalina programme may be covered.

The financial allocation for the Ignalina programme may also cover the expenses of technical and administrative assistance necessary to ensure the transition between that programme and the measures adopted under Regulation (EC) No 1990/2006.

Article 4

Ex ante conditionalities

1. By 1 January 2014, Lithuania shall take the appropriate measures to fulfil the following *ex ante* conditionalities:

- (a) comply with the Euratom Treaty's *acquis* in the area of nuclear safety, in particular regarding the transposition into national law of Directive 2009/71/Euratom and Directive 2011/70/Euratom;
- (b) establish, in a national framework, a financing plan identifying the full costs and the envisaged funding sources required for the safe completion of decommissioning of the nuclear reactor units, including management of spent fuel and radioactive waste, in accordance with this Regulation;

⁽¹⁾ Council Regulation (Euratom) No 1368/2013 of 13 December 2013 on Union support for the nuclear decommissioning assistance programmes in Bulgaria and Slovakia, and repealing Regulations (Euratom) No 549/2007 and (Euratom) No 647/2010 (See page 1 of this Official Journal).

- (c) submit to the Commission a revised detailed decommissioning plan, broken down to detail the level of decommissioning activities, including a schedule and corresponding costs structure based on internationally recognised standards for the estimation of decommissioning costs.

2. Lithuania shall provide the Commission with the necessary information on the fulfilment of the *ex ante* conditionalities referred to in paragraph 1 at the latest by the time of the budgetary commitment in 2014.

3. The Commission shall assess the information referred to in paragraph 2 when preparing the 2014 annual work programme referred to in Article 6(1). If the Commission is of reasoned opinion that an infringement under Article 258 TFEU for non-compliance with the *ex ante* conditionality set out in paragraph 1(a) has occurred or that the *ex ante* conditionalities set out in paragraph 1(b) or 1(c) are not fulfilled satisfactorily, a decision on suspension of all or part of the Union financial assistance shall be taken in accordance with the examination procedure referred to in Article 11(2). Such decision shall be reflected in the adoption of the 2014 annual work programme. The amount of the suspended assistance shall be defined following the criteria set out in the implementing acts referred to in Article 7.

Article 5

Forms of implementation

1. The Ignalina programme shall be implemented by one or several of the forms provided for in Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁽¹⁾, in particular, by grants and procurements.

2. The Commission may entrust the implementation of the Union financial assistance under the Ignalina programme to the bodies set out in Article 58(1)(c) of Regulation (EU, Euratom) No 966/2012.

Article 6

Annual work programmes

1. At the beginning of each year, the Commission shall adopt, by means of implementing acts, an annual work programme for the Ignalina programme specifying the objectives, expected results, related performance indicators and timeline for the use of funds under each annual financial commitment, in accordance with the examination procedure referred to in Article 11(2).

2. At the end of each year, the Commission shall establish a progress report on the implementation of the work carried out

in the previous years. That progress report shall be transmitted to the European Parliament and to the Council and shall be a basis for the adoption of the next annual work programme.

Article 7

Detailed implementation procedures

By 31 December 2014, the Commission shall adopt, by means of implementing acts, detailed implementation procedures for the Ignalina programme for its entire duration, in accordance with the examination procedure referred to in Article 11(2). Those implementing acts shall define in more detail, in respect of the Ignalina programme, the objectives, expected results, milestones, target dates, as well as the corresponding performance indicators. They shall also contain the revised detailed decommissioning plan as referred to in Article 4(1)(c) that shall serve as baseline for the monitoring of the progress and the timely achievement of the expected results.

Article 8

Protection of the financial interests of the Union

1. The Commission shall take appropriate measures to ensure that, when actions financed under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of amounts wrongly paid and, where appropriate, by effective, proportionate and dissuasive penalties.

2. The Commission or its representatives and the Court of Auditors shall have the power of audit, both on the basis of documents and on-the-spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds.

The European Anti-Fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by Union funding, in accordance with the procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽²⁾ and in Council Regulation (Euratom, EC) No 2185/96⁽³⁾, with a view to establishing whether fraud, corruption or any other illegal activity has occurred affecting the financial interests of the Union in connection with a grant agreement, grant decision or a contract concerning Union funding.

⁽¹⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽²⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽³⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

3. Without prejudice to paragraphs 1 and 2, cooperation agreements with third countries and international organisations, grant agreements, grant decisions and contracts resulting from the implementation of this Regulation shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct the audits, on-the-spot checks and inspections referred to in those paragraphs, in accordance with their respective competences.

Article 9

Mid-term evaluation

1. By 31 December 2017, a mid-term evaluation report shall be established by the Commission, in close cooperation with the Member States, on the achievement of the objectives of all the measures related to the Ignalina programme, at the level of results and impacts, the efficiency of the use of resources and its Union added value, with a view to adopting a decision amending or suspending those measures. The evaluation shall also address the scope for modification of the specific objectives and detailed implementation procedures described in Article 2(2) and Article 7 respectively.

2. The mid-term evaluation shall take account of progress against performance indicators as referred to in Article 2(2).

3. The Commission shall communicate the conclusions of the evaluation referred to in paragraph 1 to the European Parliament and to the Council.

Article 10

Final evaluation

1. The Commission shall conduct, in close cooperation with the Member States, an *ex-post* evaluation on the effectiveness and efficiency of the Ignalina programme, as well as the effectiveness of financed measures in terms of impacts, use of resources and added-value for the Union.

2. The final evaluation shall take account of progress against performance indicators as referred to in Article 2(2).

3. The Commission shall communicate the conclusions of the evaluation referred to in paragraph 1 to the European Parliament and to the Council.

Article 11

Committee

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so requests.

Article 12

Transitional provision

This Regulation shall not affect the continuation or modification, including the total or partial cancellation, of the projects concerned, until their closure, or of financial aid awarded by the Commission on the basis of Regulation (EC) No 1990/2006 or any other legislation applying to that assistance on 31 December 2013, which shall continue to apply to the actions concerned until their closure.

Article 13

Repeal

Regulation (EC) No 1990/2006 is hereby repealed with effect from 1 January 2014.

Article 14

Entry into force

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

It shall apply from 1 January 2014.

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

Done at Brussels, 13 December 2013.

For the Council

The President

V. MAZURONIS

COUNCIL REGULATION (EU) No 1370/2013**of 16 December 2013****determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

intervention as well as other forms of intervention that do not use ex ante established price indications.

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

Having regard to the proposal from the European Commission,

Whereas:

(1) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions entitled 'The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future' sets out potential challenges, objectives and orientations for the Common Agricultural Policy ('the CAP') after 2013. In the light of the debate on that Communication, the CAP should be reformed with effect from 1 January 2014. That reform should cover all the main instruments of the CAP, including Council Regulation (EC) No 1234/2007 ⁽¹⁾. In the context of the reformed regulatory framework, measures on fixing prices, levies, aid and quantitative limitations should be taken.

(2) For the sake of clarity and transparency, the provisions on public intervention should be made subject to a common structure, whilst maintaining the policy pursued in each sector. For that purpose, it is appropriate to distinguish between reference thresholds laid down in Regulation (EU) No 1308/2013 of the European Parliament and of the Council ⁽²⁾ on the one hand and intervention prices on the other hand, and to define the latter. Only intervention prices for public intervention correspond to the applied administered prices referred to in the first sentence of paragraph 8 of Annex 3 to the WTO Agreement on Agriculture (i.e. market price support). In this context, it should be understood that market intervention can take the form of public

(3) The level of the public intervention price at which buying-in is carried out at a fixed price or under a tendering procedure should be provided for, including the cases for which an adjustment of the public intervention prices may be necessary. Equally, measures on quantitative limitations for carrying out the buying-in at a fixed price need to be taken. In both cases, the prices and quantitative limitation should reflect the practice and experience acquired under previous common market organisations.

(4) Regulation (EU) No 1308/2013 provides for the granting of aid for private storage as a market intervention measure. Measures on the fixing of the aid amounts need to be provided for. In view of the practice and experience acquired under previous common market organisations, it is appropriate to provide for the fixing of the aid amounts both in advance and by a tendering procedure, and for certain elements to be taken into account when the aid is fixed in advance.

(5) In order to ensure a sound budgetary management of the school fruit and vegetables scheme, a fixed ceiling of Union aid and maximum co-financing rates should be provided for. In order to allow all Member States to implement a cost-effective school fruit and vegetables scheme, a specified minimum amount of Union aid should be set.

(6) To ensure the proper functioning of the aid for the supply of milk and milk products to children in educational establishments and to ensure flexibility in the administration of such a scheme, a maximum quantity of milk eligible for aid, as well as the amount of Union aid, should be fixed.

(7) Pursuant to Regulation (EU) No 1308/2013, several measures in the sugar sector will expire at the end of the 2016/2017 marketing year for sugar when the system of quotas is abolished.

(8) Measures on the fixing of the production charge to be levied on the sugar quota, isoglucose quota and inulin syrup quota provided for in the sugar sector should be provided for in this Regulation in line with the prolongation of the quota system until 30 September 2017.

⁽¹⁾ 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) (OJ L 299, 16.11.2007, p. 1).

⁽²⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/01 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

- (9) To ensure an efficient production refund system for certain products of the sugar sector, appropriate conditions should be laid down to fix the amount of the production refund.
- (10) A minimum price should be fixed for quota beet corresponding to a standard quality which should be defined, in order to ensure a fair standard of living for the Union growers of sugar beet and sugar cane.
- (11) To avoid a threat to the sugar market situation due to the accumulation of quantities of sugar, isoglucose and inulin syrup for which the applicable conditions are not met, provision should be made for a surplus levy.
- (12) A mechanism to ensure a sufficient and balanced supply of sugar to the Union markets has been set up in Regulation (EU) No 1308/2013, allowing the Commission to take the appropriate measures to achieve this. As the market management instruments putting this mechanism into practice are the temporary adjustments of the import duty payable on imported raw sugar as well as the temporary application of a levy on out of quota production released onto the internal market for the purposes of adjusting supply to demand, a specific provision enabling the Commission to apply such a levy and to fix its amount should be included in this Regulation.
- (13) To ensure the proper functioning of the export refund system, appropriate measures should be provided for to fix the amount of the refunds. In addition, in the cereals and rice sectors, appropriate measures should be set to fix the corrective amounts and to provide for the adjustment of the refund amount in line with any changes in the level of the intervention price.
- (14) To ensure an efficient day-to-day management of the CAP, the measures on fixing aid, refunds and prices set out in this Regulation should be limited to the broad conditions allowing concrete amounts to be laid down in the specific circumstances of each case. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to lay down those amounts. Those implementing powers should be exercised with the assistance of the Committee for the Common Organisation of the Agricultural Markets and in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁾. Furthermore, to

ensure a swift response to fast changing market situations, the Commission should be empowered to fix new refund levels and, in the cereals and rice sectors, to adapt the corrective amount without applying Regulation (EU) No 182/2011,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation provides for measures on fixing prices, levies, aid and quantitative limitations related to the single common organisation of agricultural markets established by Regulation (EU) No 1308/2013.

Article 2

Public intervention prices

1. The level of the public intervention price:
 - (a) for common wheat, durum wheat, barley, maize, paddy rice and skimmed milk powder shall be equal to the respective reference threshold set out in Article 7 of Regulation (EU) No 1308/2013 in the case of buying-in at a fixed price and shall not exceed the respective reference threshold in the case of buying-in by tendering;
 - (b) for butter shall be equal to 90 % of the reference threshold set out in Article 7 of Regulation (EU) No 1308/2013 in the case of buying-in at a fixed price and shall not exceed 90 % of that reference threshold in the case of buying-in by tendering;
 - (c) for beef and veal shall not exceed the level referred to in point (c) of Article 13(1) of Regulation (EU) No 1308/2013.
2. The public intervention prices for common wheat, durum wheat, barley, maize and paddy rice referred to in paragraph 1 shall be adjusted by price increases or reductions to those prices based on the main quality criteria for the products.
3. The Commission shall adopt implementing acts determining the increases or reductions to the public intervention prices of the products referred to in paragraph 2 of this Article under the conditions laid down therein. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

*Article 3***Buying-in prices and applicable quantitative limitations**

1. Where public intervention is open pursuant to point (a) of Article 13(1) of Regulation (EU) No 1308/2013, buying-in shall be carried out at the fixed price referred to in Article 2 of this Regulation and shall not exceed the following quantitative limitations for each period referred to in Article 12 of Regulation (EU) No 1308/2013 respectively:

(a) for common wheat, 3 million tonnes;

(b) for butter, 50 000 tonnes;

(c) for skimmed milk powder, 109 000 tonnes.

2. Where public intervention is open pursuant to Article 13(1) of Regulation (EU) No 1308/2013:

(a) for common wheat, butter and skimmed milk powder beyond the quantitative limitations referred to in paragraph 1 of this Article; and

(b) for durum wheat, barley, maize, paddy rice and beef and veal,

buying-in shall be carried out by way of a tendering procedure to determine the maximum buying-in price.

The maximum buying-in price shall not exceed the relevant level referred to in Article 2(1) of this Regulation and shall be fixed by means of implementing acts.

3. In special and duly justified circumstances, the Commission may adopt implementing acts:

(a) restricting tendering procedures to a Member State or to a region of a Member State, or

(b) subject to Article 2(1), determining the buying-in prices for public intervention, per Member State or per region of a Member State on the basis of recorded average market prices.

4. The buying-in prices referred to in paragraphs 2 and 3 for common wheat, durum wheat, barley, maize and paddy rice shall be adjusted by increases or reductions to those prices based on the main quality criteria for those products.

The Commission shall adopt implementing acts determining such increases or reductions.

5. The implementing acts referred to in paragraphs 2, 3 and 4 of this Article shall be adopted in accordance with the examination procedure referred to in Article 15(2).

6. The Commission shall adopt, without applying the procedure referred to in Article 15(2), the implementing acts necessary in order to:

(a) respect the intervention limitations set out in paragraph 1 of this Article; and

(b) apply the tendering procedure referred to in paragraph 2 of this Article for common wheat, butter and skimmed milk powder beyond the quantitative limitations set out in paragraph 1 of this Article.

*Article 4***Aid for private storage**

1. To establish the amount of aid for private storage for the products listed in Article 17 of Regulation (EU) No 1308/2013, where aid is granted in accordance with Article 18(2) of that Regulation, either a tendering procedure shall be opened for a limited period or the aid shall be fixed in advance. The aid may be fixed per Member State or per region of a Member State.

2. The Commission shall adopt implementing acts:

(a) where a tendering procedure applies, establishing the maximum amount of aid for private storage;

(b) where the aid is fixed in advance, fixing the amount of aid based on the storage costs and/or other relevant market elements.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Article 5

Aid for the supply of fruit and vegetables to children

1. The Union aid for the supply of fruit and vegetables, processed fruit and vegetables and banana products to children referred to in Article 23 of Regulation (EU) No 1308/2013 shall neither:

(a) exceed any of the following limits:

(i) EUR 150 million per school year;

(ii) 75 % of the costs of supply and related costs referred to in Article 23(1) of Regulation (EU) No 1308/2013, or 90 % of such costs in less developed regions and in the outermost regions referred to in Article 349 of the Treaty; nor

(b) cover costs other than the costs of supply and related costs referred to in Article 23(1) of Regulation (EU) No 1308/2013.

For the purposes of point (a)(ii) of the first subparagraph, 'less developed regions' means those regions defined as such in point (a) of the first subparagraph of Article 90(2) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽¹⁾.

2. Member States participating in the school fruit and vegetables scheme shall each receive at least EUR 290 000 of Union aid.

The Commission shall adopt implementing acts fixing the indicative allocation of the aid referred to in paragraph 1 of this Article to each Member State on the basis of the criteria referred to in Article 23(5) of Regulation (EU) No 1308/2013.

The Commission shall assess at least every three years whether the indicative allocation remains consistent with criteria referred to in Article 23(5) of Regulation (EU) No 1308/2013. Where necessary, the Commission shall adopt implementing acts fixing a new indicative allocation.

⁽¹⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

Following the requests of the Member States in accordance with the second subparagraph of Article 23(5) of Regulation (EU) No 1308/2013, the Commission shall each year adopt implementing acts fixing the definitive allocation of the aid referred to in paragraph 1 of this Article between participating Member States in accordance with the conditions laid down in that paragraph.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

Article 6

Aid for the supply of milk and milk products to children

1. The Union aid for the supply of milk and milk products to children provided for in Article 26 of Regulation (EU) No 1308/2013 shall be granted for a maximum quantity of 0,25 litre of milk equivalent per child and per school day.

2. The Union aid shall be EUR 18,15/100 kg for all milk.

3. The Commission shall adopt implementing acts fixing the aid amounts for eligible milk products other than milk, based, in particular, on the milk components of the product concerned. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Article 7

Sugar sector production charge

1. The production charge on sugar quota, isoglucose quota and inulin syrup quotas provided for in Article 128 of Regulation (EU) No 1308/2013 shall be set at EUR 12,00 per tonne for the quota sugar and quota inulin syrup. For isoglucose, the production charge shall be set at 50 % of the charge applicable to sugar.

2. The totality of the production charge paid in accordance with paragraph 1 shall be charged by the Member State to undertakings on its territory on the basis of the quota held during the marketing year concerned.

Payments shall be made by those undertakings by the end of February of the relevant marketing year at the latest.

3. Union sugar and inulin syrup undertakings may require sugar beet or sugar cane growers or chicory suppliers to bear up to 50 % of the production charge concerned.

*Article 8***Sugar sector production refund**

The production refund for the products of the sugar sector provided for in Article 129 of Regulation (EU) No 1308/2013 shall be fixed by the Commission by means of implementing acts based on:

- (a) the costs arising from the use of imported sugar that the industry would have to bear in the event of supply from the world market; and
- (b) the price of surplus sugar available on the Union market or, if there is no surplus sugar on that market, the reference threshold for sugar fixed in point (c) of Article 7(1) of Regulation (EU) No 1308/2013.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

*Article 9***Minimum beet price**

1. The minimum price for quota beet provided for in Article 135 of Regulation (EU) No 1308/2013 shall be EUR 26,29 per tonne until the end of the 2016/2017 marketing year for sugar on 30 September 2017.

2. The minimum price referred to in paragraph 1 shall apply to sugar beet of the standard quality defined in Part B of Annex III to Regulation (EU) No 1308/2013.

3. Sugar undertakings buying quota beet suitable for processing into sugar and intended for processing into quota sugar shall be required to pay at least the minimum price, adjusted by price increases or reductions to allow for deviations from the standard quality. Such increases or reductions shall be determined by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

4. For the quantities of sugar beet corresponding to the quantities of industrial sugar or surplus sugar that are subject to the surplus levy provided for in Article 11, the sugar undertaking concerned shall adjust the purchase price so that it is at least equal to the minimum price for quota beet.

*Article 10***Adjustment of the national sugar quotas**

The Council may, in accordance with Article 43(3) of the Treaty, on a proposal by the Commission, adjust the quotas set out in Annex XII to Regulation (EU) No 1308/2013 as a result of any decisions by Member States taken in accordance with Article 138 of that Regulation.

*Article 11***Surplus levy in the sugar sector**

1. A surplus levy, including as provided for in Article 142 of Regulation (EU) No 1308/2013, shall be fixed at a level which is sufficiently high so as to avoid the accumulation of quantities referred to in that Article. That levy shall be fixed by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

2. The surplus levy referred to in paragraph 1 shall be charged by the Member State to the undertakings on its territory on the basis of the quantities of production referred to in that paragraph that have been established for those undertakings for the marketing year concerned.

*Article 12***Temporary market management mechanism in the sugar sector**

With a view to ensuring a sufficient and balanced supply of sugar to the Union market, until the end of the 2016/2017 marketing year for sugar on 30 September 2017, notwithstanding Article 142 of Regulation (EU) No 1308/2013, the Commission may, for the quantity and time necessary, apply temporarily by means of implementing acts a surplus levy on out-of-quota production referred to in point (e) of Article 139(1) of that Regulation.

The Commission shall fix the amount of such levy by means of implementing acts.

The implementing acts referred to in this Article shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

*Article 13***Fixing of export refunds**

1. Under the conditions laid down in Article 196 of Regulation (EU) No 1308/2013 and as provided for in Article 198 of that Regulation, the Commission may adopt implementing acts fixing export refunds:

(a) at regular intervals, for products from the list in Article 196(1) of Regulation (EU) No 1308/2013;

(b) by tendering procedures for cereals, rice, sugar and milk and milk products.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

2. One or more of the following shall be taken into account when export refunds for a product are being fixed:

(a) the existing situation and future trends with regard to:

(i) prices and availabilities of that product on the Union market,

(ii) prices of that product on the world market;

(b) the aims of the common market organisation, which are to ensure equilibrium and the natural development of prices and trade on that market;

(c) the need to avoid disturbances likely to cause a prolonged imbalance between supply and demand on the Union market;

(d) the economic aspect of the proposed exports;

(e) the limits resulting from international agreements concluded in accordance with the Treaty;

(f) the need to establish a balance between the use of Union basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under processing arrangements;

(g) the most favourable marketing costs and transport costs from Union markets to Union ports or other places of export together with forwarding costs to the countries of destination;

(h) demand on the Union market;

(i) in respect of the pigmeat, eggs and poultrymeat sectors, the difference between prices within the Union and prices on the world market for the quantity of feed grain input required for the production in the Union of products of those sectors.

3. The amount of the refund may, where necessary to ensure a swift response to fast changing market situations, be adjusted by the Commission, by means of implementing acts, either at the request of a Member State or on its own initiative. Those implementing acts shall be adopted without applying the procedure referred to in Article 15(2).

Article 14

Specific measures on export refunds for cereals and rice

1. The Commission may adopt implementing acts fixing corrective amounts applicable to the export refunds fixed in respect of the cereals and rice sectors. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Where necessary to ensure a swift response to fast changing market situations, the Commission may adopt implementing acts, without applying the procedure referred to in Article 15(2), amending such corrective amounts.

The Commission may apply this paragraph to products of the cereals and rice sectors that are exported in the form of processed goods in accordance with Council Regulation (EC) No 1216/2009 ⁽¹⁾.

2. For the first three months of the marketing year, the refund applicable to exports of malt, either in storage at the end of the previous marketing year or made from barley in stock at that time, shall be that which would have applied in respect of the export licence in question to exports made during the last month of the preceding marketing year.

3. The refund on products listed in points (a) and (b) of Part I of Annex I to Regulation (EU) No 1308/2013, established in accordance with Article 199(2) of that Regulation, may be adjusted by the Commission, by means of implementing acts, in line with any changes in the level of the intervention price.

⁽¹⁾ Council Regulation (EC) No 1216/2009 of 30 November 2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (OJ L 328, 15.12.2009, p. 10).

The first subparagraph may be applied, in whole or in part, to products listed in points (c) and (d) of Part I of Annex I to Regulation (EU) No 1308/2013 as well as to products listed in Part I of that Annex and exported in the form of processed goods in accordance with Regulation (EC) No 1216/2009. In that case, the Commission shall, by means of implementing acts, correct the adjustment referred to in the first subparagraph of this paragraph by applying a coefficient expressing the ratio between the quantity of basic product and the quantity thereof contained in the processed product exported or used in the goods exported.

The implementing acts referred to in this paragraph shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.

Article 15

Committee procedure

1. The Commission shall be assisted by the Committee for the Common Organisation of the Agricultural Markets, established by Article 299 of Regulation (EU) No 1308/2013. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 16

Correlation table

References to the relevant provisions of Regulation (EC) No 1234/2007 following its repeal by Regulation (EU) No 1308/2013 shall be construed as references to this Regulation and be read in accordance with the correlation table set out in the Annex to this Regulation.

Article 17

Entry into force and application

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

It shall apply from 1 January 2014.

Articles 7 to 12 shall apply until the end of the 2016/17 marketing year for sugar on 30 September 2017.

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

Done at Brussels, 16 December 2013.

For the Council
The President
V. JUKNA

ANNEX

CORRELATION TABLE

referred to in Article 16

Regulation (EC) No 1234/2007	This Regulation
Article 18(1) and (3)	Article 2
Article 18(2)(a)	Article 3(1)(a)
Article 13(1)(c)	Article 3(1)(b)
Article 13(1)(d)	Article 3(1)(c)
Article 18(2), first subparagraph	Article 3(2)
Article 18(2), second subparagraph	Article 3(3)
Article 18(4)	Article 3(4)
Article 43(aa)	Article 3(5)
Article 31(2)	Article 4
Article 103ga(4)	Article 5(1)
Article 103ga(5)	Article 5(2)
Article 102(4)	Article 6(1)
Article 102(3)	Article 6(2) and (3)
Article 51(2)	Article 7(1)
Article 51(3)	Article 7(2)
Article 51(4)	Article 7(3)
Article 97	Article 8
Article 49	Article 9
Article 64(2)	Article 11(1)
Article 64(3)	Article 11(2)
Article 164(2)	Article 13(1) and (3)
Article 164(3)	Article 13(2)
Article 164(4)	Article 14(1)
Article 165	Article 14(2)
Article 166	Article 14(3)

COUNCIL IMPLEMENTING REGULATION (EU) No 1371/2013**of 16 December 2013**

extending the definitive anti-dumping duty imposed by Implementing Regulation (EU) No 791/2011 on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China to imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not

THE COUNCIL OF THE EUROPEAN UNION,

1.2 Request

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

1. PROCEDURE**1.1 Existing measures**

- (1) By Implementing Regulation (EU) No 791/2011 ⁽²⁾ ('the original Regulation') the Council imposed a definitive anti-dumping duty of 62,9 % on imports of certain open mesh fabrics of glass fibres originating in the People's Republic of China ('the PRC') for all other companies than the ones mentioned in Article 1(2) and Annex 1 of that Regulation. Those measures are the measures in force and the investigation that led to the measures is the original investigation.
- (2) The measures in force were previously extended to Malaysia, by Council Implementing Regulation (EU) No 672/2012 ⁽³⁾, and to Taiwan and Thailand, by Council Implementing Regulation (EU) No 21/2013 ⁽⁴⁾.

- (3) On 25 February 2013, the European Commission ('the Commission') received a request under Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of certain open mesh fabrics of glass fibres originating in the PRC and to make imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia, whether declared as originating in India and Indonesia or not, subject to registration.

- (4) The request was lodged by Saint-Gobain Adfors CZ s.r.o., Tolnatek Fonalfeldolgozó és Muszakiszovet-gyártó Bt., Valmieras 'Stikla Skiedra' AS and Vitruvan Technical Textiles GmbH, four Union producers of certain open mesh fabrics of glass fibres.

- (5) The request contained sufficient *prima facie* evidence that following the imposition of the measures in force, a significant change in the pattern of trade involving exports from the PRC, India and Indonesia to the Union occurred, for which there was insufficient due cause or economic justification other than the imposition of the measures in force. This change in the pattern of trade stemmed allegedly from consignment of certain open mesh fabrics of glass fibres originating in the PRC via India and Indonesia and/or false declaration of origin of the Chinese products.

- (6) Furthermore, the evidence pointed to the fact that the remedial effects of the measures in force were being undermined both in terms of quantity and price. The evidence showed that the increased imports from India and Indonesia were made at prices below the non-injurious price established in the original investigation.

- (7) Finally, there was evidence that prices of certain open mesh fabrics of glass fibres consigned from India and Indonesia were dumped in relation to the normal value established for the like product during the original investigation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 204, 9.8.2011, p. 1.

⁽³⁾ OJ L 196, 24.7.2012, p. 1.

⁽⁴⁾ OJ L 11, 16.1.2013, p. 1.

1.3 Initiation

- (8) Having determined, after consulting the Advisory Committee, that sufficient *prima facie* evidence existed for the initiation of an investigation under Articles 13(3) and 14(5) of the basic Regulation, the Commission initiated an investigation by Commission Regulation (EU) No 322/2013 ⁽¹⁾ ('the initiating Regulation'). Pursuant to Articles 13(3) and 14(5) of the basic Regulation the Commission, by the initiating Regulation, also directed the customs authorities to register imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia.

1.4 Investigation

- (9) The Commission officially advised the authorities of the PRC, India and Indonesia, the producers/exporters in those countries, the importers in the Union known to be concerned and the Union industry of the initiation of the investigation. Questionnaires were sent to the producers/exporters in the PRC, India and Indonesia known to the Commission or which made themselves known within the deadlines specified in recital 15 of the initiating Regulation. Questionnaires were also sent to importers in the Union. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on the facts available.
- (10) Two exporting producers in India and one unrelated importer in the Union made themselves known and submitted replies to the questionnaires. Later the Union importer informed the Commission that it imported other products and it did not import any product under investigation in the past. No exporting producer in Indonesia submitted a reply. The following exporting producers in India submitted an exemption form reply:

— Montex Glass Fibre Industries Pvt.Ltd. ('Montex'), and

— Urja Products Pvt.Ltd.

- (11) Subsequently, Urja Products Pvt.Ltd. informed the Commission that it does not produce the product under investigation and its products have different technical characteristics and different use (falling within other CN codes). Therefore, a verification visit was carried out only at the premises of Montex.

1.5 Investigation period

- (12) The investigation period covered the period from 1 April 2009 to 31 March 2013 ('the IP'). Data were collected for the IP to investigate, *inter alia*, the alleged change in the pattern of trade. More detailed data were collected for

the reporting period from 1 April 2012 to 31 March 2013 ('the RP') in order to examine the possible undermining of the remedial effect of the measures in force and existence of dumping.

2. RESULTS OF THE INVESTIGATION

2.1 General considerations

- (13) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of circumvention was made by analysing successively whether there was a change in the pattern of trade between the PRC, India, Indonesia and the Union; if that change stemmed from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty; if there was evidence of injury or that the remedial effects of the duty were being undermined in terms of the prices and/or quantities of the product under investigation; and whether there was evidence of dumping in relation to the normal values previously established for the product concerned, if necessary in accordance with the provisions of Article 2 of the basic Regulation.

2.2 Product concerned and the product under investigation

- (14) The product concerned is as defined in the original investigation: Open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, originating in the PRC, currently falling within CN codes ex 7019 51 00 and ex 7019 59 00.
- (15) The product under investigation is the same as that defined in the previous recital, but consigned from India and Indonesia, whether declared as originating in India and Indonesia or not.
- (16) The investigation showed that open mesh fabrics of glass fibres, as defined above, exported from the PRC to the Union and those consigned from India and Indonesia to the Union have the same basic physical and technical characteristics and have the same uses, and are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

2.3 Level of cooperation

2.3.1 India

- (17) As stated in recital 10 above, only two Indian companies submitted an exemption form reply. As one of them, Urja Products Pvt.Ltd., was found not to be a producer of the product under investigation, there was only one cooperating company, Montex. The company represented only 1 % of the exports from India to the Union in the RP, compared to overall exports from India. This led to the application of Article 18 of the basic Regulation and findings with regard to India were based on facts available.

⁽¹⁾ OJ L 101, 10.4.2013, p. 1.

2.3.2 Indonesia

- (18) As stated in recital (10), no Indonesian companies submitted a questionnaire reply. There was no cooperation from Indonesian companies. This led to the application of Article 18 of the basic Regulation and findings with regard to Indonesia were based on facts available.

2.3.3 The PRC

- (19) There was no cooperation from the Chinese exporting producers. This led to the application of Article 18 of the basic Regulation and findings with regard to the PRC were based on facts available.

2.4 Change in the pattern of trade

- (20) To determine whether there was a change in the pattern of trade, imports of the product under investigation from India and Indonesia into the Union and exports of the product under investigation from the PRC to India and Indonesia were assessed. Those imports were established on the basis of facts available under Article 18(1) of the

basic Regulation given the relatively low or no cooperation of Indian, Indonesian and Chinese companies (see Section 2.3 above).

- (21) To that end, COMEXT statistics ⁽³⁾, trade statistics from India and Indonesia received from the respective national authorities and Global Trade Information Services ⁽⁴⁾ statistics were used for the analysis. Accounting years starting on 1 April and finishing 31 March were used in order to use 12-month periods.
- (22) The import volume recorded in COMEXT statistics covers a larger product group than the product concerned and the product under investigation. However, based on estimates provided by the Union industry, it could be established that a significant part of that import volume covered the product concerned and the product under investigation. Accordingly, those data could be used to establish a change in the pattern of trade.

2.4.1 Imports into the Union

- (23) COMEXT statistics show a significant change in the pattern of trade over the IP (see Table 1 below).

Table 1

Import volumes (millions of m ²) ⁽¹⁾	April 2009/March 2010	April 2010/March 2011	April 2011/March 2012	April 2012/March 2013
PRC	288,40	385,85	110,30	85,93
India	0,35	0,28	0,89	13,13
Indonesia	0,004	0,16	3,22	33,31

Source: COMEXT statistics

⁽¹⁾ The volume in Comext is reported in metric tonnes and converted to square meters according to UI conversion rates; i.e. for CN 70 195 100: 1 m² = 0,05kg, for CN 70 195 900: 1 m² = 0,14 kg.

Imports from the PRC

- (24) According to COMEXT statistics imports of the product concerned from the PRC to the Union dropped dramatically subsequent to the imposition of the provisional measures in February 2011 ⁽¹⁾ and of the definitive measures in August 2011 ⁽²⁾. Table 1 above shows that between 2010/2011 and 2011/2012 the imports to the Union from the PRC dropped from 385,85 million m² to 110,30 million m² (by approximately 70 %) and between 2010/2011 and 2012/2013 (by approximately 80 %) further to 85,9 million m².

Imports from India

- (25) According to COMEXT statistics, in the financial year 2009/2010 the quantities imported from India to the

Union accounted for 0,35 million m², in the financial year 2010/2011 it was 0,28 million m² and it increased sharply between 2011/2012 and 2012/2013, reaching 13,13 million m² in the financial year 2012/2013.

- (26) As stated in recital 17 above, the company Montex exported a very small quantity to the Union of the product under investigation in the IP – compared to overall exports from India it represents 1 % of the exports from India to the Union in the period of 2012/2013. Moreover, it was found that Montex exports the product under investigation under an

⁽¹⁾ OJ L 43, 17.2.2011, p. 9.

⁽²⁾ OJ L 204, 9.8.2011, p. 1.

⁽³⁾ Comext is a database on foreign trade statistics managed by Eurostat.

⁽⁴⁾ Global Trade Information Services are trade statistics from a commercial database provider.

incorrect CN code – 7019 52. Its exports had therefore to be added to the COMEXT statistics as shown in Table 1 above.

2010/2011 they amounted to 0,16 million m² and they increased sharply between 2011/2012 and 2012/2013, from 3,22 million m² to 33,31 million m² respectively.

Imports from Indonesia

- (27) According to COMEXT statistics, in the financial year 2009/2010 the quantities imported from Indonesia to the Union market accounted for 0,004 million m², in

2.4.2 Exports from the PRC to India and Indonesia

- (28) A dramatic increase of exports can also be observed from the PRC to India and Indonesia in the same period.

Table 2

Import volumes (millions of m ²)	April 2009/March 2010	April 2010/March 2011	April 2011/March 2012	April 2012/March 2013
India	4,80	16,35	18,38	29,28
Indonesia	5,78	4,01	8,94	11,54

Source: China customs Statistics

Exports from the PRC to India

- (29) According to the Chinese customs statistics, imports from the PRC to India of the product under investigation increased from 4,8 million m² in the financial year 2009/2010 to 29,3 million m² in the financial year 2012/2013.

process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The practice, process or work includes, *inter alia*, the consignment of the product subject to measures in force via third countries in accordance with Article 13(2) of the basic Regulation.

Exports from the PRC to Indonesia

- (30) According to the Chinese customs statistics, imports from the PRC to Indonesia of the product under investigation increased from 5,78 million m² in the financial year 2009/2010 to 11,54 million m² in the financial year 2012/2013.

- (33) During the investigation, evidence was found of transshipment practices via Indonesia and India and/or incorrect certificates of origin. For instance, some of the imports of the product concerned to the Union were transhipped through Dubai or Singapore with certificates of origin of Indonesia/India and a part of the imports to the Union was transhipped through an Indian company which did not cooperate in the investigation. The lack of cooperation by any of the producers of the product under investigation, except Montex, is also an indication that there is no genuine production in Indonesia and India that could justify the export levels from Indonesia and India to the Union. It is reasonable to expect that if there are genuine producers, they would try to distinguish themselves from circumvention practices by participating in this investigation in the first place. In addition, the investigation did not reveal evidence of genuine production in the two countries concerned, other than that of Montex. Furthermore, the surge in imports from those two countries indicates that the Chinese products are transhipped to the Union through India and Indonesia and/or with incorrect certificates of origin.

2.4.3 Conclusion on the change in the pattern of trade

- (31) The overall decrease of the exports from the PRC to the Union and the parallel increase of both exports from India and Indonesia to the Union and exports from the PRC to India and Indonesia, following the imposition of provisional measures in February 2011 and of definitive measures in August 2011, constitutes a change in the pattern of trade between the abovementioned countries, on the one hand, and of the exports of those countries to the Union, on the other hand.

2.5 Nature of the circumvention practice

- (32) Article 13(1) of the basic Regulation requires that the change in the pattern of trade stems from a practice,

- (34) The existence of transshipment of Chinese-origin products via India and Indonesia is therefore confirmed.

2.6 Insufficient due cause or economic justification other than the imposition of the anti-dumping duty

- (35) The investigation did not bring to light any due cause or economic justification for the transshipment other than the avoidance of the measures in force on the product concerned. No elements were found, other than the duty, which could be considered as a compensation for the costs of transshipment, in particular regarding transport and reloading, of certain open mesh fabrics of glass fibres originating in the PRC from the PRC via India and Indonesia.

2.7 Undermining of the remedial effect of the anti-dumping duty

- (36) Next, it was assessed whether the imports of the product under investigation into the Union had undermined the remedial effects of the measures in force in terms of quantities and prices. COMEXT data was used as the best data available concerning quantities and prices of exports by the non-cooperating companies in India and Indonesia. The prices so determined were compared to the injury elimination level established for the Union industry in recital (74) of the original Regulation.
- (37) The increase of imports from India to the Union from 0,35 million m² in 2009/2010 to 13,10 million m² in the RP was significant in terms of quantities, compared to (very low) volumes of imports from India before the imposition of the provisional measures in 2009/2010. Also, the increase of imports from Indonesia to the Union from 0,04 m² in 2009/2010 to 33,31 million m² in the RP was considered to be substantial in terms of quantities, compared to (very low) volumes of imports from Indonesia before the imposition of the provisional measures in 2009/2010.
- (38) To assess whether the remedial effects of the measures in force are undermined in terms of prices, the prices of the imports from Indonesia and India were compared with the injury elimination level as established in the original Regulation. The injury elimination level as established in the original Regulation was adjusted for inflation. The weighted average export price of exports from India and Indonesia was adjusted for post importation costs and quality adjustments as established in the original investigation for imports from PRC. The comparison showed significantly lower export prices for exports from the countries concerned to the Union. It was therefore concluded that the remedial effects of the measures in force are also being undermined in terms of both quantities and prices.

2.8 Evidence of dumping

- (39) Finally, in accordance with Article 13(1) of the basic Regulation it was examined whether there was evidence of dumping.

- (40) In the original Regulation the normal value was established on the basis of prices in Canada, which in that investigation was found to be an appropriate market economy analogue country for the PRC. In line with Article 13(1) of the basic Regulation the normal value as established in the original investigation was used.

- (41) The export prices from India and Indonesia were based on facts available under Article 18 of the basic Regulation. The export price was the average export price of certain open mesh fabrics of glass fibres from each of the two countries concerned during the RP as reported in COMEXT. The exports of the Indian company Montex were not reflected in the statistics due to the misclassification of their products (see recital 25 above), and were not used for the calculation of the dumping margin.

- (42) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices and price comparability in accordance with Article 2(10) of the basic Regulation. Accordingly, adjustments were made for differences in transport, insurance and packing costs. Given that data available did not allow to establish the level of the adjustments to be made, the adjustments had to be established on the basis of the best facts available. Thus, the adjustment for these allowances was based on a percentage calculated as the proportion of the total transport, insurance and packing costs over the value of the Union sales transactions with CIF delivery terms provided by the cooperating Chinese exporting producers in the original investigation.

- (43) In accordance with Articles 2(11) and 2(12) of the basic Regulation, dumping was calculated by comparing the weighted average normal value as established in the original Regulation and the corresponding weighted average export prices of the two countries concerned during this investigation's RP, expressed as a percentage of the CIF price at the Union frontier duty unpaid.

- (44) The comparison of the weighted average normal value and the weighted average export price as established showed dumping.

3. MEASURES

- (45) In view of the above, it is concluded that the definitive anti-dumping duty imposed on imports of certain open mesh fabrics of glass fibres originating in the PRC was circumvented by transshipment via India and Indonesia within the meaning of Article 13(1) of the basic Regulation.

- (46) In accordance with the first sentence of Article 13(1) of the basic Regulation, the measures in force on imports of the product concerned, should be extended to imports of the same product but consigned from India and Indonesia, whether declared as originating in India and Indonesia or not.
- (47) The measures to be extended should be the measures established in Article 1(2) of Regulation (EU) No 791/2011 for 'all other companies', which is a definitive anti-dumping duty of 62,9 % applicable to the net, free-at-Union-frontier price, before duty.
- (48) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provides that any extended measure should apply to imports which entered the Union under registration imposed by the initiating Regulation, duties should be collected on those registered imports of certain open mesh fabrics of glass fibres consigned from India and Indonesia.

4. REQUESTS FOR EXEMPTION

4.1 India

- (49) As stated in recital (10) two exporting producers came forward following initiation and submitted questionnaire replies and requested exemption in accordance with Article 13(4) of the basic Regulation – Montex and Urja Products.
- (50) As stated in recital (11), it was found that one of the two companies, Urja Products does not produce the product under investigation. The exemption under Article 13(4) of the basic Regulation is not applicable to that company.
- (51) Montex was found not to be engaged in the circumvention practices subject to this investigation. The company demonstrated that it is a genuine producer whose production capacity exceeds the volume of exports of the product under investigation to the Union. The company submitted a complete set of data and was verified on the spot. The verified data relating to the setting-up of the company, purchase of machinery, production process, capacity, stocks, purchases of raw material and cost of production support this conclusion. Furthermore, this producer could demonstrate that it is not related to any of the Chinese producers/exporters subject to the existing measures or to companies involved in the circumvention practices. Therefore, the exemption from the extended duties could be granted to this company.

4.2 Indonesia

- (52) As stated in recital (10) no exporting producer in Indonesia submitted a request for exemption under Article 13(4) of the basic Regulation. The investigation

did not reveal any genuine producer of the product under investigation in Indonesia.

4.3 Newcomers

- (53) Producers in India and Indonesia which did not participate in this investigation and/or did not export the product under investigation to the Union in the RP may request an exemption from the extended anti-dumping duty under Articles 11(3), 11(4) and 13(4) of the basic Regulation. They will be asked to complete a questionnaire in order to enable the Commission to determine whether an exemption may be warranted. Such exemption may be granted after the assessment of the market situation of the product concerned, production capacity and capacity utilisation, procurement and sales and the likelihood of a continuation of practices for which there is insufficient due cause or economic justification and the evidence of dumping. The Commission would normally also carry out an on-the-spot verification visit. The request should be addressed to the Commission, with all relevant information, in particular any modification in the company's activities linked to the production and sales.
- (54) Where an exemption is warranted, the Commission will, after consultation of the Advisory Committee, propose the amendment of the extended measures in force accordingly. Subsequently, any exemption granted will be monitored to ensure compliance with the conditions.

5. DISCLOSURE

- (55) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. The oral and written comments submitted by the parties were considered. None of the arguments presented gave rise to a modification of the definitive findings,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty applicable to 'all other companies' imposed by Article 1(2) of Regulation (EU) No 791/2011 on imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, originating in the People's Republic of China, is hereby extended to imports of open mesh fabrics of glass fibres, of a cell size of more than 1,8 mm both in length and in width and weighing more than 35 g/m², excluding fibreglass discs, consigned from India and Indonesia, whether declared as originating in India and Indonesia or not, currently falling in CN codes ex 7019 51 00 and ex 7019 59 00 (TARIC codes 7019 51 00 14, 7019 51 00 15, 7019 59 00 14 and 7019 59 00 15) with the exception of those produced by Montex Glass Fibre Industries Pvt.Ltd. (TARIC additional code B942).

2. The application of the exemption granted to Montex Glass Fibre Industries Pvt. Ltd. shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in the Annex to this Regulation. If no such invoice is presented, the anti-dumping duty as imposed by paragraph 1 of this Article shall apply.

3. The duty extended by paragraph 1 of this Article shall be collected on imports consigned from India and Indonesia, whether declared as originating in India and Indonesia or not, registered in accordance with Article 2 of Regulation (EU) No 322/2013 and Articles 13(3) and 14(5) of Regulation (EC) No 1225/2009.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. Requests for exemption from the duty extended by Article 1 shall be made in writing in one of the official languages of the European Union and must be signed by a person authorised to represent the entity requesting the exemption. The request must be sent to the following address:

European Commission
Directorate-General for Trade
Directorate H
Office: N-105 8/20
1049 Brussels
Belgium
Fax (32 2) 295 65 05

2. Imports from companies which do not circumvent the anti-dumping measures imposed by Regulation (EU) No 791/2011 may be exempted from the duty extended by Article 1 under the relevant provisions of the Basic Regulation.

Article 3

Customs authorities are hereby directed to discontinue the registration of imports, established in accordance with Article 2 of Regulation (EU) No 322/2013.

Article 4

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, 16 December 2013.

For the Council
The President
V. JUKNA

ANNEX

A declaration signed by an official of the entity issuing the commercial invoice, in the following format, must appear on the valid commercial invoice referred to in Article 1(2):

1. The name and function of the official of the entity issuing the commercial invoice;
 2. The following declaration: 'I, the undersigned, certify that the (volume) of (product concerned) sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in (country concerned). I declare that the information provided in this invoice is complete and correct';
 3. Date and signature
-

COMMISSION REGULATION (EU) No 1372/2013**of 19 December 2013****amending Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems and Regulation (EC) No 987/2009 of the European Parliament and of the Council laying down the procedure for implementing Regulation (EC) No 883/2004****(Text with relevance for the EEA and Switzerland)**

THE EUROPEAN COMMISSION,

Commission for the technical adaptations of the Annexes to Regulation (EC) No 987/2009 and Regulation (EC) No 883/2004.

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

(5) The Commission can agree to include the proposals for the technical adaptations of the Annexes mentioned in recital 4.

Having regard to Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾,

(6) Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 should therefore be amended accordingly,

Having regard to Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽²⁾, and in particular Article 92 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 883/2004 is amended as follows:

Whereas:

(1) in Annex VIII, Part 2 is amended as follows:

(1) Requests were made by the Member States to the Administrative Commission for the Coordination of Social Security Systems to amend Annexes VIII and XI to Regulation (EC) No 883/2004 and Annexes 1 and 5 to Regulation (EC) No 987/2009 in order to bring those annexes in line with developments in their national legislation or to simplify the application of those Regulations.

(a) in the section 'AUSTRIA', point (a) is replaced by the following:

'(a) Old-age pensions and survivor's pensions derived thereof based on a pension account pursuant to the General Pensions Act (APG) of 18 November 2004;';

(2) The Annexes to Regulation (EC) No 883/2004 aim at giving an overview of Member States that do not apply the pro rata calculation for old-age and survivors' pensions and of special provisions regarding the application of the legislation of the Member States.

(b) the following new section is added after the section 'BULGARIA':

'CZECH REPUBLIC

Pensions paid from the Second Pillar scheme established by Act No 426/2011 Coll., on pension savings;'

(3) The Annexes to Regulation (EC) No 987/2009 aim at giving an overview of the implementing provisions for bilateral agreements that remain or enter into force and of the Member States which determine the maximum amount of reimbursement of unemployment benefits on the basis of the average amount of unemployment benefits provided under their legislation in the preceding calendar year.

(2) in Annex XI, in the section 'NETHERLANDS', the following point (fa) is inserted after point (f):

'(fa) Any person as referred to in Article 69(1) of the Zorgverzekeringswet (Health Care Insurance Act) who, on the last day of the month preceding that in which he or she reaches the age of 65, is receiving a pension or benefit which, on the basis of paragraph 1(f) of this Section is treated as a pension payable under Dutch legislation, shall be regarded as a pension claimant as referred to in Article 22 of this Regulation until he or she reaches the pension age as referred to in Article 7a of the Algemene Ouderdomswet (General Old Age Pensions Act).';

(4) The Administrative Commission for the Coordination of Social Security Systems has agreed to the requested amendments and has made relevant proposals to the

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.⁽²⁾ OJ L 284, 30.10.2009, p. 1.

Article 2

Regulation (EC) No 987/2009 is amended as follows:

(1) Annex 1 is amended as follows:

- (a) section 'DENMARK — FRANCE' is deleted;
- (b) section 'DENMARK — NETHERLANDS' is deleted;
- (c) section 'GREECE — NETHERLANDS' is deleted;
- (d) section 'SPAIN — NETHERLANDS' is deleted;
- (e) in section 'FRANCE — LUXEMBOURG':

- (i) points (a) and (b) are deleted;

- (ii) points (c) and (d) are replaced by the following:

- '(a) The Agreement of 2 July 1976 on the waiving of reimbursement of the costs of administrative checks and medical examinations provided for in Article 105(2) of Council Regulation (EEC) No 574/72 of 21 March 1972

- (b) The Exchange of Letters of 17 July and 20 September 1995 concerning the terms for settling reciprocal claims under Articles 93, 95 and 96 of Regulation (EEC) No 574/72';

- (f) in section 'FRANCE — NETHERLANDS':

- (i) points (b) and (c) are deleted;

- (ii) point (a) is replaced by the following:

- 'The Agreement of 28 April 1997 on the waiving of reimbursement of the costs of administrative checks and medical examinations pursuant to Article 105 of Regulation (EEC) No 574/72';

- (g) section 'ITALY — NETHERLANDS' is deleted;

- (h) in section 'NETHERLANDS — UNITED KINGDOM':

- (i) point (b) is deleted;

- (ii) point (a) is replaced by the following:

- 'The second sentence of Article 3 of the Administrative Arrangement of 12 June 1956 on the implementation of the Convention of 11 August 1954';

- (2) in Annex 5, a new section 'NETHERLANDS' is added after section 'GERMANY'.

Article 3

This Regulation shall enter into force on 1 January 2014.

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

Done at Brussels, 19 December 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1373/2013**of 19 December 2013****laying down detailed rules for implementing the system of export licences in the pigmeat sector****(codification)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 161(3), the first paragraph of Article 170 and Article 192(2), in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 1518/2003 of 28 August 2003 laying down detailed rules for implementing the system of export licences in the pigmeat sector ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) Specific implementing rules should be laid down for export licences in the pigmeat sector which should in particular include provisions for the submission of applications and the information which is to appear on the applications and licences, in addition to those contained in Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁴⁾.

(3) In order to assure the proper administration of the system of export licences, the rate of the security for export licences under that system should be fixed. In view of the risk of speculation inherent in the system in the pigmeat sector, export licences should not be transferable and precise conditions governing access by operators to the said system should be laid down.

(4) In accordance with Article 169 of Regulation (EC) No 1234/2007 compliance with the obligations arising from agreements concluded under Article 218 of the Treaty

regarding the export volume is to be ensured on the basis of the export licences. Therefore, a detailed schedule for the lodging of applications and for the issuing of licences should be laid down.

(5) In addition, the decision regarding applications for export licences should be notified only after a period of consideration. This period should allow the Commission to assess the quantities applied for as well as the expenditure involved and, if appropriate, to take special measures applicable in particular to the applications which are pending. It is in the interest of operators to allow the licence application to be withdrawn after the acceptance coefficient has been fixed.

(6) The Commission should have precise information concerning applications for licences and the use of licences issued, in order to be able to manage the licence system. In the interests of efficient administration, Member States should use the information systems in accordance with Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽⁵⁾.

(7) In the case of applications concerning quantities equal to or less than 25 tonnes, the export licence should be issued immediately if the operators requests it. In this case, the licences should not be subject to any special measures taken by the Commission.

(8) In order to ensure an exact follow up of the quantities to be exported, a derogation from the rules regarding the tolerances laid down in Regulation (EC) No 376/2008 should be laid down.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 217, 29.8.2003, p. 35.

⁽³⁾ See Annex V.

⁽⁴⁾ OJ L 114, 26.4.2008, p. 3.

⁽⁵⁾ OJ L 228, 1.9.2009, p. 3.

HAS ADOPTED THIS REGULATION:

Article 1

All exports of products in the pigmeat sector for which an export refund is requested, shall be subject to the presentation of an export licence with advance fixing of the refund.

Article 2

1. Export licences shall be valid for 90 days from their actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008.

2. Applications for licences and licences shall bear, in Section 15, the description of the product and, in Section 16, the 12-digit product code of the agricultural product nomenclature for export refunds.

3. The categories of products referred to in the second subparagraph of Article 13(1) of Regulation (EC) No 376/2008, as well as the rate of the security for export licences, are set out in Annex I to this Regulation.

4. Applications for licences and licences shall bear, in Section 20, at least one of the entries listed in Annex II.

Article 3

1. Applications for export licences may be lodged with the competent authorities from Monday to Friday of each week.

2. Applicants for export licences shall be natural or legal persons who, at the time the applications are submitted, are able to prove to the satisfaction of the competent authorities in the Member States that they have been engaged in trade in the pigmeat sector for at least 12 months. However, retail establishments or restaurants selling their products to end consumers may not lodge applications.

3. Export licences shall be issued on the Wednesday following the period referred to in paragraph 1, provided that none of the special measures referred to in paragraph 4 have since been taken by the Commission.

4. Where the issue of export licences would or might result in the available budgetary amounts being exceeded or in the maximum quantities which may be exported with a refund being exhausted during the period concerned, in view of the limits referred to in Article 169 of Regulation (EC)

No 1234/2007, or where the issue of export licences would not allow exports to continue during the remainder of the period, the Commission may:

- (a) set a single percentage of acceptance for the quantities applied for;
- (b) reject applications for which licences have not yet been granted;
- (c) suspend the lodging of licence applications for a maximum period of five working days, extendable by the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

In the circumstances referred to in point (c) of the first subparagraph, licence applications made during the suspension period shall be invalid.

The measures provided for in the first subparagraph may be implemented or modulated by category of product and by destination.

5. The measures provided for in paragraph 4 may also be adopted where export licence applications relate to quantities which exceed or might exceed the normal disposable quantities for one destination and issuing the licences requested would entail a risk of speculation, distortion of competition between operators, or disturbance of the trade concerned or the internal market.

6. Where the quantities applied for are rejected or reduced, the security shall be released immediately for all quantities for which an application was not satisfied.

7. Notwithstanding paragraph 3, where a single percentage of acceptance less than 80 % is set, the licence shall be issued at the latest by the 11th working day following publication of that percentage in the *Official Journal of the European Union*. During the 10 working days following its publication, the operator may:

- (a) either withdraw his application, in which case the security shall be released immediately; or
- (b) request the immediate issuing of the licence, in which case the competent authority shall issue it without delay but no sooner than the normal issue date for the relevant week.

8. By way of derogation from paragraph 3, the Commission may set a day other than Wednesday for the issuing of export licences when it is not possible to respect this day.

Article 4

1. On application by the operator, licence applications for up to 25 tonnes of products shall not be subject to any special measures as referred to in Article 3(4) and the licences applied for shall be issued immediately.

In such cases, notwithstanding Article 2(1), the term of validity of the licences shall be limited to five working days from their actual day of issue within the meaning of Article 22(2) of Regulation (EC) No 376/2008 and Section 20 of licence applications and of licences shall show one of the entries listed in Annex III.

2. The Commission may, where necessary, suspend the application of this Article.

Article 5

Export licences shall not be transferable.

Article 6

1. The quantity exported within the tolerance referred to in Article 7(4) of Regulation (EC) No 376/2008 shall not give entitlement to payment of the refund.

2. In Section 22 of the licence, at least one of the entries listed in Annex IV shall be indicated.

Article 7

1. By Friday each week, Member States shall notify the Commission of the following information:

(a) the applications for export licences as referred to in Article 1 lodged from Monday to Friday of the same week, stating whether or not they fall within the scope of Article 4;

(b) the quantities covered by export licences issued on the preceding Wednesday, not including those issued immediately under Article 4;

(c) the quantities covered by export licence applications withdrawn pursuant to Article 3(7) during the preceding week.

2. The notification of the applications referred to in point (a) of paragraph 1 shall specify:

(a) the quantity in product weight for each category referred to in Article 2(3);

(b) the breakdown by destination of the quantity for each category in the case where the rate of refund varies according to the destination;

(c) the rate of refund applicable;

(d) the total amount of refund fixed in advance in euro per category.

3. Member States shall notify to the Commission on a monthly basis, following the expiry of the validity of the export licences, the unused quantity of export licences.

4. The notifications referred to in this Regulation, including 'nil' notifications, shall be made in accordance with Regulation (EC) No 792/2009.

Article 8

Regulation (EC) No 1518/2003 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex VI.

Article 9

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

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

Done at Brussels, 19 December 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (EUR/ 100 kg) Net weight
0203 11 10 9000	1	10
0203 21 10 9000		
0203 12 11 9100	2	10
0203 12 19 9100		
0203 19 11 9100		
0203 19 13 9100		
0203 19 55 9110		
0203 22 11 9100		
0203 22 19 9100		
0203 29 11 9100		
0203 29 13 9100		
0203 29 55 9110		
0203 19 15 9100	3	6
0203 19 55 9310		
0203 29 15 9100		
0210 11 31 9110	4	14
0210 11 31 9910		
0210 12 19 9100	5	0
0210 19 81 9100	6	14
0210 19 81 9300	7	14
1601 00 91 9120	8	5
1601 00 99 9110	9	4
1602 41 10 9110	10	8
1602 42 10 9110	11	6
1602 41 10 9130	12	5
1602 42 10 9130		
1602 49 19 9130		

⁽¹⁾ Commission Regulation (EEC) No 3846/87 Sector 6 (OJ L 366, 24.12.1987, p. 1).

ANNEX II

Entries referred to in Article 2(4)

- *In Bulgarian:* Регламент за изпълнение (ЕС) № [...]
 - *In Spanish:* Reglamento de Ejecución (UE) nº [...]
 - *In Czech:* Prováděcí nařízení (EU) č. [...]
 - *In Danish:* Gennemførelsesforordning (EU) nr. [...]
 - *In German:* Durchführungsverordnung (EU) Nr. [...]
 - *In Estonian:* Rakendusmäärus (EL) nr [...]
 - *In Greek:* Εκτελεστικός κανονισμός (ΕΕ) αριθ. [...]
 - *In English:* Implementing Regulation (EU) No [...]
 - *In French:* Règlement d'exécution (UE) nº [...]
 - *In Croatian:* Provedbena uredba (EU) br. [...]
 - *In Italian:* Regolamento di esecuzione (UE) n. [...]
 - *In Latvian:* Īstenošanas regula (ES) Nr. [...]
 - *In Lithuanian:* Įgyvendinimo reglamentas (ES) Nr. [...]
 - *In Hungarian:* .../.../EU végrehajtási rendelet
 - *In Maltese:* Regolament ta' Implimentazzjoni (UE) Nru [...]
 - *In Dutch:* Uitvoeringsverordening (EU) nr. [...]
 - *In Polish:* Rozporządzenie wykonawcze (UE) nr [...]
 - *In Portuguese:* Regulamento de Execução (UE) n.º [...]
 - *In Romanian:* Regulamentul de punere în aplicare (UE) nr. [...]
 - *In Slovak:* Vykonávacie nariadenie (EÚ) č. [...]
 - *In Slovenian:* Izvedbena uredba (EU) št. [...]
 - *In Finnish:* Täytäntöönpanoasetus (EU) N:o [...]
 - *In Swedish:* Genomförandeförordning (EU) nr [...]
-

ANNEX III

Entries referred to in the second subparagraph of Article 4(1)

- *In Bulgarian:* Лицензия, валидна пет работни дни
 - *In Spanish:* Certificado válido durante cinco días hábiles
 - *In Czech:* Licence platná pět pracovních dní
 - *In Danish:* Licens, der er gyldig i fem arbejdsdage
 - *In German:* Fünf Arbeitstage gültige Lizenz
 - *In Estonian:* Litsents kehtib viis tööpäeva
 - *In Greek:* Πιστοποιητικό που ισχύει για πέντε εργάσιμες ημέρες
 - *In English:* Licence valid for five working days
 - *In French:* Certificat valable cinq jours ouvrables
 - *In Croatian:* Dozvola vrijedi pet radnih dana
 - *In Italian:* Titolo valido cinque giorni lavorativi
 - *In Latvian:* Licences derīguma termiņš ir piecas darbdiēnas
 - *In Lithuanian:* Licencijos galioja penkias darbo dienas
 - *In Hungarian:* Őt munkanapig érvényes tanúsítvány
 - *In Maltese:* Liċenza valida għal hamest ijiem tax-xogħol
 - *In Dutch:* Certificaat met een geldigheidsduur van vijf werkdagen
 - *In Polish:* Pozwolenie ważne pięć dni roboczych
 - *In Portuguese:* Certificado de exportação válido durante cinco dias úteis
 - *In Romanian:* Licență valabilă timp de cinci zile lucrătoare
 - *In Slovak:* Licencia platí päť pracovných dní
 - *In Slovenian:* Dovoljenje velja 5 delovnih dni
 - *In Finnish:* Todistus on voimassa viisi työpäivää
 - *In Swedish:* Licensen är giltig fem arbetsdagar
-

ANNEX IV

Entries referred to in Article 6(2)

- *In Bulgarian:* Възстановяване, валидно за [...] тона (количество, за което е издадена лицензията).
- *In Spanish:* Restitución válida por [...] toneladas (cantidad por la que se expida el certificado).
- *In Czech:* Náhrada platná pro [...] tun (množství, pro které je licence vydána).
- *In Danish:* Restitutionen omfatter [...] t (den mængde, licensen vedrører).
- *In German:* Erstattung gültig für [...] Tonnen (Menge, für welche die Lizenz ausgestellt wurde).
- *In Estonian:* Eksporditoetus kehtib [...] tonni kohta (kogus, millele on antud ekspordilitsents).
- *In Greek:* Επιστροφή ισχύουσας για [...] τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό).
- *In English:* Refund valid for [...] tonnes (quantity for which the licence is issued).
- *In French:* Restitution valable pour [...] tonnes (quantité pour laquelle le certificat est délivré).
- *In Croatian:* Subvencija vrijedi za [...] tona (količina za koju je izdana dozvola).
- *In Italian:* Restituzione valida per [...] t (quantitativo per il quale il titolo è rilasciato).
- *In Latvian:* Kompensācija ir spēkā attiecībā uz [...] tonnām (daudzums, par kuru ir izsniegta licence).
- *In Lithuanian:* Gražinamoji išmoka galioja [...] tonoms (kiekis, kuriam išduota licencija).
- *In Hungarian:* A visszatérítés [...] tonnára érvényes (azt a mennyiséget kell feltüntetni, amelyre az engedélyt kiadták).
- *In Maltese:* Rifuzjoni valida għal [...] tunnelli (kwantità li għaliha tinħareġ il-licenza).
- *In Dutch:* Restitutie geldig voor [...] ton (hoeveelheid waarvoor het certificaat wordt afgegeven).
- *In Polish:* Refundacja ważna dla [...] ton (ilość, dla której zostało wydane pozwolenie).
- *In Portuguese:* Restituição válida para [...] toneladas (quantidade relativamente à qual é emitido o certificado).
- *In Romanian:* Restituire valabilă pentru [...] tone (cantitatea pentru care a fost eliberată licența).
- *In Slovak:* Náhrada je platná pre [...] ton (množstvo, pre ktoré bola vydaná licencia).
- *In Slovenian:* Nadomestilo velja za [...] ton (količina, za katero je bilo dovoljenje izdano).
- *In Finnish:* Tuki on voimassa [...] tonnille (määrä, jolle todistus on myönnetty).
- *In Swedish:* Ger rätt till exportbidrag för [...] ton (den kvantitet för vilken licensen utfärdats).
-

ANNEX V

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 1518/2003
(OJ L 217, 29.8.2003, p. 35).

Commission Regulation (EC) No 130/2004
(OJ L 19, 27.1.2004, p. 14).

Commission Regulation (EC) No 1361/2004
(OJ L 253, 29.7.2004, p. 9).

Commission Regulation (EC) No 1713/2006 Article 12 only
(OJ L 321, 21.11.2006, p. 11).

Commission Regulation (EU) No 557/2010 Article 1 only
(OJ L 159, 25.6.2010, p. 13).

Commission Regulation (EU) No 519/2013 Point 6.G(2) of Annex only
(OJ L 158, 10.6.2013, p. 74).

ANNEX VI

Correlation Table

Regulation (EC) No 1518/2003	This Regulation
Article 1	Article 1
Article 2(1) first subparagraph	Article 2(1)
Article 2(1) second subparagraph	—
Article 2(2) and (3)	Article 2(2) and (3)
Article 2(4), introductory wording	Article 2(4)
Article 2(4), first to eleventh indents	Annex II
Article 3(1) to (4)	Article 3(1) to (4)
Article 3(4a)	Article 3(5)
Article 3(5)	Article 3(6)
Article 3(6)	Article 3(7)
Article 3(7)	Article 3(8)
Articles 4 and 5	Articles 4 and 5
Article 6(1)	Article 6(1)
Article 6(2), introductory wording	Article 6(2)
Article 6(2), first to eleventh indents	Annex IV
Article 7	Article 7
Article 8	—
—	Article 8
Article 9	Article 9
Annex I	Annex I
Annex Ia	Annex III
Annex III	—
Annex IV	—
—	Annex V
—	Annex VI

COMMISSION REGULATION (EU) No 1374/2013

of 19 December 2013

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 36

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

(1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.

(2) On 29 May 2013 the International Accounting Standards Board published amendments to International Accounting Standard (IAS) 36 *Impairment of Assets*. The objective of the amendments is to clarify that the scope of the disclosures of information about the recoverable amount of assets, where that amount is based on fair value less costs of disposal, is limited to impaired assets.

(3) The consultation with the Technical Expert Group of the European Financial Reporting Advisory Group confirms

that the amendments to IAS 36 meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.

(4) Regulation (EC) No 1126/2008 should therefore be amended accordingly.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1126/2008, International Accounting Standard (IAS) 36 *Impairment of Assets* is amended as set out in the Annex to this Regulation.

Article 2

Each company shall apply the amendments referred to in Article 1, at the latest, as from the commencement date of its first financial year starting on or after 1 January 2014.

Article 3

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

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

Done at Brussels, 19 December 2013.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ L 320, 29.11.2008, p. 1.

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IAS 36	IAS 36 <i>Impairment of Assets</i>
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Amendments to IAS 36 *Impairment of Assets*
Recoverable Amount Disclosures for Non-Financial Assets

Paragraphs 130 and 134 and the heading above paragraph 138 are amended and paragraph 140J is added.

DISCLOSURE

...

130 An entity shall disclose the following for an individual asset (including goodwill) or a cash-generating unit, for which an impairment loss has been recognised or reversed during the period:

(a) ...

(e) the recoverable amount of the asset (cash-generating unit) and whether the recoverable amount of the asset (cash-generating unit) is its fair value less costs of disposal or its value in use;

(f) if the recoverable amount is fair value less costs of disposal, the entity shall disclose the following information:

(i) the level of the fair value hierarchy (see IFRS 13) within which the fair value measurement of the asset (cash-generating unit) is categorised in its entirety (without taking into account whether the 'costs of disposal' are observable);

(ii) for fair value measurements categorised within Level 2 and Level 3 of the fair value hierarchy, a description of the valuation technique(s) used to measure fair value less costs of disposal. If there has been a change in valuation technique, the entity shall disclose that change and the reason(s) for making it; and

(iii) for fair value measurements categorised within Level 2 and Level 3 of the fair value hierarchy, each key assumption on which management has based its determination of fair value less costs of disposal. Key assumptions are those to which the asset's (cash-generating unit's) recoverable amount is most sensitive. The entity shall also disclose the discount rate(s) used in the current measurement and previous measurement if fair value less costs of disposal is measured using a present value technique;

(g) ...

...

Estimates used to measure recoverable amounts of cash-generating units containing goodwill or intangible assets with indefinite useful lives

134 An entity shall disclose the information required by (a)–(f) for each cash-generating unit (group of units) for which the carrying amount of goodwill or intangible assets with indefinite useful lives allocated to that unit (group of units) is significant in comparison with the entity's total carrying amount of goodwill or intangible assets with indefinite useful lives:

(a) ...

(c) the basis on which the unit's (group of units') recoverable amount has been determined (i.e. value in use or fair value less costs of disposal);

(d) ...

...

TRANSITIONAL PROVISIONS AND EFFECTIVE DATE

138 ...

140J In May 2013 paragraphs 130 and 134 and the heading above paragraph 138 were amended. An entity shall apply those amendments retrospectively for annual periods beginning on or after 1 January 2014. Earlier application is permitted. An entity shall not apply those amendments in periods (including comparative periods) in which it does not also apply IFRS 13.

COMMISSION REGULATION (EU) No 1375/2013

of 19 December 2013

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 39

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

consequence, counterparties of certain hedging instruments should agree to replace their original counterparty of the hedging transaction by a central counterparty that is compliant with the requirements of that Regulation.

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

Having regard to Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

- (4) In order to avoid a financial reporting burden arising from the novation of OTC derivatives to a central counterparty as a consequence of laws or regulations or the introduction of laws or regulations, it is necessary to provide for an exception to the existing requirements for discontinuation of hedge accounting in IAS 39.

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.

- (5) The consultation with the Technical Expert Group of the European Financial Reporting Advisory Group confirms that the amendments to IAS 39 meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.

- (2) On 27 June 2013 the International Accounting Standards Board published amendments to International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement* entitled *Novation of Derivatives and Continuation of Hedge Accounting*. The objective of the amendments is to provide relief in situations where a derivative, which has been designated as a hedging instrument, is novated from one counterparty to a central counterparty as a consequence of laws or regulations. Such a relief means that hedge accounting can continue irrespective of the novation which, without the amendment, would not be permitted.

- (6) Commission Regulation (EC) No 1126/2008 should therefore be amended accordingly.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

- (3) Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽³⁾ requires central clearing of certain classes of OTC derivatives. As a

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1126/2008, International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement* is amended as set out in the Annex to this Regulation.

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ L 320, 29.11.2008, p. 1.

⁽³⁾ Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

Article 2

Each company shall apply the amendments referred to in Article 1, at the latest, as from the commencement date of its first financial year starting on or after 1 January 2014.

Article 3

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

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

Done at Brussels, 19 December 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IAS 39	IAS 39 <i>Financial Instruments: Recognition and Measurement</i>
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Amendments to IAS 39 Financial Instruments: Recognition and Measurement***Novation of Derivatives and Continuation of Hedge Accounting***

Paragraphs 91 and 101 are amended.

Fair value hedges

...

91 An entity shall discontinue prospectively the hedge accounting specified in paragraph 89 if:

(a) the hedging instrument expires or is sold, terminated or exercised. For this purpose, the replacement or rollover of a hedging instrument into another hedging instrument is not an expiration or termination if such replacement or rollover is part of the entity's documented hedging strategy. Additionally, for this purpose there is not an expiration or termination of the hedging instrument if:

(i) as a consequence of laws or regulations or the introduction of laws or regulations, the parties to the hedging instrument agree that one or more clearing counterparties replace their original counterparty to become the new counterparty to each of the parties. For this purpose, a clearing counterparty is a central counterparty (sometimes called a 'clearing organisation' or 'clearing agency') or an entity or entities, for example, a clearing member of a clearing organisation or a client of a clearing member of a clearing organisation, that are acting as counterparty in order to effect clearing by a central counterparty. However, when the parties to the hedging instrument replace their original counterparties with different counterparties this paragraph shall apply only if each of those parties effects clearing with the same central counterparty.

(ii) other changes, if any, to the hedging instrument are limited to those that are necessary to effect such a replacement of the counterparty. Such changes are limited to those that are consistent with the terms that would be expected if the hedging instrument were originally cleared with the clearing counterparty. These changes include changes in the collateral requirements, rights to offset receivables and payables balances, and charges levied.

(b) ...

...

Cash flow hedges

...

101 In any of the following circumstances an entity shall discontinue prospectively the hedge accounting specified in paragraphs 95–100:

(a) The hedging instrument expires or is sold, terminated or exercised. In this case, the cumulative gain or loss on the hedging instrument that has been recognised in other comprehensive income from the period when the hedge was effective (see paragraph 95(a)) shall remain separately in equity until the forecast transaction occurs. When the transaction occurs, paragraph 97, 98 or 100 applies. For the purpose of this subparagraph, the replacement or rollover of a hedging instrument into another hedging instrument is not an expiration or termination if such replacement or rollover is part of the entity's documented hedging strategy. Additionally, for the purpose of this subparagraph there is not an expiration or termination of the hedging instrument if:

- (i) as a consequence of laws or regulations or the introduction of laws or regulations, the parties to the hedging instrument agree that one or more clearing counterparties replace their original counterparty to become the new counterparty to each of the parties. For this purpose, a clearing counterparty is a central counterparty (sometimes called a 'clearing organisation' or 'clearing agency') or an entity or entities, for example, a clearing member of a clearing organisation or a client of a clearing member of a clearing organisation, that are acting as counterparty in order to effect clearing by a central counterparty. However, when the parties to the hedging instrument replace their original counterparties with different counterparties this paragraph shall apply only if each of those parties effects clearing with the same central counterparty.
- (ii) other changes, if any, to the hedging instrument are limited to those that are necessary to effect such a replacement of the counterparty. Such changes are limited to those that are consistent with the terms that would be expected if the hedging instrument were originally cleared with the clearing counterparty. These changes include changes in the collateral requirements, rights to offset receivables and payables balances, and charges levied.

(b) ...

Paragraph 108D and, in Appendix A, paragraph AG113A are added.

Effective date and transition

...

108D *Novation of Derivatives and Continuation of Hedge Accounting* (Amendments to IAS 39), issued in June 2013, amended paragraphs 91 and 101 and added paragraph AG113A. An entity shall apply those paragraphs for annual periods beginning on or after 1 January 2014. An entity shall apply those amendments retrospectively in accordance with IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*. Earlier application is permitted. If an entity applies those amendments for an earlier period it shall disclose that fact.

...

Assessing hedge effectiveness

...

AG113A For the avoidance of doubt, the effects of replacing the original counterparty with a clearing counterparty and making the associated changes as described in paragraphs 91(a)(ii) and 101(a)(ii) shall be reflected in the measurement of the hedging instrument and therefore in the assessment of hedge effectiveness and the measurement of hedge effectiveness.

COMMISSION IMPLEMENTING REGULATION (EU) No 1376/2013**of 19 December 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 19 December 2013.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	55,3
	IL	216,6
	MA	72,6
	TN	99,8
	TR	107,5
	ZZ	110,4
0707 00 05	AL	106,5
	MA	158,2
	TR	139,1
	ZZ	134,6
0709 93 10	MA	98,4
	TR	171,8
	ZZ	135,1
0805 10 20	AR	26,3
	MA	57,5
	TR	57,5
	ZA	44,9
	ZZ	46,6
0805 20 10	MA	57,5
	ZZ	57,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	35,9
	IL	96,3
	JM	133,9
	MA	69,9
	TR	73,1
	ZZ	81,8
0805 50 10	AR	102,8
	TR	70,7
	ZZ	86,8
0808 10 80	CN	77,6
	MK	34,4
	NZ	153,0
	US	124,5
	ZZ	97,4
0808 30 90	TR	120,5
	US	155,6
	ZZ	138,1

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

COMMISSION IMPLEMENTING REGULATION (EU) No 1377/2013**of 19 December 2013****on the issue of import licences for applications lodged during the first seven days of December 2013 under the tariff quota opened by Regulation (EC) No 1385/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

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

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

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

Having regard to Commission Regulation (EC) No 1385/2007 of 26 November 2007 laying down detailed rules for the application of Council Regulation (EC) No 774/94 as regards opening and providing for the administration of certain Community tariff quotas for poultrymeat ⁽³⁾, and in particular Article 5(6) thereof,

Whereas:

The applications for import licences lodged during the first seven days of December 2013 for the subperiod from 1 January to 31 March 2014 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged for the subperiod from 1 January to 31 March 2014 under Regulation (EC) No 1385/2007 shall be multiplied by the allocation coefficients set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 December 2013.

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

Done at Brussels, 19 December 2013.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 309, 27.11.2007, p. 47.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2014-31.3.2014 (%)
1	09.4410	0,250375
2	09.4411	0,253228
3	09.4412	0,267952
4	09.4420	0,26178
6	09.4422	0,262743

COMMISSION IMPLEMENTING REGULATION (EU) No 1378/2013**of 19 December 2013****on the issue of import licences for applications lodged during the first seven days of December 2013 under the tariff quotas opened by Regulation (EC) No 533/2007 for poultrymeat**

THE EUROPEAN COMMISSION,

Whereas:

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

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

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

Having regard to Commission Regulation (EC) No 533/2007 of 14 May 2007 opening and providing for the administration of tariff quotas in the poultrymeat sector ⁽³⁾, and in particular Article 5(6) thereof,

(1) Regulation (EC) No 533/2007 opened tariff quotas for imports of poultrymeat products.

(2) The applications for import licences lodged during the first seven days of December 2013 for the subperiod from 1 January to 31 March 2014 relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import licence applications have been lodged under Regulation (EC) No 533/2007 for the subperiod from 1 January to 31 March 2014 shall be multiplied by the allocation coefficients set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 20 December 2013.

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

Done at Brussels, 19 December 2013.

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

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 238, 1.9.2006, p. 13.

⁽³⁾ OJ L 125, 15.5.2007, p. 9.

ANNEX

Group No	Order No	Allocation coefficient for import licence applications lodged for the subperiod from 1.1.2014-31.3.2014 (%)
P1	09.4067	1,302094
P3	09.4069	0,270933

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION EUTM SOMALIA/1/2013

of 17 December 2013

on the appointment of an EU Mission Commander for the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia)

(2013/777/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) Pursuant to Article 5(1) of Decision 2010/96/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Mission Commander for the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia).
- (2) On 22 January 2013, the Council adopted Decision 2013/44/CFSP ⁽²⁾ amending and extending Decision 2010/96/CFSP and appointing Brigadier General Gerald AHERNE as EU Mission Commander.
- (3) The Italian Republic has proposed the appointment of Brigadier General Massimo MINGIARDI as the new EU Mission Commander to succeed Brigadier General Gerald AHERNE.
- (4) The EU Military Committee supports that proposal.

- (5) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Consequently, Denmark is not participating in the adoption of this Decision and is neither bound by it nor subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

Brigadier General Massimo MINGIARDI is hereby appointed EU Mission Commander for the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) as from 15 February 2014.

Article 2

This Decision shall enter into force on 15 February 2014.

Done at Brussels, 17 December 2013.

For the Political and Security Committee
The Chairperson
W. STEVENS

⁽¹⁾ OJ L 44, 19.2.2010, p. 16.

⁽²⁾ Council Decision 2013/44/CFSP of 22 January 2013 amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces (OJ L 20, 23.1.2013, p. 57).

COMMISSION IMPLEMENTING DECISION

of 13 December 2013

establishing the Research Executive Agency and repealing Decision 2008/46/EC

(2013/778/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EC) No 58/2003 empowers the Commission to delegate powers to the executive agencies to implement all or part of a Union programme or project, on its behalf and under its responsibility.
- (2) The purpose of entrusting the executive agencies with programme implementation tasks is to enable the Commission to focus on its core activities and functions which cannot be outsourced, without relinquishing control over, and ultimate responsibility for, activities managed by those executive agencies.
- (3) The delegation of tasks related to programme implementation to an executive agency requires a clear separation between the programming stages involving a large measure of discretion in making choices driven by policy considerations, this being carried out by the Commission, and programme implementation, which should be entrusted to the executive agency.

- (4) By Decision 2008/46/EC⁽²⁾, the Commission created the Research Executive Agency (hereinafter referred to as the

Agency) and entrusted it with the management of Community actions in the field of research with a view of performance of tasks linked to the implementation of the specific programme 'People' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013)⁽³⁾, specific programme 'Capacities' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013)⁽⁴⁾ and specific programme 'Cooperation' implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013)⁽⁵⁾ of the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013)⁽⁶⁾ (hereinafter referred to as the Seventh Framework Programme).

- (5) The Agency has demonstrated that delegating tasks to an executive agency is a fully relevant solution to improve cost-effectiveness, thereby enabling the Commission to manage an increasing budget with a less than proportional increase in the overall number of staff. Separating the policymaking tasks of the Commission from programme implementation tasks in the Agency has enabled both parties to perform better on their core duties. The external evaluation of the Agency carried out in accordance with Article 25 of Regulation (EC) No 58/2003 has shown that it has been efficient and effective in managing the SME-related actions under the Capacities Specific Programme, the Marie Curie Actions under the People Specific Programme, the Space and Security research actions under the Cooperation Specific Programme and in providing administrative and logistical support services to all programme areas of the People, Capacities and Cooperation Specific Programmes. Savings resulting from the delegation of tasks to the Agency have been estimated at some EUR 106 million over the period 2009-2013.
- (6) In its Communication of 29 June 2011 'A budget for Europe 2020'⁽⁷⁾, the Commission proposed to use the option of more extensive recourse to existing executive agencies for the implementation of Union programmes in the 2014-2020 multiannual financial framework (hereinafter referred to as the MFF).

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

⁽²⁾ OJ L 11, 15.1.2008, p. 9.

⁽³⁾ OJ L 54, 22.2.2007, p. 91.

⁽⁴⁾ OJ L 54, 22.2.2007, p. 101.

⁽⁵⁾ OJ L 54, 22.2.2007, p. 30.

⁽⁶⁾ OJ L 412, 30.12.2006, p. 1.

⁽⁷⁾ COM(2011) 500 final.

- (7) The cost-benefit analysis carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 has shown that the efficiency of the Agency's operations is higher in comparison with the Commission's. The new delegated programmes are thematically in line with the current mandate and mission of the Agency and represent the continuation of the Agency's existing activities. The Agency has already built-up competence, skills and capacities, which are directly relevant for these programmes. The Agency is well placed to continue managing research programmes under the 2014-2020 MFF. Delegation of programme management to the Agency would ensure the business continuity for the programmes' beneficiaries, given that the Agency has built up relevant competence and capacity focussing on the research community. Delegation of programme management to the Agency is estimated to deliver efficiency gains of EUR 158 million over the period 2014-2024 when compared to the management by the Commission services.
- (8) In order to give executive agencies a coherent identity, the Commission has, as far as possible, grouped work by thematic policy area in establishing their new mandates.
- (9) The Agency should be entrusted with the management of the following parts of the Specific Programme Implementing Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020) ⁽¹⁾:
- Part I 'Excellent science' succeeding similar activities which under the 2007-2013 MFF are managed by the Commission and which are characterised by projects that generate a large number of homogenous and standardised operations,
 - Part II 'Industrial leadership' succeeding similar activities which under the 2007-2013 MFF are already partly managed by the Agency and which involve implementation of technical projects that do not entail political decision-making and require a high level of technical and financial expertise throughout the project cycle,
 - Part III 'Societal challenges' succeeding similar activities which under the 2007-2013 MFF are managed by the Commission and which involve implementation of technical projects that do not entail political decision-making and require a high level of technical and financial expertise throughout the project cycle,
 - Part IIIa 'Spreading excellence and widening participation' succeeding similar activities which under the 2007-2013 MFF are managed by the Commission and which involve implementation of technical projects that do not entail political decision-making and require a high level of technical and financial expertise throughout the project cycle,
 - Part IIIb 'Science with and for society' succeeding similar activities which under the 2007-2013 MFF are managed by the Commission and which involve implementation of technical projects that do not entail political decision-making and require a high level of technical and financial expertise throughout the project cycle.
- (10) The Agency should continue with the implementation of the parts of the Seventh Framework Programme already delegated to it under the 2007-2013 MFF.
- (11) The Agency should be responsible for the provision of administrative and logistical support services in particular where centralisation of those support services would result in additional cost-efficiency gains and economies of scale.
- (12) In order to ensure a consistent implementation in time of this Decision and of the programmes concerned, it is necessary to ensure that the Agency shall exercise its tasks linked to the implementation of those programmes subject to and from the date on which those programmes enter into force.
- (13) The Research Executive Agency should be established. It should replace and succeed the executive agency established by Decision 2008/46/EC. It should operate in accordance with the general statute laid down by Regulation (EC) No 58/2003.
- (14) Decision 2008/46/EC should therefore be repealed and transitional provisions should be set out.
- (15) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

⁽¹⁾ OJ L 347, 20.12.2013, p. 965.

HAS ADOPTED THIS DECISION:

Article 1

Establishment

The Research Executive Agency (hereinafter referred to as the Agency) is hereby established and shall replace and succeed the executive agency set up by Decision 2008/46/EC from 1 January 2014 until 31 December 2024, its statute being governed by Regulation (EC) No 58/2003.

Article 2

Location

The Agency shall be located in Brussels.

Article 3

Objectives and tasks

1. The Agency is hereby entrusted, within the framework of the Specific Programme Implementing Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020) with the implementation of parts of:

- (a) Part I 'Excellent science';
- (b) Part II 'Industrial leadership';
- (c) Part III 'Societal challenges';
- (d) Part IIIa 'Spreading excellence and widening participation';
- (e) Part IIIb 'Science with and for society'.

This paragraph shall apply subject to and as from the date of the entry into force of the Specific Programme Implementing Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020).

2. The Agency is hereby entrusted, within the framework of the Seventh Framework Programme, with the implementation of the legacy of parts of the following programmes:

- (a) the activities 'Research for SMEs' and 'Research for SME associations' of the Capacities Specific Programme;
- (b) the 'Space' and 'Security' themes of the Cooperation Specific Programme;
- (c) the People Specific Programme.

3. The Agency shall be responsible for the following tasks related to the implementation of the parts of the Union programmes referred to in paragraphs 1 and 2:

- (a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission, where the Commission has empowered it to do so in the instrument of delegation;
- (b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme, where the Commission has empowered it to do so in the instrument of delegation;
- (c) providing support in programme implementation where the Commission has empowered it to do so in the instrument of delegation.

4. The Agency shall be responsible for the provision of administrative and logistical support services as defined in the instrument of delegation. These services shall be delivered for the benefit of the programme-implementing bodies and within the scope of the programmes referred to in the instrument of delegation.

Article 4

Duration of the appointments

- 1. The members of the Steering Committee shall be appointed for two years.
- 2. The Director shall be appointed for four years.

Article 5

Supervision and reporting requirement

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the Union programmes, or parts thereof, and on the administrative and logistical support services, for which it is responsible in accordance with the arrangements stipulated in the instrument of delegation.

Article 6

Implementation of the operating budget

The Agency shall implement its operating budget in accordance with the provisions of Commission Regulation (EC) No 1653/2004 ⁽¹⁾.

⁽¹⁾ OJ L 297, 22.9.2004, p. 6.

*Article 7***Repeal and transitional provisions**

1. Decision 2008/46/EC is repealed with effect from 1 January 2014. References to the repealed Decision shall be construed as references to this Decision.

2. The Agency shall be considered the legal successor of the executive agency established by Decision 2008/46/EC.

3. Without prejudice to the revision of the grading of seconded officials foreseen by the instrument of delegation, this Decision shall not affect the rights and obligations of staff employed by the Agency, including its Director.

*Article 8***Entry into force**

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

It shall apply from 1 January 2014.

Done at Brussels, 13 December 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION

of 17 December 2013

establishing the European Research Council Executive Agency and repealing Decision 2008/37/EC

(2013/779/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EC) No 58/2003 empowers the Commission to delegate powers to the executive agencies to implement all or part of a Union programme or project, on its behalf and under its responsibility.
- (2) The purpose of entrusting the executive agencies with programme implementation tasks is to enable the Commission to focus on its core activities and functions which cannot be outsourced, without relinquishing control over, or ultimate responsibility for, activities managed by those executive agencies.
- (3) In accordance with Article 6 of the Specific Programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)⁽²⁾ (hereinafter referred to as the Specific Programme implementing Horizon 2020), the Commission is to establish a European Research Council (hereinafter referred to as the ERC). The ERC is to succeed the European Research Council which was set up by Commission Decision 2007/134/EC⁽³⁾ in order to implement Council Decision 2006/972/EC⁽⁴⁾ (hereinafter referred to as the Specific Programme Ideas). The ERC is

to be composed of an independent Scientific Council (hereinafter referred to as the ERC Scientific Council) and a dedicated implementation structure in the form of an executive agency.

- (4) The delegation of tasks related to programme implementation to an executive agency requires clear separation between the programming stages, this being established by the ERC Scientific Council and adopted by the Commission, and programme implementation according to the principles and methodology established by the ERC Scientific Council, which should be entrusted to the executive agency.
- (5) By Decision 2008/37/EC⁽⁵⁾, the Commission created the European Research Council Executive Agency (hereinafter referred to as the Agency) and entrusted it with the management of Community actions in the field of frontier research with a view to perform the task of implementing the Specific Programme Ideas.
- (6) The Agency set up by Decision 2008/37/EC has demonstrated that it has attained a significant reputation within the scientific community across Europe and worldwide. It has established itself as an essential component of the Union's research funding landscape with good visibility and external perception by stakeholders. The external evaluation of the Agency carried out in accordance with Article 25 of Regulation (EC) No 58/2003 has shown that the setting up of the Agency has been beneficial as a result of its scientific specialisation and ability to provide a better service in terms of being close to the beneficiaries, improving the communication and visibility of programmes and ensuring quicker payment to beneficiaries. Savings resulting from the delegation of tasks to the Agency have been estimated at some EUR 45 million over the period 2009-2012.
- (7) In its Communication of 29 June 2011 'A budget for Europe 2020'⁽⁶⁾, the Commission proposed to use the option of more extensive recourse to existing executive agencies for the implementation of Union programmes in the 2014-2020 multiannual financial framework.

⁽¹⁾ OJ L 11, 16.1.2003, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 965.

⁽³⁾ Commission Decision 2007/134/EC of 2 February 2007 establishing the European Research Council (OJ L 57, 24.2.2007, p. 14).

⁽⁴⁾ Council Decision 2006/972/EC of 19 December 2006 concerning the specific programme: 'Ideas' of the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) (OJ L 400, 30.12.2006, p. 243).

⁽⁵⁾ Commission Decision 2008/37/EC of 14 December 2007 setting up the 'European Research Council Executive Agency' for the management of the specific Community programme 'Ideas' in the field of frontier research in application of Council Regulation (EC) No 58/2003 (OJ L 9, 12.1.2008, p. 15).

⁽⁶⁾ COM(2011) 500 final.

(8) The cost-benefit analysis carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 has shown that the Commission should entrust the Agency with the implementation of the specific objective 'strengthening frontier research through the activities of the European Research Council' of Part I 'Excellent science' of the Specific Programme implementing Horizon 2020. The Agency has high quality programme management and service delivery, visibility and existing communication outreach channels which have proved effective. The specific objective 'strengthening frontier research through the activities of the European Research Council' is in line with the current objectives and tasks of the Agency. Making use of the accumulated experience and expertise of the Agency would lead to efficiency gains. Moreover, the Commission has never managed this programme internally and consequently there would be an interruption in business continuity and a lack of know-how. In addition, efficiency gains of EUR 79 million over the period 2014-2024 are to be expected by implementing the agency scenario compared to the in-house scenario where the programme would be managed by the Commission.

(9) The Agency should be entrusted with the management of the specific objective 'strengthening frontier research through the activities of the European Research Council' of Part I 'Excellent science' of the Specific Programme implementing Horizon 2020, pursuing similar activities which under the 2007-2013 multi-annual financial framework are already managed by the Agency and which are characterised by projects which do not entail political decision-making and require a high level of scientific and financial expertise throughout the project cycle.

(10) The Agency should continue the implementation of the Specific Programme Ideas which was delegated to it under the 2007-2013 multiannual financial framework.

(11) In order to ensure a consistent implementation in time of this Decision and of the programmes concerned, it is necessary to ensure that the Agency shall exercise its tasks linked to the implementation of those programmes subject to and from the date on which those programmes enter into force.

(12) The Agency should be established. It should replace and succeed the executive agency established by Decision 2008/37/EC. It should operate in accordance with the general statute laid down by Regulation (EC) No 58/2003.

(13) Decision 2008/37/EC should therefore be repealed and transitional provisions should be set out.

(14) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

Article 1

Establishment

The European Research Council Executive Agency (hereinafter referred to as the Agency) is hereby established and shall replace and succeed the executive agency set up by Decision 2008/37/EC from 1 January 2014 until 31 December 2024, its statute being governed by Regulation (EC) No 58/2003.

Article 2

Location

The Agency shall be located in Brussels.

Article 3

Objectives and tasks

1. The Agency shall be the dedicated implementation structure of the European Research Council, responsible for the administrative implementation and programme execution.

2. The Agency is hereby entrusted, within the framework of the Specific Programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020), with the implementation of the specific objective 'strengthening frontier research through the activities of the European Research Council' of Part I 'Excellent science'. This paragraph shall apply subject to and as from the date of the entry into force of the Specific Programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020).

3. The Agency is hereby entrusted, within the framework of the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007-2013) ⁽¹⁾, with the implementation of the legacy of the Specific Programme Ideas.

⁽¹⁾ OJ L 412, 30.12.2006, p. 1.

4. The Agency shall be responsible for the following tasks for the implementation of the parts of the Union programmes referred to in paragraphs 2 and 3:

- (a) managing programme implementation and specific projects on the basis of the relevant work programmes established by the Scientific Council of the European Research Council (hereinafter referred to as the ERC Scientific Council) and adopted by the Commission, where the Commission has empowered it to do so in the instrument of delegation;
- (b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme, where the Commission has empowered it to do so in the instrument of delegation;
- (c) providing support in programme implementation where the Commission has empowered it to do so in the instrument of delegation;
- (d) providing support to the ERC Scientific Council in the conduct of all of its tasks.

Article 4

Duration of the appointments

1. The members of the Steering Committee shall be appointed for two years.
2. The Director shall be appointed for four years, taking into account the views of the ERC Scientific Council.
3. The appointment of the Senior Staff of the Agency shall take into account the views of the ERC Scientific Council.

Article 5

Supervision and reporting requirement

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the

Union programmes or parts thereof for which it is responsible in accordance with the arrangements and at the intervals stipulated in the instrument of delegation.

Article 6

Implementation of the operating budget

The Agency shall implement its operating budget in accordance with the provisions of Commission Regulation (EC) No 1653/2004 ⁽¹⁾.

Article 7

Repeal and transitional provisions

1. Decision 2008/37/EC is repealed with effect from 1 January 2014. References to the repealed Decision shall be construed as references to this Decision.
2. The Agency shall be considered the legal successor of the executive agency established by Decision 2008/37/EC.
3. Without prejudice to the revision of the grading of seconded officials foreseen by the instrument of delegation, this Decision shall not affect the rights and obligations of staff employed by the Agency, including its Director.

Article 8

Entry into force

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

It shall apply from 1 January 2014.

Done at Brussels, 17 December 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 297, 22.9.2004, p. 6).

COMMISSION IMPLEMENTING DECISION

of 18 December 2013

providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America

(notified under document C(2013) 9166)

(2013/780/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the second indent of Article 15(1) thereof,

Whereas:

- (1) Directive 2000/29/EC provides for protective measures against the introduction into the Union from third countries of organisms that are harmful to plants or plant products.
- (2) Bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America and covered by one of the CN codes and the descriptions set out in Section I(6) of Part B of Annex V to Directive 2000/29/EC may not be introduced into the Union unless accompanied by a phytosanitary certificate as provided for in Article 13(1)(ii) of that Directive.
- (3) Directive 2000/29/EC allows for derogations from Article 13(1)(ii) in the case of wood, if equivalent safeguards are ensured by means of alternative documentation or marking.
- (4) The Commission has noted on the basis of information supplied by the United States of America that an official programme, the Kiln Drying Sawn Hardwood Lumber Certification Program, has been approved by the Animal and Plant Health Inspection Service, US Department of Agriculture and will be operated by the US National Hardwood Lumber Association (NHLA).
- (5) The Kiln Drying Sawn Hardwood Lumber Certification Program ensures that approved hardwood facilities in the US operate under the Kiln Drying Sawn Hardwood Standard. That Standard ensures that all parts of sawn hardwood lumber exported under that Program are kiln dried to less than 20 % moisture by weight as per kiln drying schedules and are bark-free.
- (6) That Standard also ensures that all kiln dried hardwood bundles are attached with an NHLA steel ID clip stamped with 'NHLA — KD' along with a unique number assigned to each bundle. Each number is listed on the corresponding Kiln Drying Hardwood Lumber Certificate ('Certificate of Kiln Drying').
- (7) Member States should therefore be authorised to allow for bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America to be introduced into their territory when accompanied by a Certificate of Kiln Drying as an alternative to a phytosanitary certificate, provided that certain conditions are fulfilled.
- (8) The Commission should ensure that the United States of America makes available all technical information necessary to assess the functioning of the Program. In addition, Member States should continually assess the use of the NHLA ID clips and associated Certificate of Kiln Drying.
- (9) The derogation provided for in this Decision should be terminated if it is established that the specific conditions laid down in this Decision are not sufficient to prevent the introduction of harmful organisms into the Union or have not been complied with or there is evidence which could indicate that the Program is not functioning effectively.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 13(1)(ii) of Directive 2000/29/EC, Member States shall be authorised to allow for the introduction into their territory of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh., originating in the United States of America and covered by one of the CN codes and the descriptions set out in Section I(6) of Part B of Annex V to that Directive, without being accompanied by a phytosanitary certificate, provided such wood complies with the conditions set out in the Annex to this Decision.

Article 2

1. Member States shall inform the Commission and the other Member States in writing when they have made use of the derogation provided for in Article 1.

Member States that made use of the derogation shall provide the Commission and the other Member States before 15 July each year with information on the number of consignments imported in the previous year pursuant to Article 1 of this Decision and with a detailed report of all cases of interceptions as referred to in paragraph 2 of this Article.

2. Member States shall notify the Commission and the other Member States no later than two working days after the date of interception of each consignment introduced into their territory pursuant to Article 1 which does not comply with the conditions set out in the Annex.

3. The Commission shall request the United States of America to provide it with the technical information necessary to allow the Commission to assess the functioning of the Kiln Drying Sawn Hardwood Lumber Certification Program.

Article 3

This Decision shall expire on 30 November 2016.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 18 December 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

PART I

Conditions referred to in Article 1

The conditions referred to in Article 1 under which Member States are authorised to allow for the introduction into their territory of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America and covered by one of the CN codes and the descriptions set out in Section I(6) of Part B of Annex V to Directive 2000/29/EC without being accompanied by a phytosanitary certificate, are the following:

- (1) the wood shall be manufactured at sawmills or treated at appropriate premises approved and audited by the US National Hardwood Lumber Association (NHLA) to participate in the Kiln Drying Sawn Hardwood Lumber Certification Program ('the programme');
- (2) the wood shall undergo kiln-drying to below 20 % moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule;
- (3) once the condition laid down in point (2) is fulfilled, a standard steel ID clip shall be affixed to each bundle by, or under the supervision of, the designated officer of the mill referred to in point (1). Each ID clip shall be stamped with 'NHLA — KD' along with a unique number assigned to each bundle;
- (4) in order to ensure that the conditions laid down in points (2) and (3) are fulfilled, the wood shall be subject to a checking system which is set up under the programme and which includes pre-shipment inspection and monitoring at the approved sawmills carried out by independent third party auditors qualified and authorised for that purpose. The Animal and Plant Health Inspection Service, US Department of Agriculture shall carry out occasional pre-shipment inspections and six-monthly audits of NHLA records and procedures relating to the programme, of the independent third party auditors and of the sawmills and other appropriate premises that participate in the programme;
- (5) the wood shall be accompanied by a standard 'Certificate of Kiln Drying' which complies with the model set out in Part II of this Annex, and which is issued by a person or persons authorised to participate in the programme and is validated by an inspector of the NHLA. The Certificate of Kiln Drying shall be completed and shall include information on the amount of bark-free sawn wood in board feet and cubic metres. The certificate shall also specify the total number of bundles and each of the ID clip numbers assigned to those bundles.

PART II

Model of Certificate of Kiln Drying

Agreement No 07-8100-1173-MU

Cert #. xxxxx-xxxxx

CERTIFICATE OF KILN DRYING

Sawn Hardwood Lumber

Lumber Kiln Dried by

Consignee

Name of Company:

Name:

Address:

Address:

City/State/Zip:

City/State/Zip:

Phone:

Country:

Order #:

Port:

Invoice #:

Container #:

Customer PO#:

Certificate Standard: This certifies that the lumber described below is of the allowed genera *Quercus* sp. and/or *Platanus* sp. and/or the species *Acer saccharum* and/or *Acer macrophyllum*; and has met the treatment requirements of the Dry Kiln Operators Manual and is bark free.

Description of Consignment:

Botanical Name of wood:

List species, thickness, grade of various items contained in shipment:

Bundle Numbers

Clip ID Numbers

Board Footage

Cubic Meters

Totals:

Bundles

BdFt

Cubic Meters:

(This document is issued under a program officially approved by the Animal, Plant, Health, and Inspection Service of the U.S. Department of Agriculture. The products covered by this document are subject to pre-shipment inspection by that Agency. No liability shall be attached to the U.S. Department of Agriculture or any representatives of the Department with respect to this certificate.)

AUTHORIZED PERSON RESPONSIBLE FOR CERTIFICATION

Name (print) _____ Title _____

I certify that the products described above satisfy the Kiln Drying requirements listed under Certificate Standard and are bark free.

Signature _____ Date _____

NATIONAL HARDWOOD LUMBER ASSOCIATION VALIDATION

Name (print)

Authorized signature

Title

Date

National Hardwood Lumber Association PO Box 34518 | Memphis, TN 38184-0518 | Ph. 901-377-1818 | Fax 901-347-0034 | www.nhla.com

PLEASE SIGN THIS FORM IN BLUE INK

COMMISSION IMPLEMENTING DECISION

of 18 December 2013

on granting a derogation requested by the United Kingdom of Great Britain and Northern Ireland with regard to England, Scotland and Wales pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

*(notified under document C(2013) 9167)***(Only the English text is authentic)**

(2013/781/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾ and, in particular, the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) If the amount of manure that a Member State intends to apply per hectare each year is different from those specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, that amount is to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and it has to be justified on the basis of objective criteria, such as long growing seasons and crops with high nitrogen uptake.
- (2) On 29 May 2009, the Commission adopted Decision 2009/431/EC granting a derogation requested by the United Kingdom of Great Britain and Northern Ireland with regard to England, Scotland and Wales pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽²⁾, allowing the application of livestock manure up to a limit of 250 kg nitrogen per hectare per year, under certain conditions, within the framework of the Action Programmes in England (Regulation 2008 No 2349), Scotland (Regulation 2008 No 298, as amended) and Wales (Regulation 2008 No 3143) and which has an expiration date of 31 December 2012.
- (3) The derogation granted by Decision 2009/431/EC concerned 433 farms in 2010 (425 in England, 6 in Scotland and 2 in Wales), 404 farms in 2011 (396 in England, 7 in Scotland and 1 in Wales), and 390 farms in 2012 (385 in England, 4 in Scotland and 1 in Wales). The derogation granted by Decision 2009/431/EC, in the years 2009-2012 concerned approximately 110 000

livestock units (corresponding to 0,9 % of the total), 45 000 hectares of grassland (corresponding to 0,4 % of the total) and 5 000 hectares of arable land (corresponding to 0,1 % of the total), in Great Britain.

- (4) On 20 December 2012, the United Kingdom submitted to the Commission a request for renewal of the derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC, subject to the same conditions as those laid down in Decision 2009/431/EC.
- (5) The United Kingdom has established Action Programmes for the period 2013-2016, in accordance with Article 5 of Directive 91/676/EEC, by means of the following regulations: the Nitrate Pollution Prevention Regulations 2008 (SI 2008/2349) and amending regulations SI 2009/3160, SI 2012/1849, SI 2013/1001 and SI 2013/2619 in England; the Action Programme for Nitrate Vulnerable Zones Regulations 2008 (Scottish SI 2008/298) and amending regulations Scottish SI 2013/123 in Scotland; the Nitrate Pollution Prevention (Wales) Regulations 2013 (SI 2013/2506 (W. 245)) in Wales.
- (6) The designated vulnerable zones to which the action programmes apply, according to Regulation SI 2013/2619 for England, Scottish SI 2002 No 276 and Scottish SI 2002 No 546 for Scotland and Regulation SI 2013/2506 (W. 245) for Wales, cover 58 % of the total area of England, 14 % of the total area of Scotland and 2,3 % of the total area of Wales.
- (7) Water quality data submitted show that for groundwater in England 85 % of groundwater bodies have mean nitrate concentrations below 50 mg/l nitrate and 60 % concentrations below 25 mg/l nitrate. For Wales, 95 % of groundwater bodies have mean nitrate concentrations of less than 50 mg/l nitrate, and 87 % have concentrations below 25 mg/l. For Scotland over 87 % of groundwater bodies have mean nitrate concentrations of less than 50 mg/l nitrate, and 62 % have concentrations below 25 mg/l. For surface waters in England 59 % of monitoring sites have mean nitrate concentrations below 25 mg/l and 8 % have concentrations over 50 mg/l nitrate. For Scotland and Wales over 95 % of monitoring sites have mean nitrate concentrations below 25 mg/l. For Scotland no monitoring sites have mean nitrate concentrations over 50 mg/l nitrate and for Wales 1 % of monitoring sites have concentrations over 50 mg/l nitrate.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ OJ L 141, 6.6.2009, p. 48.

- (8) The Commission, after examination of the request of the United Kingdom of Great Britain and Northern Ireland and in the light of the experience gained from the derogation provided for in Decision 2009/431/EC considers that the amount of manure proposed by the United Kingdom of Great Britain and Northern Ireland, 250 kg nitrogen per hectare per year, will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met.
- (9) The supporting documents presented by the United Kingdom show that the proposed amount of 250 kg per hectare per year nitrogen from grazing livestock manure in grassland farms is justified on the basis of objective criteria such as high net precipitation, long growing seasons and high yields of grass with high nitrogen uptake.
- (10) Decision 2009/431/EC has an expiration date of 31 December 2012. For the purpose of ensuring that the farmers concerned may continue to benefit from the derogation, it is appropriate to extend the validity of Decision 2009/431/EC.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by the United Kingdom with regard to England, Scotland and Wales by letter of 20 December 2012, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

Article 2

Definitions

For the purpose of this Decision, the following definitions shall apply:

- (a) 'grassland farms' means holdings where 80 % or more of the agricultural area available for manure application is grass;
- (b) 'grazing livestock' means cattle (with the exclusion of veal calves), sheep, deer, goats and horses;
- (c) 'grass' means permanent grassland or temporary grassland (temporary implying leys of less than four years);
- (d) 'parcel' means an individual field or a group of fields, homogeneous regarding cropping, soil type and fertilisation practices.

Article 3

Scope

This Decision applies on an individual basis to grassland farms and subject to the conditions prescribed in Articles 4, 5 and 6.

Article 4

Annual application and commitment

1. Farmers who want to benefit from derogation under this Decision shall submit an application to the competent authorities annually.
2. Together with the annual application referred to in paragraph 1, they shall undertake in writing to fulfil the conditions provided for in Articles 5 and 6.

Article 5

Application of manure and other fertilisers

1. The amount of livestock manure from grazing livestock applied to the land each year on grassland farms, including by the animals themselves, shall not exceed the amount of manure containing 250 kg nitrogen per hectare, subject to the conditions laid down in paragraphs 2 to 7.
2. The total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop, shall take into account the supply from the soil, and shall not exceed the maximum application standard applying to the farm, established in the Nitrates Action Programme.
3. A fertilisation plan shall be kept for each farm describing the crop rotation of the farmland and the planned application of manure and other fertilisers. It shall be available in the farm each calendar year before 1 March. The fertilisation plan shall comprise at least the following:
 - (a) The crop rotation plan, which must specify the acreage of parcels with grass and parcels with other crops, including a sketch map indicating the location of individual parcels;
 - (b) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;
 - (c) a calculation of manure nitrogen and phosphorus produced in the farm;
 - (d) the amount, type and characteristics of manure delivered outside the farm or to the farm;
 - (e) the foreseeable nitrogen and phosphorus crop requirements for each parcel;

- (f) results of soil analysis related to nitrogen and phosphorus soil status;
- (g) the nature of the fertilizer to be used;
- (h) a calculation of nitrogen and phosphorus application from manure over each parcel;
- (i) a calculation of nitrogen and phosphorus application from chemical and other fertilisers over each parcel.

Plans shall be revised no later than seven days following any change in agricultural practices to ensure consistency between plans and actual agricultural practices.

4. Fertilisation accounts, including information related to management of nitrogen and phosphorus inputs, shall be kept by each farmer. They shall be submitted to the competent authority for each calendar year.

5. For each grassland farm benefiting from derogation, the farmer shall accept that the application referred to in Article 4(1), the fertilisation plan and the fertilisation accounts can be subject to control.

6. Periodic nitrogen and phosphorus analysis in soil shall be done by each farmer who is granted derogation for accurate fertilisation.

Sampling and analysis must be carried out at least once every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics.

At least one analysis per five hectares of farmland shall be carried out.

Results of nitrogen and phosphorus analysis in soil shall be available at the farm benefiting from derogation.

7. Livestock manure shall not be spread in the autumn before grass cultivation.

Article 6

Land management

1. Eighty per cent or more of the area available for manure application on farms shall be cultivated with grass.
2. Farmers benefiting from an individual derogation shall carry out the following measures:
 - (a) temporary grassland on sandy soils shall be ploughed in spring;
 - (b) ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand;
 - (c) crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen.

3. Point (c) of paragraph 2 shall, however, not apply to clover in grassland with less than 50 % clover and to other leguminous plants that are undersown with grass.

Article 7

Monitoring

1. The competent authority shall ensure that maps showing the percentage of grassland farms, percentage of livestock and percentage of agricultural land covered by individual derogation for each district as well as maps on local land use are drawn up and updated every year.

2. Monitoring shall be carried out on soil, surface water and groundwater in order to provide data on nitrogen and phosphorus concentration in soil water, on mineral nitrogen in soil profile and nitrate concentrations in groundwater and surface water, both under derogation and non-derogation conditions. Monitoring shall be carried out at farm field scale and in agricultural monitoring catchments. The monitoring sites shall include main soil types, fertilisation practices and crops.

3. A reinforced water monitoring shall be conducted in agricultural catchments located in proximity to most vulnerable water bodies.

4. Surveys on local land use, crop rotations and agricultural practices shall be carried out on farms benefiting from individual derogations. Collected information and data from nutrient analysis as referred to in Article 5(6) and monitoring as referred to in paragraph 2 of this Article shall be used for model-based calculations of the magnitude of nitrate and phosphorus losses from farms benefiting from derogation.

Article 8

Controls

1. The competent authorities shall ensure that all the applications for derogation are submitted to administrative control. Where the control demonstrates that the conditions provided for in Articles 5 and 6 are not fulfilled, the applicant shall be informed thereof. In this instance, the application shall be considered to be refused.

2. A programme of field inspections shall be established based on risk analysis, results of controls of the previous years and results of general random controls of application of legislation implementing Directive 91/676/EEC. The field inspections shall cover at least 5 % of the farms benefiting from an individual derogation in respect of the conditions set out in Articles 5 and 6 of this Decision. Where verification indicates non-compliance, the farmer shall be informed thereof. In this instance, the request for derogation the next year shall be considered to be refused.

3. The competent authorities shall be granted the necessary powers and means to verify compliance with derogation granted under this Decision.

*Article 9***Reporting**

The competent authorities shall submit every year by June a report containing the following information:

- (a) maps showing the percentage of farms, percentage of live-stock, percentage of agricultural land covered by individual derogation for each district, as well as maps on local land use, referred to in Article 7(1);
- (b) the results of ground and surface water monitoring, as regards nitrate concentrations, including information on water quality trends, both under derogation and non-derogation conditions as well as the impact of derogation on water quality, as referred to in Article 7(2);
- (c) the results of soil monitoring as regards nitrogen and phosphorus concentrations in soil water and on mineral nitrogen in soil profile, both under derogation and non-derogation conditions, as referred to in Article 7(2);
- (d) summary and evaluation of data obtained from the reinforced water monitoring referred to in Article 7(3);
- (e) results of the surveys on local land use, crop rotations and agricultural practices, referred to in Article 7(4);
- (f) results of model-based calculations of the magnitude of nitrate and phosphorus losses from farms benefitting from an individual derogation, referred to in Article 7(4);

- (g) evaluation of the implementation of the derogation conditions, on the basis of controls at farm level and information on non-compliant farms, on the basis of the results of the administrative controls and field inspections, referred to in Article 8(1) and (2).

*Article 10***Application**

This Decision shall apply in the context of the regulations designating the vulnerable zones in England (SI 2013/2619), Scotland (Scottish SI 2002 No 276 and Scottish SI 2002 No 546) and Wales (SI 2013/2506 (W. 245)) and in the context of the regulations implementing the action programme in England (SI 2008/2349 and amending regulations SI 2009/3160, SI 2012/1849, SI 2013/1001 and SI 2013/2619), Scotland (Scottish SI 2008/298 and amending regulations Scottish SI 2013/123) and Wales (SI 2013/2506 (W. 245)).

This Decision shall expire on 31 December 2016.

Article 11

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 18 December 2013.

For the Commission

Janez POTOČNIK

Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 18 December 2013

amending Decision 2002/757/EC as regards the phytosanitary certificate requirement in respect of the harmful organism *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. for bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L. originating in the United States of America

(notified under document C(2013) 9181)

(2013/782/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

(1) Commission Decision 2002/757/EC⁽²⁾ requires Member States to adopt measures to protect themselves against the introduction into and the spread within the Union of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov., a harmful organism not listed in Annex I or Annex II to Directive 2000/29/EC.

(2) Bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L. originating in the United States of America may not be introduced into the Union unless accompanied by a phytosanitary certificate as referred to in Article 13(1)(ii) of Directive 2000/29/EC and in point 2 of the Annex to Decision 2002/757/EC.

(3) The Commission has noted on the basis of information supplied by the United States of America that an official programme, the Kiln Drying Sawn Hardwood Lumber Certification Program, has been approved by the Animal and Plant Health Inspection Service, US Department of Agriculture and will be operated by the US National Hardwood Lumber Association (NHLA).

(4) The Kiln Drying Sawn Hardwood Lumber Certification Program ensures that approved hardwood facilities in the US operate under the Kiln Drying Sawn Hardwood Standard. That Standard ensures that all parts of sawn hardwood lumber exported under that Program are kiln-dried to less than 20 % moisture by weight as per kiln-drying schedules and are bark-free.

(5) That Standard also ensures that all kiln-dried hardwood bundles are attached with an NHLA steel ID clip stamped with 'NHLA — KD' along with a unique number assigned to each bundle. Each number is listed on the corresponding Kiln Drying Hardwood Lumber Certificate ('Certificate of Kiln Drying').

(6) Therefore, a derogation should be provided for allowing bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L. originating in the United States of America to be introduced into the Union when accompanied by a Certificate of Kiln Drying as an alternative to a phytosanitary certificate provided that certain conditions are fulfilled.

(7) The Commission should ensure that the United States of America makes available all technical information necessary to assess the functioning of the Program. In addition, Member States should continually assess the use of the NHLA ID clips and associated Certificate of Kiln Drying.

(8) The derogation provided for in the second subparagraph of Article 3(1) of Decision 2002/757/EC as amended by this Decision should apply until 30 November 2016 in order to align it with the requirements of Commission Implementing Decision 2013/780/EU⁽³⁾.

Decision 2002/757/EC should therefore be amended accordingly.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Decision 2002/757/EC of 19 September 2002 on provisional emergency phytosanitary measures to prevent the introduction into and the spread within the Community of *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. (OJ L 252, 20.9.2002, p. 37).

⁽³⁾ Commission Implementing Decision 2013/780/EU of 18 December 2013 providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America (See page 61 of this Official Journal).

The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2002/757/EC is amended as follows:

(1) in Article 3, paragraph 1 is replaced by the following:

'1. Susceptible plants and susceptible wood may only be introduced into the territory of the Union if they comply with the emergency phytosanitary measures laid down in points 1a and 2 of Annex I to this Decision, if the formalities referred to in the first subparagraph of Article 13(1) of Directive 2000/29/EC are completed and if, as a result of those formalities in respect of the presence of non-European isolates of the harmful organism, susceptible plants and susceptible wood are found free from the harmful organism.

By way of derogation from the first subparagraph, until 30 November 2016 bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L., originating in the United States of America, may be introduced into the Union without complying with point 2 of Annex I to this Decision, provided it complies with the conditions set out in Annex II to this Decision.;

(2) in Article 3(2) and (3) and Article 5(1), the words 'of the Annex to this Decision' are replaced by 'of Annex I to this Decision' and any grammatical adjustments needed as a consequence of this replacement shall be made;

(3) the following Article 6a is inserted:

'Article 6a

1. Member States shall inform the Commission and the other Member States in writing when they have made use of the derogation provided for in the second subparagraph of Article 3(1).

Member States that made use of the derogation shall provide the Commission and the other Member States before 15 July each year with information on the number of consignments imported in the previous year pursuant to the second subparagraph of Article 3(1) of this Decision and with a detailed report of all cases of interceptions as referred to in paragraph 2 of this Article.

2. Member States shall notify the Commission and the other Member States no later than two working days after the date of interception of each consignment introduced into their territory pursuant to the second subparagraph of Article 3(1) which does not comply with the conditions set out in Annex II.

3. The Commission shall request the United States of America to provide it with the technical information necessary to allow the Commission to assess the functioning of the Kiln Drying Sawn Hardwood Lumber Certification Program.;

(4) the Annex is renamed as Annex I;

(5) an Annex II is added, the text of which is set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 December 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

‘ANNEX II

PART I

Conditions referred to in the second subparagraph of Article 3(1)

The conditions referred to in the second subparagraph of Article 3(1) under which bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L. originating in the United States of America may be introduced into the Union without complying with point 2 of Annex I, are the following:

- (1) the wood shall be manufactured at sawmills or treated at appropriate premises approved and audited by the US National Hardwood Lumber Association (NHLA) to participate in the Kiln Drying Sawn Hardwood Lumber Certification Program (‘the programme’);
- (2) the wood shall undergo kiln-drying to below 20 % moisture content, expressed as a percentage of dry matter, achieved through an appropriate time/temperature schedule;
- (3) once the condition laid down in point (2) is fulfilled, a standard steel ID clip shall be affixed to each bundle by, or under the supervision of, the designated officer of the mill referred to in point (1). Each ID clip shall be stamped with ‘NHLA — KD’ along with a unique number assigned to each bundle;
- (4) in order to ensure that the conditions laid down in points (2) and (3) are fulfilled, the wood shall be subject to a checking system which is set up under the programme and which includes pre-shipment inspection and monitoring at the approved sawmills carried out by independent third party auditors qualified and authorised for that purpose. The Animal and Plant Health Inspection Service, US Department of Agriculture shall carry out occasional pre-shipment inspections and six-monthly audits of NHLA records and procedures relating to the programme, of the independent third party auditors and of the sawmills and other appropriate premises that participate in the programme;
- (5) the wood shall be accompanied by a standard ‘Certificate of Kiln Drying’ which complies with the model set out in Part II of this Annex, and which is issued by a person or persons authorised to participate in the programme and is validated by an inspector of the NHLA. The Certificate of Kiln Drying shall be completed and shall include information on the amount of bark-free sawn wood in board feet and cubic metres. The certificate shall also specify the total number of bundles and each of the ID clip numbers assigned to those bundles.

PART II

Model of Certificate of Kiln Drying

Agreement No 07-8100-1173-MU

Cert #. xxxxx-xxxxx

CERTIFICATE OF KILN DRYING**Sawn Hardwood Lumber****Lumber Kiln Dried by****Consignee**

Name of Company:

Name:

Address:

Address:

City/State/Zip:

City/State/Zip:

Phone:

Country:

Order #:

Port:

Invoice #:

Container #:

Customer PO#:

Certificate Standard: This certifies that the lumber described below is of the allowed genera *Quercus* sp. and/or *Platanus* sp. and/or the species *Acer saccharum* and/or *Acer macrophyllum*; and has met the treatment requirements of the Dry Kiln Operators Manual and is bark free.

Description of Consignment:

Botanical Name of wood:

List species, thickness, grade of various items contained in shipment:

Bundle Numbers	Clip ID Numbers	Board Footage	Cubic Meters
Totals:	# Bundles	BdFt	Cubic Meters:

(This document is issued under a program officially approved by the Animal, Plant, Health, and Inspection Service of the U.S. Department of Agriculture. The products covered by this document are subject to pre-shipment inspection by that Agency. No liability shall be attached to the U.S. Department of Agriculture or any representatives of the Department with respect to this certificate.)

AUTHORIZED PERSON RESPONSIBLE FOR CERTIFICATION

Name (print) _____ Title _____

I certify that the products described above satisfy the Kiln Drying requirements listed under Certificate Standard and are bark free.

Signature _____ Date _____

NATIONAL HARDWOOD LUMBER ASSOCIATION VALIDATION

Name (print) _____ Authorized signature _____ Title _____ Date _____

National Hardwood Lumber Association PO Box 34518 | Memphis, TN 38184-0518 | Ph. 901-377-1818|Fax 901-347-0034 |
www.nhla.com

PLEASE SIGN THIS FORM IN BLUE INK'

COMMISSION IMPLEMENTING DECISION

of 18 December 2013

determining that the temporary suspension of the preferential customs duty established under the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is not appropriate for imports of bananas originating in Peru for the year 2013

(2013/783/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 19/2013 of the European Parliament and of the Council of 15 January 2013 implementing the bilateral safeguard clause and the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part⁽¹⁾, and in particular Article 15 thereof,

Whereas:

- (1) A stabilisation mechanism for bananas has been introduced by the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, which provisionally entered into force as regards to Colombia and Peru respectively on 1 August 2013 and on 1 March 2013.
- (2) According to this mechanism, and pursuant to Article 15(2) of Regulation (EU) No 19/2013, once a defined trigger volume is exceeded for imports of fresh bananas (heading 0803 90 10 of the European Union Combined Nomenclature) from Colombia or Peru, the Commission shall adopt an implementing act by which it may either temporarily suspend the preferential customs duty applied to imports of bananas from Colombia or Peru or determine that such suspension is not appropriate.
- (3) The decision of the Commission shall be taken in accordance with Article 8 of Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽²⁾, in conjunction with Article 4 thereof.
- (4) In November 2013 it appeared that the imports into the European Union of fresh bananas originating in Peru exceeded the threshold defined by the above Trade Agreement.
- (5) In this context, pursuant to Article 15(3) of Regulation (EU) No 19/2013, the Commission examined the impact of the imports concerned on the situation of the market for bananas of the European Union, taking into account, inter alia, the effect of the imports concerned on the Union price level, the development of imports from other sources as well as the overall stability of the Union market.
- (6) Imports of fresh bananas from Peru represented only 1,8 % of the total imports of fresh bananas into the European Union in the period October 2012–September 2013 (based on Eurostat).
- (7) Imports of fresh bananas from other traditional importing countries, notably Colombia, Costa Rica and Panama, remained largely below the thresholds defined for them in comparable stabilisation mechanisms, and they have been following the same trends and unit values in the past three years.
- (8) The average wholesale banana price on the Union market in November 2013 (0,99 EUR/kg) did not register notable changes compared to banana price averages for the previous months.

⁽¹⁾ OJ L 17, 19.1.2013, p. 1.

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(9) Furthermore, there is neither an indication that the stability of the Union market has been disturbed by the imports of fresh bananas from Peru in excess of the defined annual trigger import volume, nor that this had any significant impact on the situation of EU producers.

- (10) On the basis of the examination above, the Commission has concluded that the suspension of preferential customs duty on imports of bananas originating in Peru is not appropriate. The Commission will continue to closely monitor banana imports from Peru,

Article 2

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

HAS ADOPTED THIS DECISION:

Done at Brussels, 18 December 2013.

Article 1

The temporary suspension of preferential customs duty on imports of fresh bananas of heading 0803 90 10 of the European Union Combined Nomenclature originating in Peru is not appropriate for the year 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION

of 18 December 2013

amending the model health certificates I, II and III for intra-Union trade in ovine and caprine animals for slaughter, fattening and breeding set out in Annex E to Council Directive 91/68/EEC*(notified under document C(2013) 9208)***(Text with EEA relevance)**

(2013/784/EU)

THE EUROPEAN COMMISSION,

Directive 91/68/EEC, were recently amended by Commission Implementing Decision 2013/445/EU ⁽⁴⁾.

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

Having regard to Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals ⁽¹⁾, and in particular Article 14(2) thereof,

Whereas:

- (1) Directive 91/68/EEC lays down the animal health conditions governing intra-Union trade in ovine and caprine animals. It provides, inter alia, that ovine and caprine animals must be accompanied during transportation to their destination by a health certificate conforming to Model I, II or III set out in Annex E thereto.
- (2) Regulation (EC) No 999/2001 of the European Parliament and of the Council ⁽²⁾ lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in bovine, ovine, and caprine animals. Annex VII to that Regulation sets out the measures for the control and eradication of TSEs. In addition, Chapter A of Annex VIII to that Regulation lays down the conditions for intra-Union trade in live animals, semen and embryos. Chapter A of Annex VIII to Regulation (EC) No 999/2001 was recently amended by Commission Regulation (EU) No 630/2013 ⁽³⁾.
- (3) In order to reflect the requirements relating to intra-Union trade in ovine and caprine animals for fattening and breeding laid down in Regulation (EC) No 999/2001, as amended by Regulation (EU) No 630/2013, the model health certificates II and III set out in Annex E to

- (4) In the process of that amendment the possibility to move under certain conditions ovine and caprine animals for breeding to Member States with an approved control programme for classical scrapie was erroneously omitted. Therefore, point II.9 of Part II of the model health certificate III for intra-Union trade in ovine and caprine animals for breeding, set out in Annex E to Directive 91/68/EEC, should be amended.

- (5) Additionally, in the model health certificate II for intra-Union trade in ovine and caprine animals for fattening and in the model health certificate III for intra-Union trade in ovine and caprine animals for breeding, set out in Annex E to Directive 91/68/EEC, certain references to Regulation (EC) No 999/2001 need to be reviewed in order to remove any ambiguity.

- (6) The model health certificates II and III, set out in Annex E to Directive 91/68/EEC, should therefore be amended in order to correctly reflect the requirements relating to intra-Union trade in ovine and caprine animals for fattening and breeding laid down in Regulation (EC) No 999/2001, as amended by Regulation (EU) No 630/2013.

- (7) Furthermore, in order to ensure consistency of terminology in all model health certificates for intra-Union trade in ovine and caprine animals, set out in Annex E to Directive 91/68/EEC, these model health certificates should be amended and replaced by the model health certificates I, II and III set out in the Annex to this Decision.

- (8) Directive 91/68/EEC should therefore be amended accordingly.

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

⁽¹⁾ OJ L 46, 19.2.1991, p. 19.

⁽²⁾ Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).

⁽³⁾ Commission Regulation (EU) No 630/2013 of 28 June 2013 amending the Annexes to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 179, 29.6.2013, p. 60).

⁽⁴⁾ Commission Implementing Decision 2013/445/EU of 29 August 2013 amending Annex E to Council Directive 91/68/EEC as regards the model health certificates for intra-Union trade in ovine and caprine animals and the health requirements relating to scrapie (OJ L 233, 31.8.2013, p. 48).

HAS ADOPTED THIS DECISION:

Article 1

Annex E to Directive 91/68/EEC is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 December 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

‘ANNEX E

MODEL I

EUROPEAN UNION

Intra trade certificate

Part I : Details of consignment presented	I.1. Consignor Name Address Postal code				I.2. Certificate reference No		I.2.a. Local reference No	
					I.3. Central competent authority			
					I.4. Local competent authority			
	I.5. Consignee Name Address Postal code				I.6. No(s) of related original certificates		No(s) of accompanying documents	
					I.7. Dealer Name		Approval number	
	I.8. Country of origin		ISO code	I.9. Region of origin		Code	I.10. Country of destination	
							I.11. Region of destination	
							Code	
	I.12. Place of origin Holding ☐ Assembly centre ☐ Dealer's premise ☐ Name Approval number Address Postal code				I.13. Place of destination Holding ☐ Assembly centre ☐ Dealer's premise ☐ Name Approval number Address Postal code			
	I.14. Place of loading Postal code				I.15. Date and time of departure			
I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Number(s):				I.17. Transporter Name Approval number Address Postal code Member state				
I.18. Description of commodity						I.19. Commodity code (CN code)		
						I.20. Quantity		
I.21.						I.22. Number of packages		
I.23. Seal/Container No						I.24.		
I.25. Commodities certified for: Slaughter ☐								
I.26. Transit through third country ☐ Third country ISO code Exit point Code Entry point BIP No				I.27. Transit through Member States ☐ Member State ISO code Member State ISO code Member State ISO code				
I.28. Export ☐ Third country ISO code Exit point Code				I.29. Estimated journey time				
I.30. Route plan Yes ☐ No ☐								
I.31. Identification of the commodities Species Official individual identification Age Sex Breed Quantity (Scientific name)								

EUROPEAN UNION

91/68 EI Ovine/Caprine for slaughter

II.	Health information	II.a. Certificate reference number	II.b. Local reference number
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I, the undersigned official veterinarian, hereby certify, that the animals described above meet the following requirements:

- (¹) *either* [II.1. The animals were born and have been reared since birth on Union territory.]
- (¹) *or* [II.1. The animals were imported from a third country in accordance with Commission Regulation (EU) No 206/2010 at least 30 days prior to loading.]
- II.2. The animals:
- II.2.1. have been inspected today (within 24 hours prior to loading) and show no clinical sign of disease;
- II.2.2. are not animals which are to be destroyed under a scheme to eradicate a contagious or infectious disease;
- II.2.3. come from holdings which have been free from any official prohibition on health grounds, for the last 42 days in the case of brucellosis, for the last 30 days in the case of rabies, for the last 15 days in the case of anthrax, and, have not been in contact with animals from holdings which did not comply with these conditions;
- II.2.4. do not come from a holding and have not been in contact with animals from a holding in a protection zone which has been set up under Union legislation and from which animals are prohibited from leaving;
- II.2.5. are not the subject of animal health measures pursuant to Union legislation on foot-and-mouth disease and have not been vaccinated against foot-and-mouth disease.
- II.3. Based on the written declaration made by the keeper or an examination of the holding register and movement documents kept in accordance with Council Regulation (EC) No 21/2004, in particular in Sections B and C of the Annex to that Regulation:
- II.3.1. the animals have remained on a single holding of origin for a period of at least the last 21 days, or on the holding of origin since birth where the animals are less than 21 days old, and no biungulate animal imported from a third country has been introduced into the holding of origin during the last 30 days, unless those animals were introduced in accordance with Article 4a(2) of Council Directive 91/68/EEC, and
- (¹) *either* [have remained on a single holding of origin into which no animals of the ovine or caprine species have been introduced, unless those animals were introduced in accordance with Article 4a(1) of Directive 91/68/EEC, during the last 21 days.]
- (¹) *or* [are to be consigned directly from a single holding to the slaughterhouse of destination.]
- II.4.1. The animals were transported using means of transport and containment which had, before-hand, been cleansed and disinfected using an officially approved disinfectant, and in such a way as to provide effective protection of the animals' health status.
- II.4.2. Based on the official documentation accompanying the animals, the consignment covered by this health certificate is due to start the journey on (*insert date*) (²).
- II.4.3. At the time of inspection the animals covered by this health certificate were fit to be transported on the intended journey in accordance with the provisions of Council Regulation (EC) No 1/2005 (³)(⁴).
- II.5. This certificate
- (¹) *either* [is valid for 10 days from the date of inspection on the holding of origin, or in the approved assembly centre or approved dealer's premises in the Member State of origin;]
- (¹) *or* [expires in accordance with Article 9(6) of Directive 91/68/EEC on (*insert date*)] (⁵).

Notes**Part I:**

- Box reference I.19: Use the appropriate CN code under the following headings: 01.04.10 or 01.04.20.
- Box reference I.23: For containers or boxes, the container number and the seal number (if applicable) must be included.
- Box reference I.31: *Identification system:* The animals must bear: An individual number which permits tracing of their premises of origin, in accordance with Council Regulation (EC) No 21/2004.
- Age:* (months).
- Sex:* (M = male, F = female, C = castrated).

EUROPEAN UNION

91/68 EI Ovine/Caprine for slaughter

II. Health information	II.a. Certificate reference number	II.b. Local reference number								
Part II: (¹) Delete where not applicable. (²) In the case where a consignment is grouped in an assembly centre and comprises animals that were loaded on different dates, the date on which the journey commenced for the whole consignment is considered to be the earliest date when any part of the consignment left the holding of origin. (³) This statement does not exempt transporters from their obligations in accordance with Union rules in force in particular regarding the fitness of animals to be transported. (⁴) To be completed in case of consignment grouped in an approved assembly centre or in approved dealer's premises. (⁵) To be completed in case of consignment grouped in an approved assembly centre located in the Member State of transit. — The colour of the stamp and the signature must be different from that of the other particulars in the certificate.										
Official veterinarian or official inspector <table border="0"> <tr> <td data-bbox="199 775 922 804">Name (in Capital):</td> <td data-bbox="938 775 1453 804">Qualification and title:</td> </tr> <tr> <td data-bbox="199 824 922 853">Local Veterinary Unit:</td> <td data-bbox="938 824 1453 853">LVU No:</td> </tr> <tr> <td data-bbox="199 873 922 902">Date:</td> <td data-bbox="938 873 1453 902">Signature:</td> </tr> <tr> <td data-bbox="199 922 922 952">Stamp:</td> <td></td> </tr> </table>			Name (in Capital):	Qualification and title:	Local Veterinary Unit:	LVU No:	Date:	Signature:	Stamp:	
Name (in Capital):	Qualification and title:									
Local Veterinary Unit:	LVU No:									
Date:	Signature:									
Stamp:										

MODEL II

EUROPEAN UNION

Intra trade certificate

Part I : Details of consignment presented	I.1. Consignor Name Address Postal code				I.2. Certificate reference No		I.2.a. Local reference No	
					I.3. Central competent authority			
					I.4. Local competent authority			
	I.5. Consignee Name Address Postal code				I.6. No(s) of related original certificates		No(s) of accompanying documents	
					I.7. Dealer Name		Approval number	
	I.8. Country of origin		ISO code	I.9. Region of origin		Code	I.10. Country of destination	
							I.11. Region of destination	
							Code	
	I.12. Place of origin Holding ☐ Assembly centre ☐ Name Approval/registration number Address Postal code				I.13. Place of destination Holding ☐ Assembly centre ☐ Dealer's premise ☐ Name Approval number Address Postal code			
	I.14. Place of loading Postal code				I.15. Date and time of departure			
	I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Number(s):				I.17. Transporter Name Approval number Address Postal code Member State			
	I.18. Description of commodity						I.19. Commodity code (CN code)	
							I.20. Quantity	
I.21.						I.22. Number of packages		
I.23. Seal/Container No						I.24.		
I.25. Commodities certified for: Fattening ☐								
I.26. Transit through third country ☐ Third country ISO code Exit point Code Entry point BIP No				I.27. Transit through Member States ☐ Member State ISO code Member State ISO code Member State ISO code				
I.28. Export ☐ Third country ISO code Exit point Code				I.29. Estimated journey time				
I.30. Route plan Yes ☐ No ☐								
I.31. Identification of the commodities Species (Scientific name) Official individual identification Age Sex Breed Quantity								

EUROPEAN UNION

91/68 EII Ovine/Caprine for fattening

II. Health information		II.a. Certificate reference number	II.b. Local reference number
I, the undersigned official veterinarian, hereby certify, that the animals described above meet the following requirements:			
Part II: Certification	(¹) either	II.1.	The animals were born and have been reared since birth on Union territory.]
	(¹) or	II.1.	The animals were imported from a third country in accordance with Commission Regulation (EU) No 206/2010 at least 30 days prior to loading.]
		II.2.	The animals:
		II.2.1.	have been inspected today (within 24 hours prior to loading) and show no clinical sign of disease;
		II.2.2.	are not animals which are to be destroyed under a scheme to eradicate a contagious or infectious disease;
		II.2.3.	come from holdings which have been free from any official prohibition on health grounds, for the last 42 days in the case of brucellosis, for the last 30 days in the case of rabies, for the last 15 days in the case of anthrax, and, have not been in contact with animals from holdings which did not comply with these conditions;
		II.2.4.	do not come from a holding and have not been in contact with animals from a holding in a protection zone which has been set up under Union legislation and from which animals are prohibited from leaving;
		II.2.5.	are not the subject of animal health measures pursuant to Union legislation on foot-and-mouth disease and have not been vaccinated against foot-and-mouth disease.
		II.3.	Based on the written declaration made by the keeper or an examination of the holding register and movement documents kept in accordance with Council Regulation (EC) No 21/2004, in particular in Sections B and C of the Annex to that Regulation, the animals have remained on a single holding of origin for a period of at least the last 30 days, or on the holding of origin since birth where the animals are less than 30 days old, and no animal of the ovine and caprine species has been introduced into the holding of origin during the last 21 days and no biungulate animal imported from a third country has been introduced into the holding of origin during the last 30 days, unless those animals were introduced in accordance with Article 4a(1) of Council Directive 91/68/EEC.
	(¹)	II.4	The animals comply with the additional guarantees provided for in Articles 7 or 8 of Directive 91/68/EEC and laid down for the Member State of destination or part of its territory (<i>insert Member State or part of its territory</i>) in Commission Decision .../.../... (<i>insert number</i>).]
		II.5.	The animals comply with at least one of the following conditions and therefore qualify for admission to an ovine or caprine holding which is officially brucellosis-free (<i>B. melitensis</i>):
	(¹) either		[the holding of origin is situated in a Member State or part of its territory (<i>insert name of Member State or part of its territory</i>) which is recognised as being officially brucellosis-free in accordance with Commission Decision .../.../... (<i>insert number</i>).]
	(¹) or		[they come from an officially brucellosis-free (<i>B. melitensis</i>) holding.]
	(¹) or		[they come from a brucellosis-free (<i>B. melitensis</i>) holding, and
		(i)	are identified individually,
	(ii)	have never been vaccinated against brucellosis or have not been vaccinated against brucellosis in the last two years or the animals are females over two years old which were vaccinated against brucellosis before the age of seven months,	
	(iii)	were isolated under official supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks.]	
	II.6.	The animals comply with at least one of the following conditions and therefore qualify for admission to an ovine or caprine holding which is brucellosis-free (<i>B. melitensis</i>):	
(¹) either		[they come from an officially brucellosis-free (<i>B. melitensis</i>) holding.]	
(¹) and/or		[they come from a brucellosis-free (<i>B. melitensis</i>) holding.]	
(¹) and/or		[until the qualifying date under eradication plans approved pursuant to Council Decision 90/242/EEC, they originate from a holding other than officially brucellosis-free or brucellosis-free and comply with the following conditions:	
	(i)	are identified individually,	
	(ii)	originate from a holding in which all the animals of species susceptible to brucellosis (<i>B. melitensis</i>) have been free of clinical symptoms or any other symptoms of brucellosis for at least the last 12 months; and	

EUROPEAN UNION

91/68 EII Ovine/Caprine for fattening

II.	Health information	II.a. Certificate reference number	II.b. Local reference number
	(¹) <i>either</i> [have not been vaccinated against brucellosis (<i>B. melitensis</i>) in the last two years, and were isolated under veterinary supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks.]] (¹) <i>or</i> [were vaccinated with Rev. 1 vaccine before the age of seven months, but not later than 15 days before their introduction into the holding of destination.]]		
(¹) [II.7.	The animals are intended for a Member State with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 of the European Parliament and of the Council or a Member State which is listed in point 3.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 as having an approved national scrapie control programme, and come from a holding or holdings		
	(¹) <i>either</i> [situated in a Member State or zone of a Member State with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]]		
	(¹) <i>and/or</i> [recognised as having a negligible risk of classical scrapie in accordance with point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]]		
	(¹) <i>and/or</i> [not subject to the measures laid down in points 3 and 4 of Chapter B of Annex VII to Regulation (EC) No 999/2001 and the animals are of the ovine species of the ARR/ARR prion protein genotype.]]		
	(¹) <i>and/or</i> [which have complied with the requirements laid down in points (a) to (i) of the second subparagraph of point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 for a period of at least the last seven years and the animals arrive at the holding of destination before 1 January 2015.]]		
II.8.1.	The animals were transported using means of transport and containment which had, before-hand, been cleansed and disinfected using an officially approved disinfectant, and in such a way as to provide effective protection of the animals' health status.		
II.8.2.	Based on the official documentation accompanying the animals, the consignment covered by this health certificate are due to start the journey on (<i>insert date</i>) (²).		
II.8.3.	At the time of inspection the animals covered by this health certificate were fit to be transported on the intended journey in accordance with the provisions of Council Regulation (EC) No 1/2005 (³).		
Notes			
Part I:			
— Box reference I.19: Use the appropriate CN code under the following headings: 01.04.10 or 01.04.20.			
— Box reference I.23: For containers or boxes, the container number and the seal number (if applicable) must be included.			
— Box reference I.31: <i>Identification system:</i> The animals must bear: An individual number which permits tracing of their premises of origin, in accordance with Council Regulation (EC) No 21/2004.			
<i>Age:</i> (months).			
<i>Sex:</i> (M = male, F = female, C = castrated).			
Part II:			
(¹) Delete where not applicable.			
(²) In the case where a consignment is grouped in an assembly centre and comprises animals that were loaded on different dates, the date on which the journey commenced for the whole consignment is considered to be the earliest date when any part of the consignment left the holding of origin.			
(³) This statement does not exempt transporters from their obligations in accordance with Union rules in force in particular regarding the fitness of animals to be transported.			
— This certificate is valid for 10 days.			
— The colour of the stamp and the signature must be different from that of the other particulars in this certificate.			

EUROPEAN UNION**91/68 EII Ovine/Caprine for fattening**

II. Health information	II.a. Certificate reference number	II.b. Local reference number
Official veterinarian or official inspector		
Name (in Capital):	Qualification and title:	
Local Veterinary Unit:	LVU No:	
Date:	Signature:	
Stamp:		

MODEL III

EUROPEAN UNION

Intra trade certificate

Part I : Details of consignment presented	I.1. Consignor Name Address Postal code				I.2. Certificate reference No		I.2.a. Local reference No			
					I.3. Central competent authority					
					I.4. Local competent authority					
	I.5. Consignee Name Address Postal code				I.6. No(s) of related original certificates		No(s) of accompanying documents			
					I.7. Dealer Name		Approval number			
	I.8. Country of origin		ISO code	I.9. Region of origin	Code	I.10. Country of destination		ISO code	I.11. Region of destination	Code
	I.12. Place of origin Holding ☐ Assembly centre ☐ Name Approval/registration number Address Postal code				I.13. Place of destination Holding ☐ Assembly centre ☐ Dealer's premise ☐ Name Approval number Address Postal code					
	I.14. Place of loading Postal code				I.15. Date and time of departure					
	I.16. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification: Number(s):				I.17. Transporter Name Approval number Address Postal code Member state					
	I.18. Description of commodity						I.19. Commodity code (CN code)			
						I.20. Quantity				
I.21. ☐						I.22. Number of packages				
I.23. Seal/Container No						I.24.				
I.25. Commodities certified for: Breeding ☐										
I.26. Transit through third country ☐ Third country ISO code Exit point Code Entry point BIP No				I.27. Transit through Member States ☐ Member State ISO code Member State ISO code Member State ISO code						
I.28. Export ☐ Third country ISO code Exit point Code				I.29. Estimated journey time						
I.30. Route plan Yes ☐ No ☐										
I.31. Identification of the commodities										
Species (Scientific name)		Official individual identification		Age		Sex		Breed	Quantity	

EUROPEAN UNION

91/68 EEC Ovine/Caprine for breeding

II. Health information		II.a. Certificate reference number	II.b. Local reference number
I, the undersigned official veterinarian, hereby certify, that the animals described above meet the following requirements:			
Part II: Certification	(¹) either	II.1.	The animals were born and have been reared since birth on Union territory.]
	(¹) or	II.1.	The animals were imported from a third country in accordance with Commission Regulation (EU) No 206/2010 at least 30 days prior to loading.]
		II.2.	The animals:
		II.2.1.	have been inspected today (within 24 hours prior to loading) and show no clinical sign of disease;
		II.2.2.	are not animals which are to be destroyed under a scheme to eradicate a contagious or infectious disease;
		II.2.3.	come from holdings which have been free from any official prohibition on health grounds, for the last 42 days in the case of brucellosis, for the last 30 days in the case of rabies, for the last 15 days in the case of anthrax, and, have not been in contact with animals from holdings which did not comply with these conditions;
		II.2.4.	do not come from a holding and have not been in contact with animals from a holding in a protection zone which has been set up under Union legislation and from which animals are prohibited from leaving;
		II.2.5.	are not the subject of animal health measures pursuant to Union legislation on foot-and-mouth disease and have not been vaccinated against foot-and-mouth disease.
		II.3.	Based on the written declaration made by the keeper or an examination of the holding register and movement documents kept in accordance with Council Regulation (EC) No 21/2004, in particular in Sections B and C of the Annex to that Regulation, the animals have remained on a single holding of origin for a period of at least the last 30 days, or on the holding of origin since birth where the animals are less than 30 days old, and no animal of the ovine and caprine species has been introduced into the holding of origin during the last 21 days and no biungulate animal imported from a third country has been introduced into the holding of origin during the last 30 days, unless those animals were introduced in accordance with Article 4a(1) of Council Directive 91/68/EEC.
	(¹) [II.4.		The animals comply with the additional guarantees provided for in Articles 7 or 8 of Directive 91/68/EEC and laid down for the Member State of destination or part of its territory (insert Member State or part of its territory) in Commission Decision ... / ... / ... (insert number).]
		II.5.	The animals comply with at least one of the following conditions and therefore qualify for admission to an ovine or caprine holding which is officially brucellosis-free (<i>B. melitensis</i>):
	(¹) either		[the holding of origin is situated in a Member State or part of its territory (insert name of Member State or part of its territory) which is recognised as being officially brucellosis-free in accordance with Commission Decision ... / ... / ... (insert number).]
	(¹) or		[they come from an officially brucellosis-free (<i>B. melitensis</i>) holding.]
	(¹) or		[they come from a brucellosis-free (<i>B. melitensis</i>) holding, and
		(i)	are identified individually,
	(ii)	have never been vaccinated against brucellosis or have not been vaccinated against brucellosis in the last two years or the animals are females over two years old which were vaccinated against brucellosis before the age of seven months,	
	(iii)	were isolated under official supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks.]	
	II.6.	The animals comply with at least one of the following conditions and therefore qualify for admission to an ovine or caprine holding which is brucellosis-free (<i>B. melitensis</i>):	
(¹) either		[they come from an officially brucellosis-free (<i>B. melitensis</i>) holding.]	
(¹) or		[they come from a brucellosis-free (<i>B. melitensis</i>) holding.]	
(¹) or		[until the qualifying date under eradication plans approved pursuant to Council Decision 90/242/EEC, they originate from a holding other than officially brucellosis-free or brucellosis-free and satisfy the following conditions:	
	(i)	are identified individually,	

EUROPEAN UNION

91/68 EIII Ovine/Caprine for breeding

II.	Health information	II.a. Certificate reference number	II.b. Local reference number
	(ii) originate from a holding in which all the animals of species susceptible to brucellosis (<i>B. melitensis</i>) have been free of clinical symptoms or any other symptoms of brucellosis for at least the last 12 months; and		
	(1) either [have not been vaccinated against brucellosis (<i>B. melitensis</i>) in the last two years, and were isolated under veterinary supervision on the holding of origin and, during such isolation, underwent, with negative results, two tests for brucellosis in accordance with Annex C to Directive 91/68/EEC, separated by an interval of at least six weeks.]]		
	(1) or [were vaccinated with Rev. 1 vaccine before the age of seven months, and were not vaccinated in the 15 days before the date of emission of this health certificate.]]		
	(1) [II.7. They are uncastrated breeding rams and:		
	(i) come from a holding on which no case of contagious epididymitis of rams (<i>B. ovis</i>) has been recorded in the last 12 months,		
	(ii) have been kept permanently on that holding for the last 60 days,		
	(iii) have undergone, within the last 30 days, with a negative result, a test to detect contagious epididymitis of rams (<i>B. ovis</i>) in accordance with Annex D to Directive 91/68/EEC.]		
	II.8. To the best of the knowledge of the undersigned and according to the written declaration made by the owner, the animals were not obtained from a holding and have not been in contact with animals from a holding in which the following diseases have been clinically detected:		
	(i) within the last six months, contagious agalactia of sheep (<i>Mycoplasma agalactiae</i>) and contagious agalactia of goats (<i>Mycoplasma agalactiae</i> , <i>M. capricolum</i> , <i>M. mycoides subsp. mycoides large colony</i>),		
	(ii) within the last 12 months, paratuberculosis or caseous lymphadenitis,		
	(iii) within the last three years, pulmonary adenomatosis, maedi/visna or caprine viral arthritis/encephalitis. However, this time limit is reduced to 12 months if animals affected by maedi/visna or caprine viral arthritis/encephalitis have been slaughtered and the remaining animals have reacted negatively to two tests.		
	(1) either [II.9. The animals come from a holding or holdings		
	(1) either [situated in a Member State or zone of a Member State with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 of the European Parliament and of the Council.]]		
	(1) and/or [recognised as having a negligible risk of classical scrapie in accordance with point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]]		
	(1) and/or [not subject to the measures laid down in points 3 and 4 of Chapter B of Annex VII to Regulation (EC) No 999/2001 and the animals are of the ovine species of the ARR/ARR prion protein genotype.]]		
	(1) or [II.9. The animals are intended for a Member State with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 or a Member State which is listed in point 3.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 as having an approved national scrapie control programme, and come from a holding or holdings		
	(1) either [situated in a Member State or zone of a Member State with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]]		
	(1) and/or [recognised as having a negligible risk of classical scrapie in accordance with point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]]		
	(1) and/or [not subject to the measures laid down in points 3 and 4 of Chapter B of Annex VII to Regulation (EC) No 999/2001 and the animals are of the ovine species of the ARR/ARR prion protein genotype.]]		
	(1) and/or [which have complied with the requirements laid down in points (a) to (i) of the second subparagraph of point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 for a period of at least the last seven years and the animals arrive at the holding of destination before 1 January 2015.]]		

EUROPEAN UNION

91/68 EIII Ovine/Caprine for breeding

II.	Health information	II.a. Certificate reference number	II.b. Local reference number
(¹) or	II.9. The animals are intended for a Member State other than those with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 or other than those which are listed in point 3.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 as having an approved national scrapie control programme, and come from a holding or holdings (¹) <i>either</i> [situated in a Member State or zone of a Member State with a negligible risk status for classical scrapie approved in accordance with the first subparagraph of point 2.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]] (¹) <i>and/or</i> [recognised as having a negligible risk of classical scrapie in accordance with point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]] (¹) <i>and/or</i> [not subject to the measures laid down in points 3 and 4 of Chapter B of Annex VII to Regulation (EC) No 999/2001 and the animals are of the ovine species of the ARR/ARR prion protein genotype.]] (¹) <i>and/or</i> [which have complied with the requirements laid down in points (a) to (f) of the second subparagraph of point 1.2 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 for a period of at least the last seven years and the animals arrive at the holding of destination before 1 January 2015.]] (¹) <i>and/or</i> [recognised as having a controlled risk of classical scrapie in accordance with point 1.3 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001.]] (¹) <i>and/or</i> [which have complied with the requirements laid down in points (a) to (f) of point 1.3 of Section A of Chapter A of Annex VIII to Regulation (EC) No 999/2001 for a period of at least the last three years and the animals arrive at the holding of destination before 1 January 2015.]] II.10.1 The animals were transported using means of transport and containment which had, before-hand, been cleansed and disinfected using an officially approved disinfectant, and in such a way as to provide effective protection of the animals' health status. II.10.2 Based on the official documentation accompanying the animals, the consignment covered by this health certificate are due to start the journey on (<i>insert date</i>) (²). II.10.3 At the time of inspection the animals covered by this health certificate were fit to be transported on the intended journey in accordance with the provisions of Council Regulation (EC) No 1/2005 (³).		
Notes Part I: — Box reference I.19: Use the appropriate CN code under the following headings: 01.04.10 or 01.04.20. — Box reference I.23: For containers or boxes, the container number and the seal number (if applicable) must be included. — Box reference I.31: <i>Identification system:</i> The animals must bear an individual number which permits tracing of their premises of origin in accordance with Council Regulation (EC) No 21/2004. Age: (months). Sex: (M = male, F = female, C = castrated). Part II: (¹) Delete where not applicable. (²) In the case where a consignment is grouped in an assembly centre and comprises animals that were loaded on different dates, the date at which the journey commenced for the whole consignment is considered to be the earliest date when any part of the consignment left the holding of origin. (³) This statement does not exempt transporters from their obligations in accordance with Union rules in force in particular regarding the fitness of animals to be transported. — This certificate is valid for 10 days. — The colour of the stamp and the signature must be different from that of the other particulars in the certificate.			

EUROPEAN UNION**91/68 EIII Ovine/Caprine for breeding**

II. Health information	II.a. Certificate reference number	II.b. Local reference number								
Official veterinarian or official inspector <table border="0"><tr><td data-bbox="217 353 954 383">Name (in Capital):</td><td data-bbox="959 353 1481 383">Qualification and title:</td></tr><tr><td data-bbox="217 405 954 434">Local Veterinary Unit:</td><td data-bbox="959 405 1481 434">LVU No:</td></tr><tr><td data-bbox="217 456 954 486">Date:</td><td data-bbox="959 456 1481 486">Signature:</td></tr><tr><td data-bbox="217 508 954 537">Stamp:</td><td></td></tr></table>			Name (in Capital):	Qualification and title:	Local Veterinary Unit:	LVU No:	Date:	Signature:	Stamp:	
Name (in Capital):	Qualification and title:									
Local Veterinary Unit:	LVU No:									
Date:	Signature:									
Stamp:										

CORRIGENDA

Corrigendum to Commission Delegated Regulation (EU) No 1363/2013 of 12 December 2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards the definition of ‘engineered nanomaterials’

(Official Journal of the European Union L 343 of 19 December 2013)

The publication of Commission Delegated Regulation (EU) No 1363/2013 is to be considered null and void.

2013/780/EU:

- ★ **Commission Implementing Decision of 18 December 2013 providing for a derogation from Article 13(1)(ii) of Council Directive 2000/29/EC in respect of bark-free sawn wood of *Quercus* L., *Platanus* L. and *Acer saccharum* Marsh. originating in the United States of America** (notified under document C(2013) 9166) 61

2013/781/EU:

- ★ **Commission Implementing Decision of 18 December 2013 on granting a derogation requested by the United Kingdom of Great Britain and Northern Ireland with regard to England, Scotland and Wales pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources** (notified under document C(2013) 9167) 65

2013/782/EU:

- ★ **Commission Implementing Decision of 18 December 2013 amending Decision 2002/757/EC as regards the phytosanitary certificate requirement in respect of the harmful organism *Phytophthora ramorum* Werres, De Cock & Man in 't Veld sp. nov. for bark-free sawn wood of *Acer macrophyllum* Pursh and *Quercus* spp. L. originating in the United States of America** (notified under document C(2013) 9181) 69

2013/783/EU:

- ★ **Commission Implementing Decision of 18 December 2013 determining that the temporary suspension of the preferential customs duty established under the stabilisation mechanism for bananas of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, is not appropriate for imports of bananas originating in Peru for the year 2013** 73

2013/784/EU:

- ★ **Commission Implementing Decision of 18 December 2013 amending the model health certificates I, II and III for intra-Union trade in ovine and caprine animals for slaughter, fattening and breeding set out in Annex E to Council Directive 91/68/EEC** (notified under document C(2013) 9208) ⁽¹⁾ 75

Corrigenda

- ★ **Corrigendum to Commission Delegated Regulation (EU) No 1363/2013 of 12 December 2013 amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers as regards the definition of 'engineered nanomaterials'** (OJ L 343, 19.12.2013) 89



⁽¹⁾ Text with EEA relevance

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