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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 14 February 2012

on the conclusion of an Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services

(2012/113/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) By its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.
- (2) In accordance with Council Decision 2011/663/EU ⁽¹⁾, the Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services ⁽²⁾ (the 'Agreement') has been signed and provisionally applied, subject to its conclusion.
- (3) The Agreement should be approved,

Article 1

The Agreement between the European Union and the Government of the Republic of Indonesia on certain aspects of air services ⁽³⁾ (the 'Agreement') is hereby approved on behalf of the Union.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided in Article 8(1) of the Agreement.

Article 3

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

Done at Brussels, 14 February 2012.

For the Council

The President

M. LIDEGAARD

⁽¹⁾ OJ L 264, 8.10.2011, p. 1.

⁽²⁾ OJ L 264, 8.10.2011, p. 2.

⁽³⁾ The Agreement has been published in OJ L 264, 8.10.2011, p. 2, together with the decision on signing.

COUNCIL DECISION**of 14 February 2012****on the position to be taken by the European Union within the General Council of the World Trade Organization on the request for a WTO waiver on additional autonomous trade preferences granted by the European Union to Pakistan**

(2012/114/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union is currently in the process of adopting legislation for granting additional autonomous trade preferences to Pakistan. In the absence of a waiver from the Union's obligations under paragraph 1 of Article I and Article XIII of the General Agreement on Tariffs and Trade 1994 (GATT 1994), to the extent necessary, the treatment provided by those additional autonomous trade preferences would need to be extended to all other Members of the World Trade Organization (WTO). It is therefore appropriate to request a waiver from paragraph 1 of Article I and Article XIII GATT 1994, to the extent necessary, pursuant to paragraph 3 of Article IX of the Marrakesh Agreement establishing the World Trade Organization.
- (2) The Union submitted such a request for a waiver on 18 November 2010, and subsequently revised it on 26 October 2011 and 19 January 2012, and the WTO General Council is to deliberate thereon.

- (3) It is appropriate, therefore, to establish the position to be taken by the Union within the WTO General Council concerning that request,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union within the General Council of the World Trade Organization is to approve the WTO waiver on additional autonomous trade preferences granted by the European Union to Pakistan.

This position shall be expressed by the Commission.

Article 2

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

Done at Brussels, 14 February 2012.

For the Council
The President
M. LIDEGAARD

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 160/2012

of 23 February 2012

fixing for 2012 the amount of aid in advance for private storage of butter

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 43(a) and (d), in conjunction with Article 4 thereof,

Whereas:

- (1) Article 28 of Regulation (EC) No 1234/2007 provides for the granting of private storage aid for butter.
- (2) Developments in prices and stocks of butter indicate an imbalance in the market which may be eliminated or reduced by the seasonal storage. In view of the current market situation, it is appropriate to grant aid for private storage of butter as from 1 March 2012.
- (3) Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products ⁽²⁾ has established common rules for the implementation of a private storage aid scheme.
- (4) Pursuant to Article 6 of Regulation (EC) No 826/2008, aid fixed in advance is to be granted in accordance with the detailed rules and conditions provided for in Chapter III of that Regulation.
- (5) In accordance with Article 29 of Regulation (EC) No 1234/2007 the aid should be fixed in the light of storage costs and the likely trends in prices for fresh butter and butter from stocks.
- (6) It is appropriate to fix aid for the costs for entry and exit of the products concerned and for daily costs for cold storage and financing.
- (7) To facilitate the implementation of the present measure and taking into consideration the existing practice in the Member States, the aid should relate only to products

that have been fully placed into storage. Consequently, a derogation from Article 7(3) of Regulation (EC) No 826/2008 should be provided for.

- (8) For reasons of administrative efficiency and simplification, where the required information concerning storage details are already included in the application for aid, it is appropriate to waive the request to notify the same information after the conclusion of the contract as provided for in point (a) of the first paragraph of Article 20 of Regulation (EC) No 826/2008.
- (9) For reasons of simplification and logistic efficiency, Member States should be allowed to waive the requirement to mark the contract number on each unit stored where the contracts number is entered in the stores register.
- (10) For reasons of administrative efficiency and simplification, taking into account the particular situation for butter storage, the checks provided for in Article 36(6) of Regulation (EC) No 826/2008 should be carried out in respect of at least one half of the contracts. Consequently, a derogation from that Article should be provided for.
- (11) 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 ⁽³⁾ lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems in order to guarantee the authenticity, integrity and legibility over time of the documents. It also provides for personal data protection.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 223, 21.8.2008, p. 3.

⁽³⁾ OJ L 228, 1.9.2009, p. 3.

- (12) Pursuant to Regulation (EC) No 792/2009 the obligation to use the information systems in accordance with that Regulation has to be provided for in the Regulations establishing a specific notification obligation.
- (13) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.
- (14) It is considered that notification obligations for the private storage of butter can be fulfilled via that system in accordance with Regulation (EC) No 792/2009, in particular those provided for in Article 35 of Regulation (EC) No 826/2008.
- (15) For reasons of clarity, this Regulation should expire on the final date laid down for the end of contractual storage.
- (16) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation provides for private storage aid for salted and unsalted butter as referred to in Article 28(a) of Regulation (EC) No 1234/2007 for contracts concluded from 1 March 2012.
2. Regulation (EC) No 826/2008 shall apply save as otherwise provided for in this Regulation.

Article 2

The unit of measurement referred to in Article 16(2)(c) of Regulation (EC) No 826/2008 is the 'storage lot' which corresponds to the quantity of the product covered by this Regulation, weighing at least one tonne and of homogeneous composition and quality, produced in a single factory, taken into storage in a single warehouse on a single day.

Article 3

1. By way of derogation from Article 7(3) of Regulation (EC) No 826/2008, applications shall only relate to products that have been fully placed into storage.
2. Point (a) of the first paragraph of Article 20 of Regulation (EC) No 826/2008 shall not apply.

3. Member States may waive the requirements referred to in Article 22(1)(e) of Regulation (EC) No 826/2008 to mark the contract number provided that the store manager undertakes to enter the contract number in the register referred to in point III of Annex I to that Regulation.

4. By way of derogation from Article 36(6) of Regulation (EC) No 826/2008, at the end of the contractual storage period, the authority responsible for checking shall, throughout the whole removal period from August 2012 to February 2013, in respect of at least one half of the number of contracts, by sampling, verify weight and identification of the butter in storage.

Article 4

1. The aid for the products referred in Article 1 shall be:

- EUR 14,88 per tonne of storage for fixed storage costs,
- EUR 0,26 per tonne per day of contractual storage.

2. Entry into contractual storage shall take place between 1 March and 15 August 2012. Removal from store may take place only as from 16 August 2012. Contractual storage shall end on the day preceding that of the removal from storage or at the latest the last day of February following the year of entry into store.

3. Aid may be granted only where the contractual storage period is between 90 and 210 days.

Article 5

1. Member States shall notify the Commission of the following:

- (a) by each Tuesday for the previous week, the quantities for which contracts have been concluded as well as the quantities of products for which applications to conclude contracts have been submitted, as required under Article 35(1)(a) of Regulation (EC) No 826/2008;
- (b) not later than the end of each month for the previous month, the information on the stocks required under Article 35(1)(b) of Regulation (EC) No 826/2008.

2. The notifications referred to in paragraph 1 shall be made in accordance with Regulation (EC) No 792/2009.

Article 6

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

It shall expire on 28 February 2013.

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

Done at Brussels, 23 February 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 161/2012**of 23 February 2012****on emergency measures for the protection of haddock stocks in waters to the west of Scotland**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the common fisheries policy ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 2371/2002, the common fisheries policy must provide for coherent measures concerning the conservation, management and exploitation of living aquatic resources, including specific measures to reduce the impact of fishing activities on marine ecosystems and non-target species.
- (2) In order to protect the species cod, haddock and whiting, point 6.1 of Annex III to Council Regulation (EC) No 43/2009 ⁽²⁾, as amended by Regulation (EC) No 1288/2009 ⁽³⁾, and Regulation (EU) No 579/2011 of the European Parliament and of the Council ⁽⁴⁾, establishes within ICES division VI a zone in which fishing activities are prohibited (hereafter referred to as the 'waters to the west of Scotland').
- (3) By way of derogation from that prohibition, points 6.5 and 6.6 of Annex III to Regulation (EC) No 43/2009 allow respectively the fishing for nephrops and the fishing with trawls, demersal seines or similar gear, provided that certain conditions are met, and in particular the requirement that no more than a certain percentage of the retained catch be comprised of any mixture of cod, haddock and/or whiting.
- (4) The purpose of that requirement was to reduce fishing mortality on the three stocks within their area of distribution, by preventing a targeted fisheries.
- (5) Evidence and advice received by the Commission from the International Council for the Exploration of the Sea (ICES) and from the Scientific, Technical and Economic

Committee for Fisheries (STECF) highlighted that discarding was occurring as a result of the imposition of the catch composition rules in ICES division VIa.

- (6) ICES identifies the haddock stock in ICES division VIa to be below safe biological limits, however ICES further identifies that recent stronger-than-average recruitment will contribute to an increase in the spawning stock biomass.
- (7) The continued growth of these year classes means that these fish are now entering the fishery. Imposition of the catch composition rules will result in further increases in discarding of this stock to meet landing requirements before they contribute to future production. The removal of spawning biomass for a stock below safe biological limits represents a serious threat to the long-term recovery and sustainability of the stock. Landings not catches are controlled by the continued application of the catch composition rules. Regardless of any quota change the current increasing abundance of the haddock stock will result in increasing levels of regulatory induced discarding.
- (8) An increase of fishing pressure will result from increased fishing opportunities for the stock of haddock in ICES division VIa as of February 2012. Any effort to utilise the 2012 fishing opportunities will result in an increased mortality upon any stock caught along with haddock, particularly for whiting and cod.
- (9) As the main fishery for haddock occurs from February onwards, there is a need to introduce changes to prevent excessive discarding immediately.
- (10) A continuation and increase of discards of the haddock stock will impact future recovery and production. Maximising fishing opportunities threatens the sustainability of other stocks. There is a danger of causing further crashes of these stocks as a result of high fishing mortality.
- (11) The mismatch between landing requirements and unavoidable catches of haddock will increase substantially in 2012. It is therefore necessary to immediately suspend the catch composition rules as regards haddock to prevent a serious threat to the recovery of that species in waters to the west of Scotland and prevent additional fishing pressure on other stocks, while allowing for the rational use of 2012 fishing opportunities,

⁽¹⁾ OJ L 358, 31.12.2002, p. 59.

⁽²⁾ OJ L 22, 26.1.2009, p. 1.

⁽³⁾ OJ L 347, 24.12.2009, p. 6.

⁽⁴⁾ OJ L 165, 24.6.2011, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

During the period of application of this Regulation, the catch composition percentages set out in points 6.5(iii) and 6.6(ii) of Part A of Annex III to Regulation (EC) No 43/2009 shall not apply as regards haddock.

Article 2

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

It shall apply until 25 August 2012.

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

Done at Brussels, 23 February 2012.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 162/2012**of 23 February 2012****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, 23 February 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
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	IL	107,2
	JO	75,8
	MA	79,0
	TN	93,9
	TR	95,1
	ZZ	90,2
0707 00 05	JO	134,1
	MA	94,2
	TR	156,1
	ZZ	128,1
0709 93 10	MA	66,1
	TR	138,4
	ZZ	102,3
0805 10 20	EG	50,2
	IL	74,0
	MA	52,2
	TN	48,6
	TR	72,2
	ZZ	59,4
0805 20 10	IL	128,4
	MA	88,3
	ZZ	108,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	EG	83,5
	IL	111,6
	MA	102,7
	TR	62,7
	ZZ	90,1
0805 50 10	EG	74,4
	TR	57,7
	ZZ	66,1
0808 10 80	CA	136,5
	CL	98,4
	CN	90,6
	MK	29,3
	US	146,9
	ZZ	100,3
0808 30 90	AR	108,4
	CL	96,2
	CN	48,2
	US	127,1
	ZA	87,7
	ZZ	93,5

⁽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 163/2012**of 23 February 2012****amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin**

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 143 in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.

(3) Regulation (EC) No 1484/95 should be amended accordingly.

(4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out 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, 23 February 2012.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security pursuant to Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	124,1	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	140,1	0	AR
		133,6	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	285,6	4	AR
		223,3	23	BR
		322,7	0	CL
0207 14 50	Fowls of the species <i>Gallus domesticus</i> , breasts, frozen	222,0	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	315,3	0	BR
		415,6	0	CL
0408 11 80	Dried egg yolks	314,4	0	AR
0408 91 80	Eggs, not in shell, dried	337,5	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	306,1	0	BR
		353,6	0	CL
3502 11 90	Egg albumin, dried	522,3	0	AR

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 10 February 2012

laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions

(notified under document C(2012) 612)

(Text with EEA relevance)

(2012/115/EU)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS DECISION:

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

Article 1

Combustion plants to be included in the transitional national plans

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) ⁽¹⁾, and in particular Article 41(b) thereof,

In accordance with the detailed provisions laid down in Section 1 of the Annex to this Decision, a transitional national plan shall only include entire combustion plants covered by Chapter III of Directive 2010/75/EU, taking into account the provisions of Article 32(1) and the aggregation rules provided for in Article 29 of Directive 2010/75/EU.

Whereas:

Article 2

Content of the transitional national plans

(1) Article 32 of Directive 2010/75/EU provides that Member States, during the period from 1 January 2016 to 30 June 2020, may draw up and implement a transitional national plan covering particular combustion plants for which the plan shall cover emissions of one or more of the following pollutants: nitrogen oxides, sulphur dioxide and dust. For gas turbines, only nitrogen oxides emissions shall be covered by the plan.

1. Each transitional national plan shall include the following information in accordance with Section 2 of the Annex to this Decision:

(2) Combustion plants covered by the transitional national plan may be exempted from compliance with the emission limit values referred to in Article 30(2) of Directive 2010/75/EU for the pollutants which are subject to the plan or, where applicable, with the rates of desulphurisation referred to in Article 31 of Directive 2010/75/EU.

(a) a list of all the combustion plants that fall under the plan, including all relevant information on their operational characteristics;

(3) In order to ensure uniform implementation of Article 32 of Directive 2010/75/EU, implementing rules should be adopted.

(b) the calculated contribution of each individual combustion plant to the emission ceilings for 2016 and 2019;

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75(1) of Directive 2010/75/EU,

(c) a table setting out the emission ceilings for each of the pollutants the plan covers for the years 2016, 2017, 2018, 2019 and for the first semester of the year 2020;

(d) the details of the calculation of those emission ceilings.

In addition, the transitional national plan shall contain the following information:

(a) a description of how the implementation of the plan shall be monitored and reported to the Commission;

⁽¹⁾ OJ L 334, 17.12.2010, p. 17.

- (b) a list of the measures that shall be applied to ensure that all combustion plants that are included in the plan comply on 1 July 2020 at the latest with the applicable emission limit values set out in Annex V to Directive 2010/75/EU.

2. For the purposes of point (a) of the first subparagraph of paragraph 1, Member States shall use the template provided for in Table A.1 in Appendix A to the Annex to this Decision.

For the purposes of point (c) of the first subparagraph of paragraph 1, Member States shall use the template provided for in Table B.3 in Appendix B to the Annex to this Decision.

Article 3

Setting emission ceilings in the transitional national plans

1. For the purposes of Article 32(3) of Directive 2010/75/EU the emission ceilings shall be calculated in accordance with the methods set out in Section 3 of the Annex to this Decision.

2. Member States shall use the template provided for in Table B.1 in Appendix B to the Annex to this Decision to present the relevant emission limit values and minimum rates of desulphurisation, the calculated contributions of each combustion plant to the 2016 emission ceilings and the total 2016 emission ceilings.

In the following cases, Member States shall, in the column of the template labelled 'comments', provide additional information on the emission limit values applied for the calculation:

- (a) where emission limit values mentioned in the Notes to Tables C.1 and C.2 in Appendix C to the Annex to this Decision have been applied;
- (b) where plants use multiple fuel types or consist of a combination of multiple plant types.

3. Member States shall use the template provided for in Table B.2 in Appendix B to the Annex to this Decision to present the relevant emission limit values and the minimum rates of desulphurisation, the calculated contributions of each combustion plant to the 2019 emission ceilings and the total 2019 emission ceilings.

In the following cases, Member States shall, in the column of the template labelled 'comments', provide additional information on the emission limit values applied for the calculation:

- (a) where emission limit values mentioned in the Notes to Tables D.1 and D.2 in Appendix D to the Annex to this Decision have been applied;
- (b) where plants use multiple fuel types or consist of a combination of multiple plant types.

Article 4

Implementation of the transitional national plan

In accordance with the second and third subparagraphs of Article 32(5) of Directive 2010/75/EU, a Member State may only implement its transitional national plan upon acceptance by the Commission.

Article 5

Subsequent changes to the transitional national plan

1. Member States shall establish a mechanism that allows identifying any relevant changes to combustion plants falling under the transitional national plan which may affect the applicable emission ceilings.

2. For the purposes of Article 32(6) of Directive 2010/75/EU, Member States shall inform the Commission of any subsequent changes to the plan affecting the applicable emission ceilings, in accordance with Section 4 of the Annex to this Decision.

Article 6

Compliance monitoring, remedial action and reporting to the Commission

1. For the purposes of Article 32(4) of Directive 2010/75/EU, the competent authorities shall monitor the emissions of nitrogen oxides, sulphur dioxide and dust of each combustion plant falling under the transitional national plan, by verifying the monitoring or calculation data of the operators of the combustion plants.

2. Member States shall ensure that emissions of nitrogen oxides, sulphur dioxide and dust from the combustion plants falling under the transitional national plan are limited to a degree which allows compliance with the emission ceilings. Where there is a risk that emission ceilings are not complied with, Member States shall take the necessary measures to prevent any emissions exceeding those ceilings.

3. Member States implementing a transitional national plan shall report to the Commission every year within 12 months the plant-by-plant data listed in Article 72(3) of Directive 2010/75/EU for all combustion plants included in the plan.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 10 February 2012.

For the Commission

Janez POTOČNIK

Member of the Commission

ANNEX

1. Combustion plants to be included in the transitional national plan

Parts of combustion plants (e.g. one or more individual combustion units which are sharing a common stack with other units or which are in a situation as set out in Article 29(2) of Directive 2010/75/EU) shall not fall under a transitional national plan ⁽¹⁾.

For the purpose of the second indent, point (b) of Article 32(1) of Directive 2010/75/EU, combustion plants falling under that provision also include plants which are not operated by a refinery operator, but are located within the refinery and use the fuels referred to in that point.

Combustion plants that will be subject to the provisions of Chapter IV of Directive 2010/75/EU concerning waste incineration plants and waste co-incineration plants at any point during the application of the transitional national plan shall not be included in the transitional national plan.

2. Combustion plant data to be included in the transitional national plan

The transitional national plan shall include a list of all the combustion plants it covers and all data concerning these plants which was used to calculate the emission ceilings.

The plant-by-plant data to be included relates to the total rated thermal input, the fuels used and the operating characteristics of each combustion plant during the time period of the implementation of the transitional national plan.

As a minimum, the following data shall be included in the transitional national plan for each of the combustion plants falling under it:

- (1) Name and location of the combustion plant ⁽²⁾;
- (2) Date on which the first permit for the combustion plant was granted;
- (3) Date on which the application for the first permit for the combustion plant was submitted alongside with the date on which the combustion plant was put into operation for the first time;

Note: This information is only required in case the combustion plant has been granted its first permit after 27 November 2002, but has been brought into operation no later than 27 November 2003.

- (4) Any extension by at least 50 MW of the total rated thermal input of the combustion plant, which took place between 27 November 2002 and 31 December 2010 (indicating the capacity added in MW) ⁽³⁾;
- (5) Total rated thermal input (MW) of each combustion plant on 31 December 2010;
- (6) Annual number of operating hours ⁽⁴⁾ of each combustion plant, averaged over the period 2001-2010;

Note: This information is only required in case where specific emission limit values for combustion plants operating less than 1 500 hours per year are used to calculate the contribution of the combustion plant to the emission ceiling(s).

- (7) Pollutants for which the combustion plant concerned is not covered by the transitional national plan (if any) ⁽⁵⁾.

⁽¹⁾ The same rule applies regarding Articles 33, 34 and 35 of Directive 2010/75/EU. Consequently, a part of a combustion plant cannot be covered by the provisions of Article 33, 34 or 35, while another part (or parts) of that plant would be included in the transitional national plan.

⁽²⁾ As has been reported in the emission inventories drawn up under Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 1).

⁽³⁾ This information is needed in view of determining the relevant emission limit values on 1 January 2016 as set out in Article 10 of Directive 2001/80/EC.

⁽⁴⁾ 'operating hours' means the time, expressed in hours, during which a combustion plant, in whole or in part, is operating and discharging emissions into the air, excluding start-up and shut-down periods.

⁽⁵⁾ For example, gas turbines can only be covered by the transitional national plan concerning their NO_x emissions. Other plants may be covered by the transitional national plan for some pollutant(s), while being subject to the emission limit values from Annex V to Directive 2010/75/EU for other pollutants.

(8) Annual amount of fuel used (TJ/year), averaged over the period 2001-2010, split over 6 fuel types: hard coal, lignite, biomass, other solid fuels, liquid fuels, gaseous fuels ⁽¹⁾;

(9) Annual waste gas flow rate (Nm³/year), averaged over the period 2001-2010 ⁽²⁾;

Note 1: In the case of combustion plants firing multiple fuel types and/or consisting of multiple plant types, the waste gas flow rate needs to be provided for each of the fuel types and/or combustion plant types separately ⁽³⁾.

Note 2: If the waste gas flow rate is calculated from the amount of fuel used (and not based on actual monitored waste gas flows), the factor (or factors in case of multiple fuels or combustion plant types) used for the calculation (Nm³/GJ) needs to be reported.

(10) Quantity of sulphur input via indigenous solid fuels ⁽⁴⁾ used (tonnes S/year), averaged over the period 2001-2010;

Note: This information is only required in case where the combustion plant uses indigenous solid fuels and where the minimum desulphurisation rate is used to calculate the contribution of the combustion plant to the emission ceiling for sulphur dioxide (for 2016 and/or 2019).

Where combustion plants covered by the transitional national plan are gas turbines or gas engines, the transitional national plan must specifically indicate this.

3. Determining the emission ceilings

3.1. Calculation method for the individual plant contributions to the 2016 and 2019 emission ceilings

3.1.1. General case

In order to determine the applicable emission ceilings for a pollutant for the years 2016 and 2019, the contribution of each combustion plant expressed in tonnes per year (tpa) shall be calculated using the following equation:

$$\text{Contribution to ceiling (tpa)} = \text{Waste gas flow rate (Nm}^3\text{pa)} \times \text{ELV (mg/Nm}^3\text{)} \times 1,0 \times 10^{-9}$$

where:

— 'Waste gas flow rate' is the volumetric flow rate of waste gases expressed in cubic metres per year (Nm³pa), averaged over the years 2001-2010. It is expressed at standard temperature (273 K) and pressure (101,3 kPa), at the relevant reference oxygen content (i.e. the same one as used for the emission limit value (ELV)) and after correction for the water vapour content,

— 'ELV' is the relevant emission limit value for the pollutant concerned expressed in mg/Nm³, assuming an oxygen content by volume in the waste gas of 6 % in the case of solid fuels, 3 % in the case of liquid and gaseous fuels (for combustion plants other than gas turbines or gas engines) and 15 % in the case of gas turbines and gas engines.

The details on how to determine the emission limit values for calculating the 2016 and 2019 emission ceilings are provided in sections 3.2 and 3.3.

3.1.2. Specific case of plants firing multiple fuel types and/or consisting of multiple plant types

The equation referred to in section 3.1.1 cannot be used for combustion plants that fired multiple fuel types in the period 2001-2010 (simultaneously or not) or are consisting of multiple plant types.

⁽¹⁾ For combustion plants which, at any point during the period 2001-2010, have been co-incinerating waste (other than waste which is 'biomass' according to the definition under Article 3(31)(b) of Directive 2010/75/EU and were consequently covered by Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (OJ L 332, 28.12.2000, p. 91)), the amount of waste burned during that period shall not be included under this point.

⁽²⁾ See section 3.1.1 of this Annex concerning the applicable reference conditions.

⁽³⁾ See section 3.1.2 of this Annex.

⁽⁴⁾ 'indigenous solid fuel' means a naturally occurring solid fuel fired in a combustion plant specifically designed for that fuel and extracted locally.

Those combustion plants require the application of different emission limit values and/or reference conditions for calculating their contribution to the emission ceilings. Hence, the following method shall be used.

$$\text{Contribution to ceiling (tpa)} = \Sigma [\text{Waste gas flow rate (Nm}^3\text{pa)} \times \text{ELV (mg/Nm}^3\text{)} \times 1,0 \times 10^{-9}]$$

This equation implies that, for each of the fuel types used in the period 2001-2010, the average annual waste gas volume (Nm³ per year) is multiplied by the relevant emission limit value (corresponding to the total rated thermal input of the entire combustion plant). The products of these multiplications are then added for all of the fuel types used.

It must be ensured that, for each fuel type, the waste gas volume and the emission limit value multiplied are expressed at the same reference oxygen content.

The same approach applies in cases where, in the period 2001-2010, taking into account Article 29(1) and (2) of Directive 2010/75/EU, a single combustion plant consisted of a combination of different plant types. Illustrative examples are:

- one or more gas turbines combined with one or more other types of combustion plants,
- one or more gas engines combined with one or more other types of combustion plants.

3.1.3. Minimum rate of desulphurisation (MDR)

The equation referred to in section 3.1.1 cannot be used for combustion plants firing indigenous solid fuel ⁽¹⁾ and which cannot comply with the relevant emission limit values set for sulphur dioxide in Directive 2010/75/EU due to the characteristics of this fuel.

For such plants, the calculation of their contribution to the emission ceiling applicable for sulphur dioxide may be based on the application of the relevant minimum rates of desulphurisation ⁽²⁾ rather than on the emission limit values for sulphur dioxide.

In that case, the contribution of the combustion plant to the sulphur dioxide emission ceiling expressed in tonnes per year (tpa) shall be calculated using the following equation:

$$\text{Contribution to SO}_2 \text{ ceiling (tpa)} = \text{Sulphur input (tpa)} \times (1 - (\text{MDR}/100)) \times 2$$

where:

- 'Sulphur input' is the annual quantity of sulphur (S) contained in the indigenous solid fuel which was used in the combustion plant, expressed in tonnes per year (tpa), averaged over the period 2001-2010,
- 'MDR' is the relevant minimum rate of desulphurisation, expressed in percent.

The details on how to determine the relevant minimum rate of desulphurisation for calculating the 2016 and 2019 emission ceilings for sulphur dioxide are provided in sections 3.2 and 3.3.

3.2. Relevant emission limit values and minimum rates of desulphurisation for calculating the 2016 emission ceilings

According to Article 32(3) of Directive 2010/75/EU, the emission ceiling(s) for the year 2016 shall be calculated on the basis of the relevant emission limit values set out in Annexes III to VII to Directive 2001/80/EC or, where applicable, on the basis of the minimum rate of desulphurisation set out in Annex III to Directive 2001/80/EC. Thus, the calculation of the 2016 emission ceilings is based upon the relevant emission limit values and MDR, which would have been applicable on 1 January 2016 to the combustion plant concerned under Directive 2001/80/EC, taking into account the following provisions ⁽³⁾.

⁽¹⁾ This applies for combustion plants which have been firing indigenous solid fuel in the period 2001-2010.

⁽²⁾ 'rate of desulphurisation' means the ratio over a given period of time of the quantity of sulphur which is not emitted into air by a combustion plant to the quantity of sulphur contained in the solid fuel which is introduced into the combustion plant facilities and which is used in the plant over the same period of time.

⁽³⁾ The relevant emission limit values for calculating the emission ceilings are not affected by the inclusion of a plant in a National Emission Reduction Plan under Article 4(6) of Directive 2001/80/EC.

The emission limit values and MDR shall be determined on the basis of the total rated thermal input of the entire combustion plant on 31 December 2010, the type(s) of fuel used and the annual number of operating hours averaged over the period 2001-2010. Where combustion plants have been extended by at least 50 MW in the period between 27 November 2002 and 31 December 2010, the rules for calculating the relevant emission limit values as set out in Article 10 of Directive 2001/80/EC shall be applied.

For all gas turbines included in the transitional national plan, the relevant emission limit value concerning nitrogen oxides is the one set out in Part B of Annex VI to Directive 2001/80/EC, irrespective of Article 2(7)(j) of Directive 2001/80/EC.

As no emission limit values have been set out in Directive 2001/80/EC for gas engines, the relevant emission limit value for nitrogen oxides is the one set out in Part 1 of Annex V to Directive 2010/75/EU.

For combustion plants which have been using different fuel types in the period 2001-2010, the relevant emission limit values shall be listed for each individual fuel. Section 3.1.2 provides details on the method to be used to calculate the contribution of each of those plants to the emission ceilings.

Directive 2001/80/EC allows certain combustion plants operating less than 1 500 hours (as a rolling average over a five-year period) to comply with less stringent emission limit values. The latter can only be used for calculating the contribution of an individual plant to the 2016 emission ceiling if the average number of operating hours for the plant over the years 2001-2010 is less than 1 500 hours per year.

An overview of the relevant emission limit values as set out in Annexes III to VII of Directive 2001/80/EC and of the relevant MDR established in Annex III to Directive 2001/80/EC is provided in Tables C.1, C.2 and C.3 in Appendix C to this Annex ⁽¹⁾.

3.3. *Relevant emission limit values and minimum rates of desulphurisation for calculating the 2019 emission ceilings*

According to Article 32(3) of Directive 2010/75/EU, the emission ceilings for the year 2019 shall be calculated on the basis of the relevant emission limit values set out in Part 1 of Annex V to Directive 2010/75/EU or, where applicable, the relevant rates of desulphurisation set out in Part 5 of Annex V to Directive 2010/75/EU. Thus, the calculation of the 2019 emission ceilings is based upon the relevant emission limit values and MDR, which would be applicable on 1 January 2019 under Directive 2010/75/EU to the combustion plant concerned.

The emission limit values and MDR shall be determined on the basis of the total rated thermal input of the entire combustion plant on 31 December 2010, of the type(s) of fuel used and of the annual number of operating hours averaged over the period 2001-2010.

An overview of the relevant emission limit values as set out in Part 1 of Annex V to Directive 2010/75/EU and of the relevant MDR established in Part 5 of Annex V to Directive 2010/75/EU is provided in Tables D.1, D.2 and D.3 in Appendix D of this Annex.

For combustion plants which have been using different fuel types in the period 2001-2010, the relevant emission limit values shall be listed for each individual fuel. Section 3.1.2 provides details on the method to be used to calculate the contribution of each of those plants to the emission ceilings.

Directive 2010/75/EU allows certain combustion plants operating less than 1 500 hours (as a rolling average over a five-year period) to comply with less stringent emission limit values. The latter can only be applied for calculating the contribution of a plant to the 2019 emission ceiling if the average number of operating hours for that plant over the years 2001-2010 is less than 1 500 hours per year.

3.4. *Calculating the emission ceilings*

3.4.1. *Calculating the 2016 and 2019 emission ceilings*

For the years 2016 and 2019, the total emission ceilings per pollutant shall be determined by adding up the contributions of each individual plant to the respective emission ceilings:

$$\text{ceiling}_{2016} \text{ (tpa)} = \Sigma [\text{individual plant contribution to 2016 ceiling}]$$

$$\text{ceiling}_{2019} \text{ (tpa)} = \Sigma [\text{individual plant contribution to 2019 ceiling}]$$

⁽¹⁾ This overview is not exhaustive. In particular, it does not cover situations where a combustion plant had been extended by at least 50 MW between 27 November 2002 and 31 December 2010, in which case also the emission limit values listed in the Parts B of Annexes III to VII to Directive 2001/80/EC are of relevance (application of Article 10 of Directive 2001/80/EC).

3.4.2. Calculating the 2017, 2018 and 2020 emission ceilings

The ceilings for the year 2017 (*ceiling2017*) shall be calculated using the following equation:

$$ceiling2017 = ceiling2016 - \frac{(ceiling2016 - ceiling2019)}{3}$$

The ceilings for the year 2018 (*ceiling2018*) shall be calculated using the following equation:

$$ceiling2018 = ceiling2016 - \frac{2 * (ceiling2016 - ceiling2019)}{3}$$

The ceilings for the first semester of 2020 (*ceiling2020*) are half of the ceilings for 2019:

$$ceiling2020 = \frac{ceiling2019}{2}$$

4. Subsequent changes to transitional national plans

Member States shall inform the Commission at least on the following:

- (a) the combustion plants which opt for the limited lifetime derogation in accordance with Article 33 of Directive 2010/75/EU;

Note: While Member States shall communicate their transitional national plans to the Commission on 1 January 2013 at the latest, operators have until 1 January 2014 to notify the competent authority whether they seek to opt for the limited lifetime derogation. Thus, a combustion plant may be initially included in the transitional national plan submitted to the Commission before being subject to a limited lifetime derogation. The combustion plant must then be removed from the transitional national plan once the competent authority has been notified by the operator of the combustion plant about the decision to opt for the limited lifetime derogation. The contributions to the applicable emission ceiling(s) of each of the combustion plants that would fall under Article 33 of Directive 2010/75/EU must then be deducted from the emission ceiling(s) as calculated in the latest accepted version of the transitional national plan (or, if no such plan has been accepted, as calculated in the latest version of the transitional national plan submitted to the Commission).

- (b) the combustion plants which are closed (i.e. those plants that have definitively stopped operating) or the total rated thermal input of which is reduced to less than 50 MW;
- (c) the combustion plants which start to co-incinerate waste after 31 December 2015 and which would therefore fall under Chapter IV of Directive 2010/75/EU.

Note: As mentioned in Article 32(3) of Directive 2010/75/EU, where a plant included in the transitional national plan is closed or no longer falls within the scope of Chapter III of Directive 2010/75/EU, this shall not result in an increase in total annual emissions from the remaining plants covered by the transitional national plan.

For the purpose of Article 32(6) of Directive 2010/75/EU, Member States do not have the obligation to communicate to the Commission the following information since the subsequent changes they refer to should not affect the applicable emission ceiling(s):

- a reduction or an increase of the total rated thermal input after 31 December 2010 (other than a reduction to less than 50 MW),
- a reduction or an increase of the number of annual operating hours after 2010,
- a change in fuel use (type, quantity) occurring after 2010 (other than a switch to burning waste, which would qualify the plant as a waste co-incineration plant causing its exclusion from the transitional national plan).

Changes affecting the name of the plant (e.g. due to a change of operator) shall be reported via the emission inventories to be provided by Member States in accordance with Article 6(3) of this Decision and Article 72(3) of Directive 2010/75/EU.

Appendix A

Table A.1

Template for the list of combustion plants to be included in the transitional national plan

A	B	C	D				E	F	G	H
Number	Plant name	Plant location (address)	Date on which the application for the first permit for the plant has been submitted and date on which the plant has been put into operation for the first time	OR Date on which the first permit for the plant has been granted	Any extension by at least 50 MW of the total rated thermal input of the combustion plant, which took place between 27 November 2002 and 31 December 2010 (total extension in MW)		Total rated thermal input on 31.12.2010 (MW)	Annual number of operating hours (average 2001-2010)	Pollutant(s) (SO ₂ , NO _x , dust) for which the plant concerned is NOT covered by the transitional national plan	

A	I	J						K	L	M
Number	Indicate if the plant is a gas turbine or gas engine	Annual amount of fuel used (average 2001-2010) (T)/year						Average annual waste gas flow rate (average 2001-2010) (Nm ³ /y)	Annual quantity of S in indigenous solid fuels used which was introduced into the combustion plant (average 2001-2010) (tpa)	Conversion factor(s) used in case the waste gas flow rate was calculated from the fuel input (per fuel type) (Nm ³ /GJ)
		hard coal	lignite	biomass	other solid fuels	liquid fuels	gaseous fuels			

Appendix B

Table B.1

Template for calculating the 2016 emission ceilings

A	B	C	D	E	F	G	H	I	J	K
Number	name	reference oxygen content (%)	relevant ELV for SO ₂ (mg/Nm ³)	relevant desulphurisation rate (where applicable)	plant's contribution to the 2016 SO ₂ ceiling (tpa)	relevant ELV for NO _x (mg/Nm ³)	plant's contribution to the 2016 NO _x ceiling (tpa)	relevant ELV for dust (mg/Nm ³)	plant's contribution to the 2016 dust ceiling (tpa)	comments
(individual plant data)										
SUM					TOTAL SO ₂ CEILING		TOTAL NO _x CEILING		TOTAL dust CEILING	

Table B.2

Template for calculating the 2019 emission ceilings

A	B	C	D	E	F	G	H	I	J	K
Number	name	reference oxygen content (%)	relevant ELV for SO ₂ (mg/Nm ³)	relevant desulphurisation rate (where applicable)	plant's contribution to the 2019 SO ₂ ceiling (tpa)	relevant ELV for NO _x (mg/Nm ³)	plant's contribution to the 2019 NO _x ceiling (tpa)	relevant ELV for dust (mg/Nm ³)	plant's contribution to the 2019 dust ceiling (tpa)	comments
(individual plant data)										
SUM					TOTAL SO ₂ CEILING		TOTAL NO _x CEILING		TOTAL dust CEILING	

Table B.3

Overview of emission ceilings

	2016	2017	2018	2019	(tonnes per year) 2020 (1 January-30 June)
SO ₂					
NO _x					
Dust					

Appendix C

Table C.1

Emission limit values relevant for the calculation of the individual contributions to the 2016 emission ceilings for combustion plants other than gas turbines and gas engines

Pollutant	Fuel type	ELV (mg/Nm ³)			
		50-100 MW	> 100-300 MW	> 300-500 MW	> 500 MW
SO ₂	Solid	2 000	2 000 to 400 (linear scale) (Note 1)		400
	Liquid	1 700		1 700 to 400 (linear scale)	400
	Gaseous	35 in general 5 for liquefied gas 800 for coke oven gas and blast furnace gas			
NO _x (Note 6)	Solid (Note 2)	600			200 (Note 3)
	Liquid	450			400
	Gaseous	300			200
Dust	Solid	100			50 (Note 4)
	Liquid	50 (Note 5)			
	Gaseous	5 in general 10 for blast furnace gas 50 for steel industry gases that can be used elsewhere			

The reference oxygen content is 6 % for solid fuels and 3 % for liquid and gaseous fuels.

Notes:

1. 800 mg/Nm³ for plants with a rated thermal input greater than or equal to 400 MW, which do not operate more than 1 500 hours per year.
2. 1 200 mg/Nm³ for plants that in the 12-month period ending on 1 January 2001 operated on, and continue to operate on, solid fuels whose volatile content is < 10 %.
3. 450 mg/Nm³ for plants which do not operate more than 1 500 hours per year.
4. 100 mg/Nm³ for plants for which the original construction licence or, in the absence of such a procedure, the original operating licence was granted before 1 July 1987 and which are burning solid fuel with a heat content of less than 5 800 kJ/kg, a moisture content > 45 % by weight, a combined moisture and ash content > 60 % by weight and a calcium oxide content > 10 %.
5. 100 mg/Nm³ for plants with a rated thermal input below 500 MW and burning liquid fuel with an ash content > 0,06 %.
6. for plants located in the French Overseas Departments, the Azores, Madeira or the Canary Islands the following ELV apply: solid fuels in general: 650 mg/Nm³; solid fuels with < 10 % volatile compounds: 1 300 mg/Nm³; liquid fuels: 450 mg/Nm³; gaseous fuels: 350 mg/Nm³.

Table C.2

Emission limit values relevant for the calculation of the individual contributions to the 2016 emission ceiling for NO_x for gas turbines and gas engines

	ELV for NO _x (mg/Nm ³)
Gas engines (firing gaseous fuels)	100
Gas turbines (including CCGT) firing the following fuels:	
Natural gas (Note 1)	50 (Notes 2 and 3)
Gaseous fuels other than natural gas	120
Light and middle distillates	120

The reference oxygen content is 15 %.

Notes:

1. Naturally occurring methane with not more than 20 % (by volume) of inerts and other constituents.
2. 75 mg/Nm³ in the following cases (where the efficiency of the gas turbine is determined at ISO base load conditions):
 - gas turbines, used in combined heat and power systems having an overall efficiency greater than 75 %,
 - gas turbines used in combined cycle plants having an annual average overall electrical efficiency greater than 55 %,
 - gas turbines for mechanical drives.
3. For single cycle gas turbines not falling into any of the categories mentioned under Note 2, but having an efficiency greater than 35 % (at ISO base load conditions), the ELV shall be $50 \times \eta/35$ where η is the gas turbine efficiency (at ISO base load conditions) expressed as a percentage.

Table C.3

Minimum rates of desulphurisation relevant for the calculation of the individual contributions to the 2016 emission ceiling for SO₂ in case of combustion plants firing indigenous solid fuels which cannot comply with the emission limit values for SO₂ referred to in Article 30(2) and (3) of Directive 2010/75/EU due to the characteristics of this fuel

Total rated thermal input	Minimum rate of desulphurisation
50-100 MW	60 %
> 100-300 MW	75 %
> 300-500 MW	90 %
> 500 MW	94 % in general 92 % for plants where a contract for the fitting of FGD or lime injection equipment has been entered into, and work on its installation has commenced, before 1 January 2001

Appendix D

Table D.1.

Emission limit values relevant for the calculation of the individual contributions to the 2019 emission ceilings for combustion plants other than gas turbines and gas engines

Pollutant	Fuel type	ELV (mg/Nm ³)			
		50-100 MW	> 100-300 MW	> 300-500 MW	> 500 MW
SO ₂	Coal, lignite and other solid fuels (Note 1)	400	250	200	
	Biomass (Note 1)	200			
	Peat (Note 1)	300		200	
	Liquid	350 (Note 2)	250 (Note 2)	200 (Note 3)	
	Gaseous	35 in general 5 for liquefied gas 400 for low calorific gases from coke oven 200 for low calorific gases from blast furnace			
NO _x	Coal, lignite and other solid fuels	300 (Notes 4 and 5)	200 (Note 5)		200 (Note 6)
	Biomass and peat	300 (Note 5)	250 (Note 5)	200 (Note 5)	200 (Note 6)
	Liquid	450	200 (Notes 5 and 7)	150 (Notes 5 and 7)	150 (Note 3)
	Natural gas (Note 8)	100			
	Other gases	300			200
Dust	Coal, lignite and other solid fuels	30	25	20	
	Biomass and peat	30	20		
	Liquid	30	25	20	
	Gaseous	5 in general 10 for blast furnace gas 30 for gases produced by the steel industry which can be used elsewhere			

The reference oxygen content is 6 % for solid fuels and 3 % for liquid and gaseous fuels.

Notes:

1. 800 mg/Nm³ for plants which do not operate more than 1 500 operating hours per year.
2. 850 mg/Nm³ for plants which do not operate more than 1 500 operating hours per year.
3. 400 mg/Nm³ for plants which do not operate more than 1 500 operating hours per year.
4. 450 mg/Nm³ in case of pulverised lignite combustion.
5. 450 mg/Nm³ for plants which do not operate more than 1 500 operating hours per year.

6. 450 mg/Nm³ for plants which were granted a permit before 1 July 1987 and which do not operate more than 1 500 operating hours per year.
7. 450 mg/Nm³ for plants in chemical installations using liquid production residues as non-commercial fuel for own consumption.
8. Naturally occurring methane with not more than 20 % (by volume) of inerts and other constituents.

Table D.2.

Emission limit values relevant for the calculation of the individual contributions to the 2019 emission ceiling for NO_x for gas turbines and gas engines

	ELV for NO _x (mg/Nm ³)
Gas engines (firing gaseous fuels)	100
Gas turbines (including CCGT) firing the following fuels:	
Natural gas (Note 1)	50 (Notes 2, 3 and 4)
Gaseous fuels other than natural gas	120 (Note 5)
Light and middle distillates	90 (Note 5)

The reference oxygen content is 15 %.

Notes:

1. Natural gas is naturally occurring methane with not more than 20 % (by volume) of inerts and other constituents.
2. 75 mg/Nm³ in the following cases (where the efficiency of the gas turbine is determined at ISO base load conditions):
 - gas turbines, used in combined heat and power systems having an overall efficiency greater than 75 %,
 - gas turbines used in combined cycle plants having an annual average overall electrical efficiency greater than 55 %,
 - gas turbines for mechanical drives.
3. For single cycle gas turbines not falling into any of the categories mentioned under Note 2, but having an efficiency greater than 35 % (at ISO base load conditions), the ELV shall be $50 \times \eta/35$ where η is the gas turbine efficiency (at ISO base load conditions) expressed as a percentage.
4. 150 mg/Nm³ for plants which do not operate more than 1 500 operating hours per year.
5. 200 mg/Nm³ for plants which do not operate more than 1 500 operating hours per year.

Table D.3.

Minimum rates of desulphurisation relevant for the calculation of the individual contributions to the 2019 emission ceiling for SO₂ in case of combustion plants firing indigenous solid fuels which cannot comply with the emission limit values for SO₂ referred to in Article 30(2) and (3) of Directive 2010/75/EU due to the characteristics of this fuel

Total rated thermal input	Minimum rate of desulphurisation
50-100 MW	80 %
> 100-300 MW	90 %
> 300 MW	96 % in general 95 % for plants firing oil shale

COMMISSION IMPLEMENTING DECISION

of 22 February 2012

providing for the temporary marketing of seed of the species *Triticum durum* Desf. belonging to the variety Marialva not satisfying the requirements of Council Directive 66/402/EEC as regards the maximum content of seeds of wheat (*Triticum aestivum* L.)

(notified under document C(2012) 1114)

(2012/116/EU)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS DECISION:

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

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed ⁽¹⁾, and in particular Article 17(1) thereof,

Whereas:

- (1) In Portugal the quantity of available seed of durum wheat (*Triticum durum* Desf.) of the category 'certified seed', second generation, of the variety Marialva, which is suitable for the national environmental conditions and which satisfies the requirements of Directive 66/402/EEC in respect of the maximum content of seeds of wheat (*Triticum aestivum* L.) is insufficient and is therefore not adequate to meet the needs of that Member State.
- (2) The demand for such seed cannot be satisfied by seed from other Member States or from third countries fulfilling all the requirements laid down in Directive 66/402/EEC.
- (3) Consequently, Portugal should be authorised to permit the marketing of seed of that variety, subject to less stringent requirements than apply to certified seed, second generation, for a period expiring on 29 February 2012 and up to a maximum quantity of 130 tonnes.
- (4) In addition, other Member States which are in a position to supply Portugal with seed of this variety, irrespective of whether it was harvested in a Member State or in a third country, should be authorised to permit the marketing of such seed.
- (5) It is appropriate that Portugal act as a coordinator in order to ensure that the total amount of seed authorised pursuant to this Decision does not exceed the maximum quantity covered by this Decision.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

Article 1

1. The marketing in the Union of seed of durum wheat (*Triticum durum* Desf.) of the category 'certified seed', second generation, belonging to the variety Marialva which does not satisfy the requirements set out in point (2)(A) of Annex II to Directive 66/402/EEC in respect of the maximum content of seeds of wheat (*Triticum aestivum* L.) shall be permitted.

However, the maximum content of seeds of wheat (*Triticum aestivum* L.) allowed in the seed of durum wheat (*Triticum durum* Desf.) specified in the first subparagraph shall be 45 seeds in a sample of the weight specified in column 4 of Annex III to Directive 66/402/EEC.

This permission shall be granted for a total quantity of up to 130 tonnes and for a period ending on 29 February 2012.

2. In addition to fulfilling the labelling requirements of Directive 66/402/EEC, the official label shall state that the seed does not satisfy the requirements of point (2)(A) of Annex II to that Directive in respect of maximum content of seeds of wheat (*Triticum aestivum* L.).

Article 2

1. Any supplier wishing to place on the market seed, as referred to in Article 1, shall apply for authorisation to the Member State in which it is established or importing. The application shall specify the quantity of seed that the supplier wishes to place on the market.

2. The Member State concerned shall authorise the supplier to place seed, as referred to in Article 1, on the market, unless:

- (a) there is sufficient evidence to doubt whether the supplier is able to place on the market the amount of the seed for which he has applied for authorisation;
- (b) having regard to the information provided by the coordinating Member State, as referred to in the third subparagraph of Article 3, granting the authorisation would result in the total maximum quantity of seed referred to in Article 1(1) being exceeded.

As regards point (b), in case the total maximum quantity would only allow for authorisation of part of the quantity specified in the application, the Member State concerned may authorise the supplier to place that lesser quantity on the market.

⁽¹⁾ OJ 125, 11.7.1966, p. 2309/66.

Article 3

Member States shall assist each other administratively in the application of this Decision.

Portugal shall act as coordinating Member State in order to ensure that the quantity of seed authorised for marketing in the Union by the Member States pursuant to this Decision does not exceed the total maximum quantity of seed referred to in Article 1(1).

Any Member State receiving an application under Article 2 shall immediately notify the coordinating Member State of the amount covered by the application. The coordinating Member State shall immediately inform that Member State as to whether authorisation would result in the maximum quantity being exceeded.

Article 4

Member States shall immediately notify to the Commission and the other Member States the quantities in respect of which they have granted marketing authorisation pursuant to this Decision.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 February 2012.

For the Commission

John DALLI

Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 23 February 2012

establishing a list of key decision points to evaluate the implementation of the Galileo programme with regard to the ground-based centres and stations to be created as part of the programme development and deployment

(2012/117/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo) ⁽¹⁾, and in particular Article 12(3) thereof,

Whereas:

- (1) The financial and legal framework of the Galileo programme was created by Regulation (EC) No 683/2008. Under this Regulation, the European Union is the owner of all tangible and intangible assets created or developed under the programmes, and the Galileo system includes a set of satellites and a global network of ground-based stations.
- (2) Integrated risk management for the evaluation of the implementation of the Galileo programme calls for the programme management to make certain key decisions, i.e. decisions with a major impact on the costs, timetable, performance and/or risks, at an appropriate time and to act transparently with regard to key decisions which remain to be taken and the implementation of those decisions. These key decisions include those relating to the setting-up of ground-based infrastructure in the development and validation phase and in the deployment phase.
- (3) The global network of ground-based stations as part of the Galileo programme includes six centres and one station, on the one hand, and four series of 'remote' stations on the other.
- (4) The six ground-based centres and the station comprise: two mutually redundant centres to control the general operation of the system (hereinafter referred to as 'control centres' or 'GCCs'); the Galileo Security Centre mentioned in Article 16 of Regulation (EC) No 683/2008, which monitors the security of the system and the services provided and which is split in two for reasons of continuity of service (hereinafter referred to as the 'Galileo Security Centre' or 'GSMC'); the service centre which acts as the interface between the system, on the one side, and the users of the open service, the commercial service and the Safety of Life Service (hereinafter known as the 'GNSS service centre' or the 'GSC') on the other; the centre which controls the generation of the information necessary for the operation of the Search and Rescue Service and which provides the interface between the system and the COSPAS-SARSAT system (hereinafter referred to as the 'SAR service centre'); the centre which, on behalf of the programme manager and independently of the user, evaluates the quality of the services provided and communicates time and geodetic references to the user communities (hereinafter referred to as the 'Galileo performance centre'); the station which allows the quality of the signals emitted by satellites in orbit immediately after their launch to be verified (hereinafter referred to as the 'in-orbit-testing station').
- (5) The choice of location for these centres and stations must take into account the possible presence of existing installations and equipment suitable for the relevant tasks, and must respect the security needs of each centre and station, technical and budgetary constraints and the national security requirements of each Member State.
- (6) The four series of 'remote' stations comprise: the remote control and telemetry stations which, by means of uplinks and downlinks, act as relays between the satellites and the two control stations (hereinafter known as 'TTC stations'); the Galileo survey stations which, to allow the provision of services, carry out pseudo-distance measuring and collect the signals sent by the satellites to monitor their quality (hereinafter referred to as 'GSS stations'); satellite upload stations, which upload to the satellites the data necessary for the provision of services (hereinafter referred to as 'ULS stations'); stations to collect the data necessary for the operation of the Search and Rescue Service (hereinafter referred to as 'SaR stations').
- (7) The choice of location for these remote stations must take into account geographical and technical limitations associated with their optimum distribution around the globe, the possible presence of existing installations and equipment suitable for the relevant tasks, and must respect the security needs of each station and the national security requirements of each Member State. As this choice is subject to change depending on

⁽¹⁾ OJ L 196, 24.7.2008, p. 1.

progress made in the programmes, their needs and the development of political or logistical requirements, the stated number and location of the remote stations still to be set up can, at this stage, only be indicative.

- (8) It is therefore important to set key decision points for the evaluation of progress made in the setting-up of the Galileo global network of ground-based stations.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 19(1) of Regulation (EC) No 683/2008,

HAS ADOPTED THIS DECISION:

Article 1

The key decision points for evaluation of progress made in the development of the Galileo global network of ground-based

stations and centres to be set up under the various development and deployment phases outlined in Article 3(b) and (c) of Regulation (EC) No 683/2008 are listed in the Annex to this Decision.

Article 2

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

Done at Brussels, 23 February 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

The key decision points for evaluation of progress made in the implementation of the Galileo programme with regard to the development of the stations and centres to be created under the various development and deployment phases of the programme outlined in Article 3(b) and (c) of Regulation (EC) No 683/2008:

Date	Key decision-making point	Measures
2009-2016	Creation of ground-based centres	
2009-2014	Creation of two ground-based control centres (GCCs)	A control centre is being developed at Oberpfaffenhofen (Germany). Work started in 2009 and will be completed in 2014.
		A control centre is being developed at Fucino (Italy). Work started in 2009 and will be completed in 2014.
2013-2015	Creation of the Galileo Security Centre (GSMC)	The two-site Security Centre will be developed in stages in France and in the United Kingdom. Work is planned to start in 2013 and is expected to be completed in 2015. This work will be the subject of agreements between France and the United Kingdom to be signed during 2012.
2011-2016	Development of a GNSS service centre (GSC)	The GNSS service centre is being developed in Madrid (Spain). Work started in 2011 and is expected to be completed in 2016. It is the subject of an agreement signed with Spain on 17 March 2011.
2012-2014	Development of a Search and Rescue (SaR) centre	The SAR service centre is to be set up in Toulouse (France). Work is planned to start in 2012 and is expected to be completed in 2014. It will be the subject of an agreement signed with France.
2013-2014	Development of a Galileo performance centre	The Galileo performance centre should be developed in stages in a Member State and at a location to be determined. Work is planned to start in 2013 and is expected to be completed in 2014. It will be the subject of an agreement signed with the Member State concerned.
2010	Development of an in-orbit-testing station	The in-orbit-testing station was set up in 2010 in Redu (Belgium). This is an integral part of the contract concluded on 25 October 2010 between the Commission and the company Spaceopal for provision of the 'Operations' lot of the Galileo programme's deployment phase.
2009-2014	Creation of remote ground-based centres	
2010-2014	Creation of TTC stations	TTC stations were set up in 2010 and 2011 in Kiruna (Sweden) and Kourou (France). Further such stations are planned between 2012 and 2014 in Tahiti (French Polynesia), La Réunion (France), and Nouméa (New Caledonia). The setting-up of these TTC stations is the subject of contracts concluded between the European Space Agency and service providers.

Date	Key decision-making point	Measures
2009-2014	Creation of GSS stations	GSS stations were set up between 2009 and 2011 in Fucino (Italy), Svalbard (Norway), Redu (Belgium), La Réunion (France), Kourou (France), Nouméa (New Caledonia), Troll (Norway) and Papeete (French Polynesia). GSS stations are planned between 2012 and 2014 in Kiruna (Sweden), Jan Mayen (Norway), the Azores (Portugal), the Canaries (Spain), Madeira (Portugal), Kerguelen, Terre Adélie, Saint Pierre et Miquelon, Wallis, Ascension, Diego Garcia and the Falkland Islands. The setting-up of these GSS stations is the subject of contracts concluded between the European Space Agency and service providers.
2009-2011	Creation of ULS stations	ULS stations are planned between 2009 and 2011 in Tahiti (French Polynesia), Kourou (France), La Réunion (France), New Caledonia and Svalbard (Norway). The setting-up of these ULS stations is the subject of contracts concluded between the European Space Agency and the service providers.
2012-2013	Creation of SaR stations	SaR stations are to be set up in 2012 and 2013 in Svalbard (Norway), Toulouse (France), Makarios (Cyprus) and Maspalomas (Spain). The setting-up of these SaR stations will be the subject of contracts between the European Space Agency and service providers for the Svalbard and Maspalomas stations, an agreement between the Commission and Cyprus for the Makarios station and a contract between the Commission and a service provider for the Toulouse station.

CORRIGENDA**Corrigendum to Commission Implementing Regulation (EU) No 1006/2011 of 27 September 2011 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

(Official Journal of the European Union L 282 of 28 October 2011)

Page 80, CN code 0407 21 00, column 2:

Footnote-reference 2 must be deleted.

Page 105, CN code 1001 11 00, column 3:

Footnote-reference 1 must be deleted.

Page 105, CN code 1001 91 90, column 3:

Footnote-references 1 and 2 must be deleted.

Page 883, Annex 7, order number 75, column 2:

Codes 1001 11 00 and 1001 91 90 must be deleted.

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