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Price: EUR 3

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

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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.

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 180/2012

of 2 March 2012

entering a name in the register of protected designations of origin and protected geographical indications (Κουφέτα Αμυγδάλου Γεροσκήπου (Koufeta Amygdalou Geroskipou) (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Cyprus's application to register the name 'Κουφέτα Αμυγδάλου Γεροσκήπου' (Koufeta Amygdalou Geroskipou) was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection pursuant to Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*This Regulation shall enter into force on the 20th day following 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, 2 March 2012.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 191, 1.7.2011, p. 24.

ANNEX

Foodstuffs listed in Annex I to Regulation (EC) No 510/2006:

Class 2.4: Bread, pastry, cakes, confectionery, biscuits and other baker's wares

CYPRUS

Κουφέτα Αμυγδάλου Γεροσκήπου (Koufeta Amygdalou Geroskipou) (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 181/2012**of 2 March 2012****entering a name in the register of protected designations of origin and protected geographical indications (Melon de Guadeloupe (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, France's application to register the name 'Melon de Guadeloupe' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection pursuant to Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the 20th day following 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, 2 March 2012.

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

Dacian CIOLOŞ
Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 189, 29.6.2011, p. 37.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

FRANCE

Melon de Guadeloupe (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 182/2012**of 2 March 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, 2 March 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	70,7
	JO	73,2
	MA	73,1
	TN	90,4
	TR	120,0
	ZZ	85,5
0707 00 05	EG	158,2
	JO	131,5
	TR	169,6
	ZZ	153,1
0709 91 00	EG	72,9
	ZZ	72,9
0709 93 10	MA	56,1
	TR	102,2
	ZZ	79,2
0805 10 20	EG	51,8
	IL	66,9
	MA	51,6
	TN	51,1
	TR	76,8
	ZZ	59,6
0805 50 10	BR	43,7
	TR	60,9
	ZZ	52,3
0808 10 80	CA	118,1
	CL	98,4
	CN	108,3
	MK	31,8
	US	155,6
	ZZ	102,4
0808 30 90	AR	70,3
	CL	145,8
	CN	54,2
	US	99,0
	ZA	95,8
	ZZ	93,0

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2012/7/EU

of 2 March 2012

amending, for the purpose of adaptation to technical progress, part III of Annex II to Directive 2009/48/EC of the European Parliament and of the Council relating to toy safety

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys ⁽¹⁾, and in particular Article 46.1 (b) thereof,

Whereas:

- (1) Directive 2009/48 sets limit values for cadmium, based on the recommendations of the Dutch National Institute for Public Health and the Environment (RIVM) made in the 2008 report entitled "Chemicals in Toys. A general methodology for assessment of chemical safety of toys with a focus on elements". The RIVM recommendations are based on the assumption that exposure of children to chemicals in toys may not exceed a certain level, called "tolerable daily intake". Since children are exposed to chemicals via other sources than toys, only a percentage of the tolerable daily intake should be allocated to toys. The Scientific Committee on Toxicity, Ecotoxicity and the Environment (CSTEE) recommended in its 2004 report that a maximum of 10 % of the tolerable daily intake may be allocated to toys. However, for cadmium and other chemical substances which are particularly toxic, the recommended allocation should not exceed 5 % of the tolerable daily intake, in order to ensure that only traces that are compatible with good manufacturing practice will be present
- (2) According to the RIVM recommendations, the maximum percentage of the tolerable daily intake should be multiplied by the weight of a child, estimated at 7.5 kg, and divided by the quantity of toy material ingested, in order to obtain the limit values for the chemical substances listed in Directive 2009/48/EC.
- (3) For cadmium, RIVM used the tolerable weekly intake of 7 µg/kg established by the Joint Food and Agriculture Organisation of the United Nations and the World Health Organisation Experts committee on food

additives (JECFA) in 1989 and confirmed by JECFA in 2001. A safety factor of two was applied, resulting in a tolerable weekly intake of 3.5 µg/kg and a tolerable daily intake of 0.5 µg/kg.

- (4) In order to define possible exposure scenarios to chemical substances, the quantity of toy material ingested was estimated by the RIVM at 8 mg per day for scraped-off toy material, 100 mg for brittle toy material and 400 mg for liquid or sticky toy material. Those ingestion limits were supported by the Scientific Committee on Health and Environmental Risks (SCHER) in its opinion entitled "Risks from organic CMR substances in toys" adopted on the 18 May 2010.
- (5) By applying 5 % of the tolerable daily intake, multiplied by the weight of the child and divided by the quantity of toy material ingested, the following limit values for cadmium were established: 23 mg/kg for scrapped-off material, 1.9 mg/kg for dry material and 0.5 mg/kg for liquid material.
- (6) The European Food Safety Authority (EFSA) concluded in its opinion of 30 January 2009 that the tolerable weekly intake established by JECFA in 1989 and confirmed by JECFA in 2001 was no longer appropriate in view of the new developments related to the toxicology of cadmium. The EFSA established a new tolerable weekly intake of 2.5 µg/kg, resulting in a tolerable daily intake of 0.36 µg/kg.
- (7) Applying 5 % of the new tolerable daily intake, multiplied by the weight of the child and divided by the quantity of toy material ingested results in the following limits for cadmium: 17 mg/kg for scrapped-off material, 1.3 mg/kg for dry material and 0.3 mg/kg for liquid material.
- (8) Directive 2009/48/EC should therefore be amended accordingly.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Toy Safety Committee.

⁽¹⁾ OJ L 170, 30.6.2009, p. 1.

HAS ADOPTED THIS DIRECTIVE:

Article 1

Part III of Annex II to Directive 2009/48/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish, by 20 January 2013 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions

They shall apply those provisions from 20 July 2013.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 2 March 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

Part III of Annex II to Directive 2009/48/EC is amended as follows:

In point 13, the entry for cadmium is replaced by the following:

Element	mg/kg in dry, brittle, power-like or pliable toy material	mg/kg in liquid or sticky toy material	mg/kg in scrapped-off toy material
Cadmium	1,3	0,3	17'

COMMISSION IMPLEMENTING DIRECTIVE 2012/8/EU

of 2 March 2012

amending Directive 2003/90/EC setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species⁽¹⁾, and in particular Article 7(2) (a) and (b) thereof,

Whereas:

- (1) Commission Directive 2003/90/EC⁽²⁾ was adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination of the various species and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties this Directive provides that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.
- (2) The CPVO has since established further guidelines for a number of other species, and has updated existing ones.
- (3) Directive 2003/90/EC should therefore be amended accordingly.
- (4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annexes I and II to Directive 2003/90/EC are replaced by the text in the Annex to this Directive.

Article 2

For examinations started before 1 October 2012 Member States may apply Directive 2003/90/EC in the version applying before its amendment by this Directive.

Article 3

Member States shall adopt and publish, by 30 September 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 October 2012.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 2 March 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ OJ L 254, 8.10.2003, p. 7.

ANNEX

‘ANNEX I

List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
<i>Festuca filiformis</i> Pourr.	Fine-leaved sheep's fescue	TP 67/1 of 23.6.2011
<i>Festuca ovina</i> L.	Sheep's fescue	TP 67/1 of 23.6.2011
<i>Festuca rubra</i> L.	Red fescue	TP 67/1 of 23.6.2011
<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue	TP 67/1 of 23.6.2011
<i>Lolium multiflorum</i> Lam.	Italian ryegrass	TP 4/1 of 23.6.2011
<i>Lolium perenne</i> L.	Perennial ryegrass	TP 4/1 of 23.6.2011
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass	TP 4/1 of 23.6.2011
<i>Pisum sativum</i> L.	Field pea	TP 7/2 of 11.3.2010
<i>Brassica napus</i> L.	Swede rape	TP 36/2 of 16.11.2011
<i>Helianthus annuus</i> L.	Sunflower	TP 81/1 of 31.10.2002
<i>Linum usitatissimum</i> L.	Flax/Linseed	TP 57/1 of 21.3.2007
<i>Avena nuda</i> L.	Small naked oat, Hulless oat	TP 20/1 of 6.11.2003
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat	TP 20/1 of 6.11.2003
<i>Hordeum vulgare</i> L.	Barley	TP 19/2rev. of 11.3.2010
<i>Oryza sativa</i> L.	Rice	TP 16/1 of 18.11.2004
<i>Secale cereale</i> L.	Rye	TP 58/1 of 31.10.2002
<i>xTriticosecale</i> Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	TP 121/2 rev. 1 of 16.2.2011
<i>Triticum aestivum</i> L.	Wheat	TP 3/4 rev. 2 of 16.2.2011
<i>Triticum durum</i> Desf.	Durum wheat	TP 120/2 of 6.11.2003
<i>Zea mays</i> L.	Maize	TP 2/3 of 11.3.2010
<i>Solanum tuberosum</i> L.	Potato	TP 23/2 of 1.12.2005

The text of these protocols can be found on the CPVO web site (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Fodder beet	TG/150/3 of 4.11.1994
<i>Agrostis canina</i> L.	Velvet bent	TG/30/6 of 12.10.1990
<i>Agrostis gigantea</i> Roth.	Red top	TG/30/6 of 12.10.1990
<i>Agrostis stolonifera</i> L.	Creeping bent	TG/30/6 of 12.10.1990
<i>Agrostis capillaris</i> L.	Brown top	TG/30/6 of 12.10.1990
<i>Bromus catharticus</i> Vahl	Rescue grass	TG/180/3 of 4.4.2001
<i>Bromus sitchensis</i> Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
<i>Dactylis glomerata</i> L.	Cocksfoot	TG/31/8 of 17.4.2002
<i>Festuca arundinacea</i> Schreber	Tall fescue	TG/39/8 of 17.4.2002
<i>Festuca pratensis</i> Huds.	Meadow fescue	TG/39/8 of 17.4.2002
<i>xFestulolium</i> Asch. et Graebn.	Hybrids resulting from the crossing of a species of the genus <i>Festuca</i> with a species of the genus <i>Lolium</i>	TG/243/1 of 9.4.2008
<i>Phleum nodosum</i> L.	Small timothy	TG/34/6 of 7.11.1984
<i>Phleum pratense</i> L.	Timothy	TG/34/6 of 7.11.1984
<i>Poa pratensis</i> L.	Smooth-stalked meadow grass	TG/33/6 of 12.10.1990
<i>Lupinus albus</i> L.	White lupin	TG/66/4 of 31.3.2004
<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin	TG/66/4 of 31.3.2004
<i>Lupinus luteus</i> L.	Yellow lupin	TG/66/4 of 31.3.2004
<i>Medicago sativa</i> L.	Lucerne	TG/6/5 of 6.4.2005
<i>Medicago x varia</i> T. Martyn	Sand lucerne	TG/6/5 of 6.4.2005
<i>Trifolium pratense</i> L.	Red clover	TG/5/7 of 4.4.2001
<i>Trifolium repens</i> L.	White clover	TG/38/7 of 9.4.2003
<i>Vicia faba</i> L.	Field bean	TG/8/6 of 17.4.2002
<i>Vicia sativa</i> L.	Common vetch	TG/32/6 of 21.10.1988
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Swede	TG/89/6rev. of 4.4.2001 + 1.4.2009
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder radish	TG/178/3 of 4.4.2001
<i>Arachis hypogea</i> L.	Groundnut/Peanut	TG/93/3 of 13.11.1985

Scientific name	Common name	UPOV guideline
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip rape	TG/185/3 of 17.4.2002
<i>Carthamus tinctorius</i> L.	Safflower	TG/134/3 of 12.10.1990
<i>Gossypium</i> spp.	Cotton	TG/88/6 of 4.4.2001
<i>Papaver somniferum</i> L.	Poppy	TG/166/3 of 24.3.1999
<i>Sinapis alba</i> L.	White mustard	TG/179/3 of 4.4.2001
<i>Glycine max</i> (L.) Merrill	Soya bean	TG/80/6 of 1.4.1998
<i>Sorghum bicolor</i> (L.) Moench	Sorghum	TG/122/3 of 6.10.1989

The text of these guidelines can be found on the UPOV web site (www.upov.int).'

DECISIONS

COMMISSION DECISION

of 29 February 2012

setting up the Common Language Resources and Technology Infrastructure as a European Research Infrastructure Consortium (CLARIN ERIC)

(notified under document C(2012) 1018)

(2012/136/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC) ⁽¹⁾, and in particular Article 6(1)(a) thereof,

Whereas:

- (1) On 23 September 2011 the Czech Republic, Denmark, Germany, Estonia, the Dutch Language Union, Austria and the Netherlands requested the Commission to set up the Common Language Resources and Technology Infrastructure as a European Research Infrastructure Consortium (hereinafter 'CLARIN ERIC').
- (2) The Netherlands has provided a declaration recognising CLARIN ERIC as an international body within the meaning of Article 143(1)(g) and Article 151(1)(b) of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽²⁾ and an international organisation within the meaning of the second indent of Article 23(1) of Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding, movement and monitoring of such products ⁽³⁾ as of its setting up.

(3) The Commission has, in accordance with Article 5(2) of Regulation (EC) No 723/2009, assessed the application and concluded that it meets the requirements set out in that Regulation.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee set up under Article 20 of Regulation (EC) No 723/2009,

HAS ADOPTED THIS DECISION:

Article 1

1. A European Research Infrastructure Consortium for the Common Language Resources and Technology Infrastructure named CLARIN ERIC is hereby established.
2. The Statutes of CLARIN ERIC as agreed between its members, are annexed to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 February 2012.

For the Commission

Máire GEOGHEGAN-QUINN

Member of the Commission

⁽¹⁾ OJ L 206, 8.8.2009, p. 1.

⁽²⁾ OJ L 347, 11.12.2006, p. 1.

⁽³⁾ OJ L 76, 23.3.1992, p. 1.

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CHAPTER 1

GENERAL PROVISIONS*Article 1***Name, seat, location and working language**

1.1. There shall be a European Research Infrastructure called the 'Common Language Resources and Technology Infrastructure', hereinafter referred to as 'CLARIN'.

1.2. CLARIN shall have the legal form of a European Research Infrastructure Consortium (ERIC) incorporated under the provision of Regulation (EC) No 723/2009 and be named 'CLARIN ERIC'.

1.3. CLARIN shall be a distributed research infrastructure located in all CLARIN ERIC member countries, as well as in other countries where CLARIN ERIC has made agreements in accordance with Article 18.

1.4. CLARIN ERIC shall have its statutory seat in Utrecht, the Netherlands.

1.5. The working language of CLARIN ERIC is English.

*Article 2***Objectives and activities**

2.1. The ultimate objective of CLARIN ERIC is to advance research in humanities and social sciences by giving researchers unified access to a platform which integrates language-based resources and advanced tools at a European level. This shall be implemented by the construction and operation of a shared distributed research infrastructure that aims at making language resources, technology and expertise available to the humanities and social sciences research communities at large.

2.2. To this end CLARIN ERIC shall undertake and coordinate a variety of activities, including but not limited to:

- (a) the creation of a federation of existing data and web-service centres to facilitate single sign-on access to data and to technology services provided by these centres;
- (b) the definition and maintenance of a collection of formal and de facto standards and mappings between those to facilitate interoperability between data and services;
- (c) the coordination and support of activities aimed at the acquisition and creation of new data and web-services;
- (d) the collection of user requirements and best practice in order to provide efficient support to users;
- (e) the creation of centres of expertise with a focus on the exploitation of language resources and technology for the advancement of research in the humanities and social sciences;
- (f) the organisation of training, awareness and dissemination actions in order to promote both the usage and the further evolution of the research infrastructure;
- (g) ensuring the creation and maintenance of a licensing, access and authentication framework that on the one hand ensures easy access and at the same time protects the reasonable rights of owners of data and tools and privacy of individuals;

- (h) maintaining and exploiting relationships with related organisations and infrastructures in and outside Europe with a view to collaboration;
- (i) contributing to the development of policies leading to the advancement of research in the European Research Area (ERA), both within the fields of humanities and social sciences and across disciplines;
- (j) any other related action that will help strengthening research in the ERA.

2.3. CLARIN ERIC shall construct and operate CLARIN on a non-economic basis; in order to further promote innovation as well as transfer of knowledge and technology limited economic activities may be carried out as long as they do not jeopardize the main activities.

CHAPTER 2

MEMBERSHIP

Article 3

Membership and representing entity

3.1. The following entities may become members of CLARIN ERIC or they may become observers without voting rights:

- (a) Member States;
- (b) associated countries;
- (c) third countries other than associated countries;
- (d) intergovernmental organisations.

Conditions for admission of members and observers are specified in Article 4.1 and 4.2 of these statutes.

3.2. CLARIN ERIC shall have at least three Member States as members.

3.3. Member States shall jointly hold the majority of the voting rights in the General Assembly.

3.4. Any member or observer may be represented by one public entity or one private entity with a public service mission, of its own choosing and appointed according to its own rules and procedures.

3.5. The current members, observers and their representing entities are listed in Annex 1. The members at the time of submission of the ERIC application shall be referred to as founding members.

Article 4

Admission of members and observers

4.1. The terms for admission of new members are the following:

- (a) the admission of new members shall require the approval of the General Assembly;
- (b) applicants shall submit a written application to the President of the General Assembly;
- (c) the application shall describe how the applicant will contribute to CLARIN objectives and activities described in Article 2 and how it will fulfil obligations referred to in Article 6.2.

4.2. Entities listed in Article 3.1 who are willing to contribute to CLARIN ERIC, but are not yet in a position to join as members, may apply for observer status. The terms for admission of observers are the following:

- (a) observers shall be admitted for a three year period maximum. An observer may reapply once for observer status. In exceptional cases the General Assembly may accept further extension of observer status;
- (b) the admission or re-admission of observers shall require the approval of the General Assembly;
- (c) applicants shall submit a written application to the CLARIN ERIC statutory seat;
- (d) the application shall describe how the applicant will contribute to CLARIN objectives and activities described in Article 2 and how it will fulfil obligations referred to in Article 7.2.

*Article 5***Withdrawal of a member or an observer/Termination of membership or observer status**

5.1. Within the first five years of the establishment of CLARIN ERIC no member may withdraw unless the membership has been entered into for a specified shorter period.

5.2. After the first five years of the establishment of CLARIN ERIC a member may withdraw at the end of a financial year, following a request 12 months prior to the withdrawal.

5.3. Observers may withdraw at the end of a financial year, following a request six months prior to the withdrawal.

5.4. Financial and other obligations must be fulfilled before a withdrawal will be accepted.

5.5. The General Assembly shall have the power to terminate the membership of a member or the observer status of an observer if the following conditions are met:

- (a) the member or observer is in serious breach of one or more of its obligations under these statutes;
- (b) the member or observer has failed to rectify such breach within a period of six months.

The member or observer shall be given opportunity to contest the decision of termination and to present its defence to the General Assembly.

CHAPTER 3

RIGHTS AND OBLIGATIONS OF THE MEMBERS AND OBSERVERS*Article 6***Members**

6.1. Rights of members shall include:

- (a) to grant access to CLARIN and all its services to its research community;
- (b) to attend and vote at the General Assembly and thereby exercise influence;
- (c) to participate in the development of strategies and policies;
- (d) to cooperate closely with other countries in making resources, tools and services available to the researchers of the respective countries;
- (e) to let its research community participate in the selection of relevant CLARIN standards and best practice recommendations;
- (f) to let its research community participate in CLARIN events, such as summer schools, workshops, conferences and training courses, at preferential rates;
- (g) to use the CLARIN brand;
- (h) to participate in Union project proposals where CLARIN ERIC acts as the submitting consortium.

6.2. Each member shall:

- (a) pay the annual fee as specified in Annex 2;
- (b) appoint a representing entity as mentioned in Article 3.4 and always keep the General Assembly informed about who the representing entity is;
- (c) empower its representing entity with the full authority to vote on all issues raised during the General Assembly and published in the agenda;
- (d) create a national consortium for carrying out the national obligations following from these statutes;
- (e) appoint a national coordinator responsible for the national consortium;
- (f) provide at least one data and service centre;
- (g) provide an agreed upon user authentication and authorization system;
- (h) provide agreed service(s);

- (i) promote adoption of relevant standards in national resource and tools creation projects;
- (j) provide the necessary technical infrastructure to make access possible;
- (k) promote uptake of CLARIN services among researchers in their country, and gather user feedback and requirements;
- (l) support CLARIN centres in the member country by facilitating integration into national and other relevant infrastructures.

6.3. Members who have joined CLARIN ERIC reserving the right to withdraw before the end of the first five years of the establishment of CLARIN ERIC shall pay a higher annual fee as specified in Annex 2.

6.4. Contributions other than the annual fee to CLARIN ERIC may be provided by members individually or jointly in cooperation with other members, observers or third parties. Such contributions may be made in cash or in kind.

6.5. A member shall empower its representing entity or an entity representing the national consortium to carry out the obligations referred to in Article 6.2(a) and (d) to (l). CLARIN ERIC shall enter into a CLARIN Agreement with that entity in order to lay down the conditions and specifications under which the obligation shall be fulfilled or the contribution shall be made.

Article 7

Observers

7.1. Rights of observers shall include:

- (a) to attend the General Assembly without a vote;
- (b) to let its research community participate in CLARIN events, such as summer schools, workshops, conferences, training courses at preferential rates, space permitting;
- (c) to let its research community have access to support from CLARIN ERIC organisation in developing relevant systems, processes and services.

7.2. Each observer shall:

- (a) appoint a representing entity as mentioned in Article 3.4 and always keep the General Assembly informed about who the representing entity is;
- (b) pay the annual fee as specified in Annex 2;
- (c) describe the contribution to the CLARIN ERIC objectives as mentioned in Article 2.

7.3. Contributions other than the annual fee to CLARIN ERIC may be provided by observers individually or jointly in cooperation with other members, observers or third parties. Such contributions may be made in cash or in kind.

7.4. An observer shall empower its representing entity to carry out the obligations referred to in Article 7.2(b) and (c). CLARIN ERIC shall enter into a CLARIN Observer Agreement with that entity in order to lay down the conditions and specifications under which the obligation shall be fulfilled or the contribution shall be made.

CHAPTER 4

GOVERNANCE OF CLARIN ERIC

Article 8

General Assembly

8.1. The General Assembly shall be the body of CLARIN ERIC with full decision-making powers, and shall represent the members of CLARIN ERIC. Each member has one vote. Each entity representing a member shall nominate one official representative. Additionally each member may bring an expert. Each delegation may consequently consist of up to two persons, but the official representative carries the vote.

8.2. The General Assembly shall convene at least once a year, and shall at least:

- (a) appoint, suspend or dismiss the Executive Director and the Board of Directors apart from the ex officio members mentioned in Article 10.3 and Article 13.2;

- (b) confirm ex officio members of the Board of Directors;
- (c) appoint the Scientific Advisory Board;
- (d) decide on strategies for the construction and exploitation of CLARIN and any other issues deemed relevant by the Board of Directors or by a member or group of members who requests it, in accordance with Article 8.3;
- (e) approve the work programme and annual budget of CLARIN ERIC;
- (f) decide at least every five years on the principles for calculating the annual fee for each member, and on the amount of the annual fee of which the principles as well as the corresponding amounts shall be laid down in Annex 2 to these statutes;
- (g) approve annual reports and accounts of CLARIN ERIC;
- (h) approve each member's contribution to CLARIN;
- (i) approve accession of new members and observers;
- (j) decide on termination of membership and observer status;
- (k) decide on winding up of CLARIN ERIC according to Article 27.

8.3. The General Assembly shall be convened by the President with at least four weeks' notice, and the agenda shall be circulated at least two weeks before the meeting. Members shall have the right to suggest matters for the agenda up to three weeks before the meeting. A meeting of the General Assembly may be requested by at least 50 % of the members, and the meeting shall be held as soon as possible, with at least two weeks' notice.

8.4. The General Assembly shall elect a President by simple majority of the votes. The President shall be a member's official representative. The President shall be elected for a two year term, and no one may serve for more than two consecutive terms. In case the President withdraws before the end of the term, a new President shall be elected by the General Assembly.

8.5. The General Assembly shall elect a Vice President by simple majority of the votes. The Vice President shall be a member's official representative. The Vice President shall be elected for a two-year term, and no one may serve for more than two consecutive terms. In case the Vice President withdraws before the end of the term, a new Vice President shall be elected by the General Assembly. The Vice President shall substitute the President in his/her absence and in case of conflict of interest.

8.6. If an official representative cannot attend the General Assembly, the member may authorise another representative from the same entity, the national expert or an official representative of another member to vote on its behalf by means of a written and duly signed authorisation, which shall be presented to the President by the beginning of the meeting. No representative may bring more than three authorisations.

8.7. The General Assembly shall be chaired by the President, and in his or her absence by the Vice President. The President, or a person authorised by the President, shall be responsible for updating Annex 1, so there shall be at all times an accurate list of the members, observers and their representing entities.

8.8. All decisions shall be passed by simple majority of the votes cast, except decisions to:

- (a) amend the statutes of CLARIN ERIC;
- (b) after the first five years, amend Annex 2 "Annual Fee";
- (c) terminate CLARIN ERIC;
- (d) terminate a membership or observer status;
- (e) suspend or dismiss the Executive Director and the Board of Directors.

8.9. Decisions concerning the following shall require two thirds of the votes:

- (a) the amendment of the statutes,
- (b) the amendment of Annex 2,
- (c) the suspension or dismissal of Executive Director and the Board of Directors,
- (d) the termination of CLARIN ERIC,

Any amendment of the Statutes shall be subject to the provisions laid down in Article 11 of Regulation (EC) No 723/2009.

8.10. The decision to terminate a membership or observer status shall require a unanimous vote, not counting the vote of the member in question or the abstentions to vote.

8.11. Voting shall be conducted by secret ballot if requested by a representative. In case of a tie, the President shall have the casting vote.

8.12. The quorum of the General Assembly shall be two thirds of the votes. The representatives may be present physically or by authorisation, as described in Article 8.6. The General Assembly may decide to use technology, such as video conferencing, for meetings.

8.13. The President may decide to use a written procedure for the adoption of decisions. In such cases, the President, or a person authorized by the President, shall circulate the proposal to all official representatives of the General Assembly, who then shall notify their objections, amendments or intentions to abstain within the time allowed. The response period shall be no less than 14 calendar days. In urgent cases, and where measure to be adopted must be implemented immediately, the President may shorten the response time to five calendar days. If there are no objections, amendments or intentions to abstain made within the time allowed, the proposal shall be tacitly adopted. If an official representative has objections or suggestions for amendments, the President may decide to modify the proposal and resubmit for written procedure, or include the matter in the agenda of the next meeting of the General Assembly.

Article 9

Scientific Advisory Board

9.1. The members of the Scientific Advisory Board shall be appointed by the General Assembly. The Scientific Advisory Board shall consist of high-level researchers who are independent ⁽¹⁾ of CLARIN ERIC. Both the CLARIN ERIC provider and user community shall be represented in the Scientific Advisory Board.

9.2. The number of members of the Scientific Advisory Board shall be decided by the General Assembly. This number should not be less than five and not more than ten.

9.3. The term for the Scientific Advisory Board members shall be three years, with a possibility of one more term, to be decided by the General Assembly.

9.4. The Scientific Advisory Board shall provide input to the General Assembly through solicited and unsolicited advice on strategic issues, including but not limited to vision, new initiatives, work plans and quality assurance. The Scientific Advisory Board may provide input for the General Assembly for the evaluation of the progress of the work and the services offered by CLARIN ERIC.

9.5. The Chair of the Scientific Advisory Board shall be appointed by the General Assembly. The by-laws of the Scientific Advisory Board shall be based on the general by-laws scheme developed by the Board of Directors. The by-laws shall be approved by the Board of Directors.

Article 10

National Coordinators' Forum

10.1. It shall be the duty of each member being a country to appoint a national coordinator. The national coordinator shall act as the main liaison between CLARIN ERIC and the national consortium.

National coordinators shall be responsible for their country to follow the General Assembly's policies and strategies for the development and exploitation of CLARIN.

10.1.1. It shall be the duty of each member being an intergovernmental organisation with an operational structure to appoint a coordinator. The coordinator shall act as the main liaison between CLARIN ERIC and the operational unit(s) of the intergovernmental organisation. The coordinator shall be responsible for his/her organisation to follow the General Assembly's policies and strategies for the development and exploitation of CLARIN. In the remainder of these statutes the term 'national coordinator' shall also include coordinators appointed by intergovernmental organisations.

10.2. The National Coordinators' Forum shall consist of all national coordinators. The responsibility of the National Coordinators' Forum shall be to ensure the coordination of the implementation of the strategies laid out by the General Assembly. The Forum shall have to maintain coherence and consistency across CLARIN and collaboration between the members.

⁽¹⁾ Independent means that there is no conflict of interest.

10.3. The Chair of the National Coordinators' Forum shall be elected according to the by-laws of the Forum. The Chair shall be ex officio member of the Board of Directors.

10.4. The by-laws of the National Coordinators' Forum shall be based on the general by-laws scheme developed by the Board of Directors. The by-laws shall be approved by the Board of Directors.

Article 11

Executive Director

11.1. The General Assembly shall appoint the Executive Director of CLARIN ERIC according to a procedure defined by the General Assembly. The Executive Director and the Board of Directors shall be jointly the legal representative of CLARIN ERIC. The Executive Director shall carry out the day-to-day management of CLARIN ERIC. The Executive Director shall be responsible for the implementation of a decision by the General Assembly to amend Annex 2.

11.2. The term for the Executive Director shall be five years, with a possibility of an administrative prolongation, meaning a prolongation without a competition, of up to two years decided by the General Assembly. At the end of the five years term or when the appointment can no longer be prolonged, another open call shall be issued.

Article 12

Board of Directors

12.1. The General Assembly shall appoint high-level individuals to form the Board of Directors. The number of Directors shall be decided by the General Assembly. The appointment procedure shall be defined by the General Assembly. The collective expertise of the Board shall include management, technical infrastructure, language resources and tools and users' needs.

12.2. The General Assembly shall appoint one of the members of the Board of Directors as Vice Director. The Vice Director shall substitute the Executive Director in his/her absence or in case of conflict of interest.

12.3. The term for the Board members shall be three years, with a possibility of one more term, to be decided by the General Assembly.

12.4. The Board of Directors shall be, together with the Executive Director, the executive body of CLARIN ERIC. The Board of Directors shall be responsible for the smooth operation of CLARIN ERIC following the General Assembly directions and decisions, as well as the feedback from the other boards and committees.

12.5. The Board of Directors shall establish a general scheme for by-laws to be used for all boards and committees mentioned in these statutes, and shall approve the specific by-laws of each board and committee. The Board of Directors shall establish its own by-laws based on the general scheme.

12.6. The Executive Director shall be the Chair of the Board of Directors.

Article 13

Standing Committee for CLARIN technical centres

13.1. There shall be a Standing Committee for CLARIN technical centres. The Standing Committee for CLARIN centres shall consist of the centre directors (or representatives designated by the directors) for those CLARIN centres that have been identified as crucial for the operation of CLARIN on the basis of criteria to be formulated by the Board of Directors. The decision to recognize a technical centre as crucial for the operation of CLARIN shall be the responsibility of the General Assembly.

13.2. The Standing Committee for CLARIN centres shall have the task of ensuring consistence, coherence and stability of infrastructure services through decisions on implementation as well as coordination between the centres and members. It shall report to the National Coordinators' Forum and the Board of Directors. The Chair of the Standing Committee shall be elected according to the Committee's by-laws. The Chair shall be ex officio member of the Board of Directors.

13.3. The Standing Committee shall serve as a forum for CLARIN centres to exchange ideas and experiences. The role of the Standing Committee shall be to give advice and make requests and proposals to the CLARIN ERIC and to the National Coordinators in order to ensure consistency, coherence and stability of services.

13.4. The by-laws of the Standing Committee shall be based on the general by-laws scheme developed by the Board of Directors. The by-laws shall be approved by the Board of Directors.

Article 14

Working Groups

14.1. The Board of Directors may create and terminate Working Groups for themes for which a special effort is needed, which cannot be performed by the Board of Directors.

14.2. The by-laws of the Working Groups shall be based on the general by-laws scheme developed by the Board of Directors. The by-laws shall be approved by the Board of Directors.

CHAPTER 5

FINANCE

*Article 15***Budgetary principles and accounts**

- 15.1. The financial year of CLARIN ERIC shall begin on 1 January and shall end on 31 December of each year.
- 15.2. All items of revenue and expenditure of CLARIN ERIC shall be included in estimates to be drawn up for each financial year and shall be shown in the annual budget. The annual budget shall be in compliance with the principles of transparency.
- 15.3. The accounts of CLARIN ERIC shall be accompanied by a report on budgetary and financial management of the financial year.
- 15.4. CLARIN ERIC shall be subject to the requirements of the applicable law as regards preparation, filing, auditing and publication of accounts.
- 15.5. CLARIN ERIC shall ensure that the appropriations are used in accordance with the principles of sound financial management.
- 15.6. CLARIN ERIC shall record the costs and revenues of its economic activities separately.

*Article 16***Liability**

- 16.1. CLARIN ERIC shall be liable for its debts.
- 16.2. The members are not jointly liable for the debts of CLARIN ERIC.
- 16.3. The members' financial liability towards CLARIN ERIC's debts shall be limited to each individual member's annual contribution as specified in Annex 2.
- 16.4. CLARIN ERIC shall take appropriate insurance to cover the risks specific to the construction and operation of CLARIN.

CHAPTER 6

REPORTING TO THE COMMISSION

*Article 17***Reporting to the Commission**

- 17.1. CLARIN ERIC shall produce an annual activity report, containing in particular the scientific, operational and financial aspects of its activities. The report shall be approved by the General Assembly and transmitted to the Commission and relevant public authorities within six months from the end of the corresponding financial year. This report shall be made publicly available.
- 17.2. CLARIN ERIC shall inform the Commission of any circumstances which threaten to seriously jeopardise the achievement of CLARIN ERIC tasks or hinder CLARIN ERIC from fulfilling requirements laid down in Regulation (EC) No 723/2009.

CHAPTER 7

POLICIES

*Article 18***Agreements with third parties**

- 18.1. In cases where CLARIN ERIC deems it beneficial, it may enter into agreement with third parties, such as e.g. individual institutions, regions and non-member countries.
- 18.2. If institutions from non-member countries or other parties as described in Article 18.1 wish to contribute to CLARIN ERIC with expertise, services, language resources and technology, CLARIN ERIC may enter into an agreement with such parties. The agreement shall specify a certain service/contribution which the party will make, and specify access rights, subscription fee and other conditions in the light of this contribution. It shall be a prerequisite that the users of CLARIN data, tools and services are part of an authentication and authorisation system.

*Article 19***Access policies for users**

- 19.1. Where access for researchers in CLARIN member countries is concerned, data, tools and services offered by CLARIN ERIC shall be open to all employees and students in research institutions such as universities, research centres, museums and research libraries, according to the authorisation of the content providers and through an authentication approved by CLARIN ERIC.

19.2. Where access for researchers in non-member countries is concerned, the research institution shall pay a subscription fee in accordance with the principles laid down in Annex 2, which will give access for all employees and students of the particular institution to CLARIN data, tools and services. It shall be a prerequisite that the users of CLARIN data, tools and services are part of an authentication and authorisation system satisfying CLARIN requirements and approved by CLARIN ERIC.

19.3. Access for other institutions, industry and similar types of specific users as well as individual researchers not belonging to an institution may be granted for a fee. It shall be a prerequisite that the users of CLARIN data, tools and services are part of an authentication and authorisation system satisfying CLARIN requirements and approved by CLARIN ERIC.

19.4. Access for the general public shall be granted unless the services or resources are constrained by licensing conditions imposed by the owners. Access to metadata and to open source and open access resources shall be granted.

19.5. Even if access is granted according to Article 19.1 to 19.4, some services and resources may be available against a fee if required by the owner.

Article 20

Scientific evaluation policy

20.1. CLARIN ERIC shall be a facilitator of research and shall as a general rule encourage as free access as possible to research data. Irrespective of this principle CLARIN ERIC shall promote high quality research and shall support a culture of 'best practice' through training activities.

If access to CLARIN research data or tools has to be restricted for capacity reasons, and a selection of projects has to be made, the scientific excellence of project proposals shall be judged in peer reviews by independent experts, and the criteria and procedures shall be decided by the General Assembly, with advice from the Scientific Advisory Board. Such criteria shall also take into account that a certain amount of the capacity should be reserved for totally new ideas that may not yet have reached full maturity or widely recognized scientific excellence. The peers shall be selected by the Board of Directors in accordance with the evaluation policy.

20.2. Evaluation of CLARIN ERIC and its results shall be the task of the Scientific Board according to Article 9.4.

Article 21

Dissemination policy

21.1. CLARIN ERIC shall promote CLARIN and encourage researchers to embark on new and innovative projects and to use CLARIN in their higher education.

21.2. CLARIN ERIC shall generally encourage researchers to make their research results publicly available and shall request researchers of member countries to make results available through CLARIN.

21.3. The dissemination policy shall describe the various target groups, and CLARIN shall use several channels to reach the target audiences, such as web portal, newsletter, workshops, presence in conferences, articles in magazines and daily newspapers.

Article 22

Intellectual property rights policy

22.1. Intellectual property rights of results created by CLARIN ERIC shall belong to CLARIN ERIC and shall be managed by the Board of Directors.

22.2. Generally Open Source and Open Access principles shall be favoured.

22.3. CLARIN ERIC shall provide guidance (including via website) to researchers to ensure that research undertaken using material made accessible through CLARIN ERIC shall be undertaken within a framework that recognizes the rights of data owners and privacy of individuals.

22.4. CLARIN ERIC shall ensure that users agree to the terms and conditions governing access and that suitable security arrangements are in place regarding internal storage and handling.

22.5. CLARIN ERIC shall have in place well defined arrangements for investigating allegations of security breaches and confidentiality disclosures regarding research data.

*Article 23***Employment policy, including equal opportunities**

23.1. CLARIN ERIC shall be an equal opportunity employer. Employment contracts shall follow the national laws of the country in which the staff is employed.

23.2. For each task CLARIN ERIC shall select the best candidate, regardless of background, nationality, religion or gender.

*Article 24***Procurement policy and tax exemption**

24.1. CLARIN ERIC shall treat procurement candidates and tenderers equally and in a non-discriminatory way, independent of whether or not they are based in the Union. The CLARIN ERIC procurement policy shall respect the principles of transparency, non-discrimination and competition. Since CLARIN is a distributed facility, procurement shall be done partly by the individual members, following their national public procurement regulations and procedures and partly by CLARIN ERIC itself.

24.2. The Board of Directors shall be responsible for all CLARIN ERIC procurement. All tenders shall be publicised effectively on the CLARIN ERIC website and in the members' and observers' territories. For procurement amounts higher than EUR 200 000 CLARIN ERIC shall follow the principles of the EU Public Procurement Directives and subsequent applicable national legislation. The decision to award procurement shall be publicised and include a full justification. The General Assembly shall adopt Implementing Rules defining all necessary details on exact procurement procedures and criteria.

24.3. Procurement by members and observers concerning CLARIN activities shall be done in such a way that due consideration is given to CLARIN ERIC needs, technical requirements and specifications issued by the relevant bodies.

24.4. Tax exemptions based on Article 143(1)(g) and Article 151(1)(b) of Council Directive 2006/112/EC ⁽¹⁾ and in accordance with Articles 50 and 51 of Council Implementing Regulation (EU) No 282/2011 ⁽²⁾ shall be limited to the value added tax for such goods and services which are for official use by CLARIN ERIC, exceed the value of EUR 250, and are wholly paid and procured by CLARIN ERIC. Procurement by individual members shall not benefit from these exemptions. No further limits shall apply.

*Article 25***Data policy**

25.1. Generally Open Source and Open Access principles shall be favoured by CLARIN ERIC, but existing licences shall be respected.

25.2. CLARIN ERIC shall make all language resources and tools publicly visible by means of core metadata descriptions.

CHAPTER 8

DURATION, WINDING UP, DISPUTES, SET UP PROVISIONS*Article 26***Duration**

26.1. CLARIN ERIC shall exist for an indefinite period of time.

*Article 27***Winding up**

27.1. The winding up of CLARIN ERIC shall follow a decision of the General Assembly in accordance with Article 8.2 and 8.8.

27.2. Without undue delay and in any event within 10 days after adoption of the decision to wind up CLARIN ERIC, CLARIN ERIC shall notify the European Commission about the decision.

27.3. Assets remaining after payment of CLARIN ERIC debts shall be apportioned among the members in proportion to their accumulated annual contribution to CLARIN ERIC as specified in Annex 2. In accordance with Article 16.3 liabilities remaining after including the CLARIN ERIC assets shall be apportioned among the members in proportion to their annual contribution to CLARIN ERIC as specified in Annex 2.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1-118.

⁽²⁾ OJ L 77, 23.3.2011, p. 1-22

27.4. Without undue delay and in any event within 10 days of the closure of the winding up procedure, CLARIN ERIC shall notify the Commission thereof.

27.5. CLARIN ERIC shall cease to exist on the day on which the European Commission publishes the appropriate notice in the *Official Journal of the European Union*.

Article 28

Applicable law

28.1. CLARIN ERIC shall be governed, by precedence:

- (a) by Union law, in particular Regulation (EC) No 723/2009;
- (b) by the law of the Netherlands in case of a matter not covered (or only partly covered) by Union law;
- (c) by these statutes.

Article 29

Disputes

29.1. The Court of Justice of the European Union shall have jurisdiction over litigation among the members in relation to CLARIN ERIC, between members and CLARIN ERIC and over any litigation to which the Union is a party.

29.2. Union legislation on jurisdiction shall apply to disputes between CLARIN ERIC and third parties. In cases not covered by Union legislation, the law of the Netherlands shall determine the competent jurisdiction for the resolution of such disputes.

Article 30

Availability of statutes

30.1. At any point in time the valid version of the statutes shall be publicly available at the CLARIN ERIC website and at the statutory seat.

Article 31

Setting-up provisions

31.1. A constitutional meeting of the General Assembly shall be called by the host country as soon as possible but no later than 45 calendar days after the Commission decision to set up CLARIN ERIC takes effect.

31.2. The host country shall notify the founding members of any specific urgent legal action that needs to be taken on behalf of CLARIN ERIC before the constitutional meeting is held. Unless a founding member objects within 5 working days after being notified, the legal action shall be carried out by a person duly authorised by the host state.

Annex 1

LIST OF MEMBERS AND OBSERVERS

In this Annex the members and observers, and the entities representing them are listed.

Last updated: 20 September 2010

Members

Country or Intergovernmental organisation	Representing entity
The Republic of Austria	Austrian Federal Ministry for Science and Research (BMWF)
The Republic of Bulgaria	Ministry of Education, Youth and Science
The Czech Republic	Ministry of Education, Youth and Sports (MEYS)
The Kingdom of Denmark	Danish Agency for Science, Technology and Innovation (DASTI)
The Dutch Language Union	Secretary General
The Republic of Estonia	Ministry of Education and Research
The Federal Republic of Germany	German Federal Ministry of Education and Research (BMBF)

Country or Intergovernmental organisation	Representing entity
The Kingdom of the Netherlands	Netherlands Organisation for Scientific Research (NWO)
The Republic of Poland	

Observers

[illegible]

Annex 2

ANNUAL FEE

Principles

For the initial five year period the principles as described below shall be used to calculate the annual cash contributions by the members, observers and individual institutions in non-member countries that want to join CLARIN ERIC. The General Assembly may also make special collaboration agreements with third parties. Before the end of the initial five year period it shall decide about the calculation method for subsequent periods.

The principles shall be as follows:

- (a) the initial target budget is EUR 1 000 000 per year, based on an estimated participation by 2/3 of the 26 countries represented in the CLARIN Preparatory Phase consortium; if more members join, the General Assembly may decide to lower the contributions or to increase the level of activity;
- (b) the contribution for year 1 by The Netherlands, as the host country, is EUR 250 000;
- (c) the maximal contribution by other members for year 1 is EUR 200 000;
- (d) the minimal contribution by members for year 1 is EUR 11 800;
- (e) the contribution for each member shall be fixed for five years, with an annual increase of 2 % in order to compensate for inflation and increase of costs. The exact amount for each member is laid down in the table below;

- (f) members joining in later years shall pay the indexed contribution fixed for that year;
- (g) observers shall pay the minimal indexed membership contribution as specified in the table below;
- (h) individual institutions in non member countries shall pay the minimal indexed contribution as specified in the table below;
- (i) the contribution by the Dutch Language Union shall be EUR 28 600, which is based on the Flemish share in the Union gross domestic product (resulting in EUR 23 600), plus an additional amount of EUR 5 000, as the specific contribution by the Dutch Language Union (as an international organisation);
- (j) the contribution for entities joining in the course of a year shall be proportional to the number of remaining months in that year, starting on the first day of the month of joining;
- (k) contributions shall be based on the country's GDP in 2010 as a percentage of the Union gross domestic product in that year (based on EUROSTAT), according to the following formula:

The percentage of Union gross domestic product is rounded to the next integer (UP if less than 5, DOWN otherwise) and multiplied by the minimal contribution, as is shown in the following table:

% of EU GDP	rounded	Contribution in EUR
≤ 1	1	11 800
> 1 and ≤ 2	2	23 600
> 2 and ≤ 3	3	35 400
> 3 and ≤ 4	4	47 200
> 4 and ≤ 5	5	59 000
> 5 and ≤ 6	6	70 800
Etc	...	...
≥ 16 and < 17	16	188 800
≥ 17	n/a	200 000

The annual fee for members not initially committing for five years shall be raised by 25 %, as long as the commitment for the remaining period has not been made. If a commitment for the remaining part of the five years is made or if the member stays for five years, arrangements shall be made to ensure that the member will not pay more in total than the normal fees for those five years.

The table below and its totals include 33 potential European members.

Resulting figures for members committing themselves for five years

(potential) member	% GDP EU 2010	Base contribution	with annual increase of 2 %					sum
			y2012	y2013	y2014	y2015	y2016	y2012-16
Iceland	0,10	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Cyprus	0,10	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Estonia	0,10	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Malta	0,10	11 800	11 800	12 036	12 277	12 522	12 773	61 408

(potential) member	% GDP EU 2010	Base contribution	with annual increase of 2 %					sum
			y2012	y2013	y2014	y2015	y2016	y2012-16
Latvia	0,10	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Lithuania	0,20	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Bulgaria	0,30	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Luxembourg	0,30	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Slovenia	0,30	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Croatia	0,40	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Slovakia	0,50	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Hungary	0,80	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Romania	1,00	11 800	11 800	12 036	12 277	12 522	12 773	61 408
Czech Republic	1,20	23 600	23 600	24 072	24 553	25 045	25 545	122 815
Ireland	1,30	23 600	23 600	24 072	24 553	25 045	25 545	122 815
Portugal	1,40	23 600	23 600	24 072	24 553	25 045	25 545	122 815
Finland	1,50	23 600	23 600	24 072	24 553	25 045	25 545	122 815
DLU/Flanders	1,68	28 600	28 600	29 172	29 755	30 351	30 958	148 836
Denmark	1,90	23 600	23 600	24 072	24 553	25 045	25 545	122 815
Greece	1,90	23 600	23 600	24 072	24 553	25 045	25 545	122 815
Austria	2,30	35 400	35 400	36 108	36 830	37 567	38 318	184 223
Norway	2,60	35 400	35 400	36 108	36 830	37 567	38 318	184 223
Belgium	2,90	35 400	35 400	36 108	36 830	37 567	38 318	184 223
Sweden	2,90	35 400	35 400	36 108	36 830	37 567	38 318	184 223
Poland	2,90	35 400	35 400	36 108	36 830	37 567	38 318	184 223
Switzerland	3,30	35 400	35 400	36 108	36 830	37 567	38 318	184 223
Turkey	4,70	59 000	59 000	60 180	61 384	62 611	63 863	307 038
Netherlands	4,80	250 000	250 000	255 000	260 100	265 302	270 608	1 301 010
Spain	8,70	94 400	94 400	96 288	98 214	100 178	102 182	491 261
Italy	12,80	141 600	141 600	144 432	147 321	150 267	153 272	736 892
United Kingdom	14,00	165 200	165 200	168 504	171 874	175 312	178 818	859 707
France	16,10	188 800	188 800	192 576	196 428	200 356	204 363	982 523
Germany	20,60	200 000	200 000	204 000	208 080	212 242	216 486	1 040 808
TOTAL		1 635 000	1 635 000	1 667 700	1 701 054	1 735 075	1 769 777	8 508 606

COMMISSION IMPLEMENTING DECISION**of 1 March 2012****on imports into the Union of semen of domestic animals of the porcine species***(notified under document C(2012) 1148)***(Text with EEA relevance)****(2012/137/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁾, and in particular Article 7(1), Article 9(2) and (3) and Article 10(2) thereof,

Whereas:

- (1) Directive 90/429/EEC lays down the animal health conditions applicable to intra-Union trade in and imports from third countries of semen of domestic animals of the porcine species. It provides that Member States may authorise importation of such semen only from those third countries which appear on a list drawn up in accordance with the procedure laid down therein and accompanied by an animal health certificate, the model of which must correspond to a specimen drawn up in accordance with that Directive. The animal health certificate is to certify that the semen comes from approved semen collection centres offering the guarantees provided for in Article 8(1) of that Directive.
- (2) Commission Decision 2009/893/EC of 30 November 2009 on importation of semen of domestic animals of the porcine species into the Community as regards lists of third countries and of semen collection centres, and certification requirements⁽²⁾ sets out a list of third countries from which Member States are to authorise imports of semen. That list is established on the basis of the animal health status of those third countries.
- (3) Directive 90/429/EEC, as amended by Commission Implementing Regulation (EU) No 176/2012⁽³⁾, provides for revised animal health requirements for donor animals of the porcine species and semen as regards brucellosis and Aujeszky's disease.
- (4) Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards

Teschen disease and African swine fever⁽⁴⁾ deleted Teschen disease (porcine enterovirus encephalomyelitis) from the list of diseases laid down in Annex I to Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease⁽⁵⁾ and consequently by Commission Decision 2008/650/EC of 30 July 2008 amending Council Directive 82/894/EEC on the notification of animal diseases within the Community to include certain diseases in the list of notifiable diseases and to delete porcine enterovirus encephalomyelitis from that list⁽⁶⁾ that disease was deleted from the list of the compulsorily notifiable diseases within the Union.

- (5) In addition, it is necessary to align certain animal health requirements for imports into the Union of semen of domestic animals of the porcine species to the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE) in particular as regards country freedom of swine vesicular disease and semen collection centre freedom of tuberculosis and rabies.
- (6) Accordingly, the model animal health certificate set out in Part 1 of Annex II to Decision 2009/893/EC should be amended to take account of those amendments made to Directive 90/429/EEC and to delete all references to Teschen disease (porcine enterovirus encephalomyelitis), country freedom of swine vesicular disease and semen collection centre freedom of tuberculosis and rabies.
- (7) There are bilateral agreements concluded between the Union and certain third countries containing specific conditions for the imports into the Union of semen of domestic animals of the porcine species. Therefore, where the bilateral agreements contain specific conditions and model animal health certificates for imports, those conditions and models should apply instead of the conditions and the model set out in this Decision.
- (8) Switzerland is a third country with an animal health status equivalent to that of the Member States. It is therefore appropriate that semen of domestic animals of the porcine species imported into the Union from Switzerland is accompanied by an animal health certificate drawn up in accordance with the models

⁽¹⁾ OJ L 224, 18.8.1990, p. 62.

⁽²⁾ OJ L 320, 5.12.2009, p. 12.

⁽³⁾ OJ L 61, 2.3.2012, p. 1.

⁽⁴⁾ OJ L 192, 20.7.2002, p. 27.

⁽⁵⁾ OJ L 62, 15.3.1993, p. 69.

⁽⁶⁾ OJ L 213, 8.8.2008, p. 42.

used for intra-Union trade in such semen set out in Annex D to Directive 90/429/EEC, with the adaptations set out in point 3 of Chapter VIII(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products, as approved by Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation ⁽¹⁾.

- (9) In the interest of clarity and consistency of Union legislation, Decision 2009/893/EC should be repealed and replaced by this Decision.
- (10) To avoid any disruption of trade, the use of animal health certificates issued in accordance with Decision 2009/893/EC should be authorised during a transitional period.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision lays down a list of third countries or parts thereof from which Member States shall authorise imports into the Union of semen of domestic animals of the porcine species.

It also lays down certification requirements for imports of semen into the Union.

Article 2

Imports of semen

1. Member States shall authorise the import of semen provided that it complies with the following conditions:
- (a) it comes from a third country, or part thereof, listed in Annex I;
- (b) it comes from a semen collection centre listed in accordance with Article 8(2) of Directive 90/429/EEC;
- (c) it is accompanied by an animal health certificate drawn up in accordance with the model animal health certificate set out in Part 1 of Annex II, and completed in accordance with the explanatory notes set out in Part 2 of that Annex;

- (d) it complies with the requirements set out in the animal health certificate referred to in point (c).

2. Where specific animal health and certification conditions are laid down in bilateral agreements between the Union and third countries, those conditions shall apply instead of the conditions laid down in paragraph 1.

Article 3

Conditions concerning the transport of semen to the Union

1. The semen referred to in Article 2 shall not be transported in the same container as other consignments of semen that:

- (a) are not intended for introduction into the Union; or
- (b) are of a lower health status.

2. During transport to the Union, semen shall be placed in closed and sealed flasks and the seal shall not be broken during transport.

Article 4

Repeal

Decision 2009/893/EC is repealed.

Article 5

Transitional provision

For a transitional period until 30 November 2012, Member States shall authorise imports of semen from third countries which are accompanied by an animal health certificate issued not later than 31 October 2012 in accordance with the model set out in Part 1 of Annex II to Decision 2009/893/EC.

Article 6

Applicability

This Decision shall apply from 1 June 2012.

Article 7

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2012.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

ANNEX I

List of third countries or part thereof from which Member States are to authorise imports of semen of domestic animals of the porcine species

ISO code	Name of the third country	Remarks
CA	Canada	
CH	Switzerland (*)	
NZ	New Zealand	
US	United States	

(*) The certificate to be used for imports from Switzerland is set out in Annex D to Directive 90/429/EEC, with the adaptations set out in point 3 of Chapter VIII(B) of Appendix 2 of Annex 11 to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products as approved by Decision 2002/309/EC, Euratom.

ANNEX II

PART 1

Model animal health certificate for imports of semen of domestic animals of the porcine species

COUNTRY:

Veterinary certificate to EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference No		I.2.a.			
			I.3. Central competent authority					
			I.4. Local competent authority					
	I.5. Consignee Name Address Postal code Tel.		I.6. Person responsible for the load in EU Name Address Postal code Tel.					
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10. Region of destination	Code
	I.11. Place of origin Name Address Postal code		I.12. Place of origin Name Address Postal code					
	I.13. Place of loading		I.14. Date of departure					
	I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Documentary references		I.16. Entry BIP in EU					
			I.17.					
	I.18. Description of commodity				I.19. Commodity code (HS code) 05 11 99 85			
				I.20. Quantity				
I.21.				I.22. Number of packages				
I.23. Seal/Container No				I.24.				
I.25. Commodities certified for: Artificial reproduction ☐								
I.26. For transit through EU to third country ☐ Third country ISO code				I.27. For import or admission into EU ☐				
I.28. Identification of the commodities Species (Scientific name) Breed Donor identity Date of collection Approval number of the centre Quantity								

COUNTRY

Porcine semen

Part II: Certification	II.	Health information	II.a. Certificate reference number	II.b.	
		I, the undersigned, official veterinarian, hereby certify that:			
	II.1.	the exporting country (name of exporting country) ⁽²⁾			
	⁽¹⁾ either	[II.1.1. has during the past 12 months been free of foot-and-mouth disease, classical swine fever and African swine fever, and that no vaccinations have been carried out against any of these diseases during the past 12 months;]			
	⁽¹⁾ or	[II.1.1. is recognised as free of foot-and-mouth disease without vaccination by the World Organisation for Animal Health (OIE) and free of classical swine fever and African swine fever, in accordance with the recommendations laid down in the OIE Terrestrial Animal Health Code;]			
	II.2.	the semen collection centre in which the semen in this consignment was collected:			
		II.2.1. is approved for export to the Union by the veterinary services of (name of third country ⁽²⁾) and complies with the conditions for approval and supervision set out in Chapter I and Chapter II of Annex A to Directive 90/429/EEC;			
		II.2.2. was, during the period commencing three months prior to the date of collection of the semen in this consignment until the date of its dispatch, situated in an area not restricted due to an outbreak of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, and vesicular stomatitis;			
		II.2.3. was, during the period commencing 30 days prior to the date of collection of the semen in this consignment until the date of its dispatch, free from brucellosis and Aujeszky's disease;			
	⁽¹⁾ either	[II.2.4. contains only animals that have not been vaccinated against Aujeszky's disease and meet the requirements of Annex B to Directive 90/429/EEC.]			
⁽¹⁾ ⁽³⁾ and/or	[II.2.4. is a centre in which some or all of the animals have been vaccinated against Aujeszky's disease using a gE deleted vaccine and meet the requirements of Annex B to Directive 90/429/EEC.]				
Conditions for the admission of animals to the semen collection centre					
II.3.	Prior to be admitted to the semen collection centre, all animals:				
	II.3.1. were subjected to a period of quarantine of at least 30 days in accommodation specifically approved for the purpose by the competent authority, and where only animals having at least the same health status were present (quarantine accommodation);				
	II.3.2. prior to entering the quarantine accommodation, were chosen from herds or holdings:				
	II.3.2.1. which were free of brucellosis in accordance with the Chapter on porcine brucellosis of the Terrestrial Animal Health Code of the World Organisation for Animal Health (OIE);				
	II.3.2.2. in which no animal vaccinated against foot-and-mouth disease was present in the preceding 12 months;				
	II.3.2.3. which were not situated in a restricted area defined under the provisions of the national legislation due to an outbreak of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, vesicular stomatitis and Aujeszky's disease;				
	II.3.2.4. in which no clinical, serological, virological or pathological evidence of Aujeszky's disease was detected in the preceding 12 months;				
	II.3.3. prior to entering the quarantine accommodation, were not previously kept in any herd of a lower health status than described in II.3.2;				
	II.3.4. within 30 days prior to entering the quarantine accommodation referred to in point II.3.1, were subjected to the following tests, performed in accordance with international standards, with negative results:				
	II.3.4.1. as regards brucellosis, a buffered <i>Brucella</i> antigen test (rose Bengal test), or a cELISA or an iELISA;				

COUNTRY

Porcine semen

II.	Health information	II.a. Certificate reference number	II.b.
	II.3.4.2. as regards Aujeszky's disease, (¹) <i>either</i> [II.3.4.2.1. in the case of non-vaccinated animals, a serum neutralisation test or an ELISA for detecting antibodies to the whole Aujeszky's disease virus or to its glycoprotein B (ADV-gB) or glycoprotein D (ADV-gD);] (¹) <i>or</i> [II.3.4.2.1. in the case of animals vaccinated with a gE deleted vaccine, an ELISA for detecting antibodies to glycoprotein E (ADV-gE);] (¹) <i>either</i> [II.3.5. were admitted to the centre after all of the animals had reacted with negative result to a buffered <i>Brucella</i> antigen test (rose Bengal test), or a cELISA or an iELISA carried out on samples collected during the last 15 days of the period of quarantine specified in point II.3.1;] (¹) <i>or</i> [II.3.5. were admitted to the centre after not all of the animals had reacted with negative result to a buffered <i>Brucella</i> antigen test (rose Bengal test), or a cELISA or an iELISA carried out on samples collected during the last 15 days of the period of quarantine specified in point II.3.1 and the suspicion of brucellosis was ruled out in accordance with point 1.5 of Chapter I of Annex B to Directive 90/429/EEC;] II.3.6. were subjected to the following tests for Aujeszky's disease carried out on samples collected during the last 15 days of the period of quarantine specified in point II.3.1: (¹) <i>either</i> [II.3.6.1. in the case of non-vaccinated animals, a serum neutralisation test or an ELISA for detecting antibodies to the whole Aujeszky's disease virus or to its glycoprotein B (ADV-gB) or glycoprotein D (ADV-gD);] (¹) <i>or</i> [II.3.6.1. in the case of animals vaccinated with a gE deleted vaccine, an ELISA for detecting antibodies to glycoprotein E (ADV-gE);] (¹) <i>either</i> [II.3.6.2. the tests referred to in point II.3.6.1 were carried out with negative result in each case;] (¹) <i>or</i> [II.3.6.2. the animals that proved positive in a test referred to in point II.3.6.1 were removed immediately from the quarantine accommodation and the competent authority took all necessary measures to ensure that the remaining animals had a satisfactory health status before being admitted to the collection centre in accordance with point II.3;] II.3.7. All tests were carried out in a laboratory approved by the competent authority; II.3.8. Animals were only admitted to the semen collection centre with the express permission of the centre veterinarian and all animal movements, entering and exiting the semen collection centre, are recorded; II.3.9. No animal admitted to the semen collection centre showed any clinical sign of disease on the day of admission; all animals came directly from the quarantine accommodation which, on the day of consignment and during the period of residency of the animals, officially fulfilled the following conditions: II.3.9.1. it was not situated in a restricted area defined under the provisions of national legislation due to an outbreak of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, vesicular stomatitis and Aujeszky's disease; II.3.9.2. no clinical, serological, virological or pathological evidence of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, vesicular stomatitis and Aujeszky's disease had been recorded for the past 30 days.		
Compulsory routine tests for animals kept at the semen collection centre			
II.4.	All animals kept at the semen collection centre are subjected to the following routine tests carried out in a laboratory approved by the competent authority:		
	II.4.1. as regards brucellosis, a buffered <i>Brucella</i> antigen test (rose Bengal test), or a cELISA or an iELISA;		
	II.4.2. as regards Aujeszky's disease,		
	(¹) <i>either</i> [II.4.2.1. in the case of non-vaccinated animals, a serum neutralisation test or an ELISA for detecting antibodies to the whole Aujeszky's disease virus or to its glycoprotein B (ADV-gB) or glycoprotein D (ADV-gD);]		

COUNTRY

Porcine semen

II. Health information	II.a. Certificate reference number	II.b.
(¹) or [II.4.2.1. in the case of animals vaccinated with a gE deleted vaccine, an ELISA for detecting antibodies to glycoprotein E (ADV-gE);] II.4.3. The routine tests referred to in points II.4.1 and II.4.2. are carried out on samples taken in accordance with point 1.2 of Chapter II of Annex B to Directive 90/429/EEC in order to ensure that all animals in the centre have been tested at least once during their stay at that centre and at least every 12 months from the date of admission, if their stay exceeds 12 months; (¹) either [II.4.4. All of the animals have reacted with negative results in the routine tests referred to in points II.4.1 and II.4.2 carried out on samples referred to in point II.4.3.] (¹) or [II.4.4. Not all of the animals have reacted with negative results in the tests referred to in points II.4.1 and II.4.2 carried out on samples referred to in point II.4.3: (a) the animals which proved positive were isolated, (b) the semen collected from each animal at the centre since the date of that animal's last negative test was held in separate storage from semen eligible for export to the European Union which was collected before the animal's last negative test or after the health status of the centre had been re-established under responsibility of the competent authority of the exporting country.]		
Conditions for semen collected at a semen collection centre and intended for export to the Union		
II.5. The semen in this consignment was obtained from animals which: II.5.1. have been resident in (<i>name of third country</i> (²)) for a minimum period of three months immediately prior to collection; II.5.2. showed no clinical signs of disease on the day the semen was collected; II.5.3. had not been vaccinated against foot-and-mouth disease; II.5.4. satisfy the requirements referred to in point II.3; II.5.5. have not been allowed to serve naturally; II.5.6. were kept in semen collection centres which were not situated in a restricted area designated under the provisions of the national legislation relating to foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, vesicular stomatitis and Aujeszky's disease; II.5.7. were kept in semen collection centres in which no clinical, serological, virological or pathological evidence of foot-and-mouth disease, classical swine fever, African swine fever, swine vesicular disease, vesicular stomatitis and Aujeszky's disease has been detected in the 30-day period immediately prior to collection.		
II.6. An effective combination of antibiotics, in particular against leptospires, was added to the semen in this consignment after final dilution or to the diluent. In the case of frozen semen, antibiotics were added before the semen was frozen. II.6.1. The combination of antibiotics referred to in point II.6. produced an effect at least equivalent to the following concentration in the final diluted semen: (a) not less than 500 µg streptomycin per ml final dilution, (b) not less than 500 IU penicillin per ml final dilution, (c) not less than 150 µg lincomycin per ml final dilution, (d) not less than 300 µg spectinomycin per ml final dilution; II.6.2. Immediately after the addition of the antibiotics the diluted semen was kept at a temperature of at least 15 °C for a period of not less than 45 minutes.		

COUNTRY

Porcine semen

II. Health information	II.a. Certificate reference number	II.b.
II.7. The semen in this consignment: II.7.1. has been stored as laid down in point 2(d) of Chapter I and point 6(a), (b), (e) and (f) of Chapter II of Annex A to Directive 90/429/EEC prior to dispatch; II.7.2. is being transported to the country of destination in flasks which were cleaned and disinfected or sterilised before use and which have been sealed prior to dispatch from the approved storage facilities. Notes Part I: Box I.6: <i>Person responsible for the load in EU</i>: this box is to be filled in only if it is a certificate for transit commodity. Box I.8: Provide the code of the third country as appearing in Annex I to Commission Implementing Decision 2012/137/EU. Box I.11: <i>Place of origin</i> shall correspond to the semen collection centre of the semen dispatch listed in accordance with Article 8(2) of Directive 90/429/EEC: http://ec.europa.eu/food/animal/semen_ova/porcine/index_en.htm Box I.12: <i>Place of destination</i>: this box is to be filled in only if it is a certificate for transit commodity. Box I.22: <i>Number of packages</i> shall correspond to the number of containers. Box I.23: <i>Identification of container and seal number</i> shall be indicated. Box I.26: fill in according to whether it is a transit or an import certificate. Box I.27: fill in according to whether it is a transit or an import certificate. Box I.28: <i>Donor identity</i> shall correspond to the official identification of the animal. <i>Date of collection</i> shall be indicated in the following format: dd/mm/yyyy. <i>Approval number of the centre</i> shall correspond to the approval number of the semen collection centre where the semen was collected. Part II: (¹) Delete as necessary. (²) Countries listed in Annex I to Commission Implementing Decision 2012/137/EU. (³) This option shall be deleted in case the Member State, or a region thereof, of destination is free of Aujeszky's disease in accordance with Article 10 of Directive 64/432/EEC, has informed the Commission in accordance with point 4 of Annex C to Directive 90/429/EEC and is listed on the following website: http://ec.europa.eu/food/animal/semen_ova/porcine/index_en.htm — The signature and the stamp must be in a different colour to that of the printing.		
Official veterinarian Name (in capital letters): Date: Stamp: Qualification and title: Signature:		

PART 2

Explanatory notes for the certification

(a) The animal health certificates shall be issued by the competent authority of the exporting third country, in accordance with the model set out in Part 1 of Annex II. If the Member State of destination requires additional certification requirements, attestations to certify that those requirements are fulfilled shall be also incorporated in the original form of the animal health certificate. (b) The original of the animal health certificate shall consist of a single sheet of paper, or, where more text is required, it must be in such a form that all sheets of paper required are part of an integrated whole and indivisible. (c) Where the model animal health certificate states that certain statements shall be kept as appropriate, statements which are not relevant, may be crossed out and initialled and stamped by the certifying officer, or completely deleted from certificate. (d) The animal health certificate shall be drawn up in at least one of the official languages of the Member State of the border inspection post of introduction of the consignment into the European Union and of the Member State of destination. However, those Member States may authorise the certificate to be drawn up in the official language of another Member State, and accompanied, if necessary, by an official translation. (e) If for the reasons of identification of the items of the consignment (schedule in Box I.28 of the model animal health certificates), additional sheets of paper are attached to the animal health certificate, those sheets of paper shall also be considered as forming part of the original of the animal health certificate by application of the signature and stamp of the certifying officer, on each of the pages.	(f) When the animal health certificate, including additional schedules referred to in (e), comprises more than one page, each page shall be numbered (page number) of (total number of pages), at the end of the page and shall bear the certificate reference number designated by the competent authority on the top of the pages. (g) The original of the animal health certificate must be completed and signed by an official veterinarian the last working day prior to loading of the consignment for exportation to the European Union. The competent authorities of the exporting third country shall ensure that certification requirements equivalent to those laid down in Council Directive 96/93/EC ⁽¹⁾ are followed. The colour of the signature and the stamp of the official veterinarian shall be different to that of the printing on the animal health certificate. This requirement also applies to stamps other than those embossed or watermarks. (h) The original of the animal health certificate must accompany the consignment until it reaches the border inspection post of introduction into the European Union. (i) The certificate reference number referred to in Box I.2 and Box II.a of the model animal health certificate must be issued by the competent authority of the exporting third country.
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⁽¹⁾ OJ L 13, 16.1.1997, p. 28.

COMMISSION IMPLEMENTING DECISION

of 1 March 2012

as regards emergency measures to prevent the introduction into and the spread within the Union of
Anoplophora chinensis (Forster)

(notified under document C(2012) 1310)

(2012/138/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) The experience gained from the implementation of Commission Decision 2008/840/EC of 7 November 2008 on emergency measures to prevent the introduction into and the spread within the Community of *Anoplophora chinensis* (Forster)⁽²⁾ in general, taking into account recent outbreaks and findings reported by Germany, Italy, the Netherlands and the United Kingdom in particular and experiences relating to their eradication, has shown a need to modify the measures provided for in that Decision. In the interest of clarity, in view of the extent of those modifications and of earlier modifications, it is appropriate to replace Decision 2008/840/EC.
- (2) In Section I of Part A of Annex I to Directive 2000/29/EC, *Anoplophora chinensis* (Thomson) and *Anoplophora malasiaca* (Forster) are listed, though both denominations cover one single species which for the purposes of this Decision is designated as *Anoplophora chinensis* (Forster), hereinafter 'the specified organism', as in Decision 2008/840/EC.
- (3) Taking into account the experience gained, certain plant species which were not covered by Decision 2008/840/EC should be included in the scope while others which were previously covered should be excluded. Plants and scions whose stem or root collar is below a certain diameter should fall outside the scope. Certain definitions should be included to improve clarity and readability.
- (4) As regards imports, provisions should take into account the phytosanitary status of the specified organism in the country of origin.

- (5) Given the experience with infested consignments originating in China, special provisions should govern imports from that country. As most of the interceptions on specified plants imported from China have been reported on plants of *Acer* spp., it is appropriate to maintain a ban on their import, until 30 April 2012 as previously laid down.
- (6) The movement of plants within the Union should be provided for.
- (7) Member States should conduct annual surveys and notify their results to the Commission and the other Member States. Provision should be made for notification in cases where the specified organism appears in a Member State or in a part of a Member State, in which its presence was previously unknown or it was considered to have been eradicated. A deadline of 5 days for the notification of the presence of the specified organism by the Member State should be set to allow for swift action at Union level, if appropriate.
- (8) To eradicate the specified organism and prevent its spread, Member States should establish demarcated areas and take the necessary measures. As part of their measures, Member States should carry out activities to increase public awareness to the threat posed by the specified organism. They should further set specific time periods for the implementation of these measures. In cases where eradication of the specified organism is no longer possible, Member States should take measures to contain it.
- (9) In specified circumstances, Member States should have the possibility to decide not to establish demarcated areas and to limit the measures to the destruction of the infested material, carrying out intensified monitoring and the tracing of plants associated with the case of infestation concerned.
- (10) Member States should report to the Commission and the other Member States on the measures they have taken or intend to take, as well as on the reasons for not establishing demarcated areas. They should annually communicate to the Commission and the other Member States an updated version of that report giving an effective overview of the situation.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 300, 11.11.2008, p. 36.

- (11) Decision 2008/840/EC should therefore be repealed.
- (12) 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

Definitions

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

- (a) 'specified plants' means plants for planting that have a stem or root collar diameter of 1 cm or more at their thickest point, other than seeds, of *Acer* spp., *Aesculus hippocastanum*, *Alnus* spp., *Betula* spp., *Carpinus* spp., *Citrus* spp., *Cornus* spp., *Corylus* spp., *Cotoneaster* spp., *Crataegus* spp., *Fagus* spp., *Lagerstroemia* spp., *Malus* spp., *Platanus* spp., *Populus* spp., *Prunus laurocerasus*, *Pyrus* spp., *Rosa* spp., *Salix* spp. and *Ulmus* spp.;
- (b) 'place of production' means the place of production as defined in the FAO International Standard for Phytosanitary Measures (hereinafter 'ISPM') No 5 ⁽¹⁾;
- (c) 'specified organism' means *Anoplophora chinensis* (Forster).

Article 2

Import of the specified plants originating in third countries except China

As regards imports originating in third countries where the specified organism is known to be present, other than China, specified plants may only be introduced into the Union if they fulfil the following conditions:

- (a) they comply with the specific import requirements, as set out in point 1 of Section 1(A) of Annex I;
- (b) on entry into the Union they are inspected by the responsible official body in accordance with point 2 of Section 1(A) of Annex I for the presence of the specified organism, and no signs of that organism have been found.

Article 3

Import of the specified plants originating in China

1. As regards imports originating in China, specified plants may only be introduced into the Union if they fulfil the following conditions:

- (a) they comply with the specific import requirements as set out in point 1 of Section 1(B) of Annex I;

- (b) on entry into the Union they are inspected by the responsible official body in accordance with point 2 of Section 1(B) of Annex I for the presence of the specified organism, and no signs of that organism have been found;

- (c) the place of production of those plants:

- (i) is designated by a unique registration number assigned by the national plant protection organisation of China;

- (ii) is included in the most recent version of the register communicated by the Commission to the Member States in accordance with paragraph 3;

- (iii) has not, within the previous 2 years, been the subject of a communication by the Commission to the Member States of the removal from the register in accordance with paragraph 3; and

- (iv) has not, within the previous 2 years, been the subject of a communication by the Commission to the Member States as referred to in paragraph 4 or paragraph 5.

2. However, plants of *Acer* spp. shall not be introduced into the Union until 30 April 2012.

From 1 May 2012, paragraph 1 shall apply to plants of *Acer* spp.

3. The Commission shall communicate to the Member States the register of places of production in China which its national plant protection organisation has established as in compliance with point 1(b) of Section 1(B) of Annex I.

Where that organisation updates the register by removing a place of production either because that organisation has found that that place of production no longer complies with point 1(b) of Section 1(B) of Annex I or because the Commission has informed China of evidence of the presence of the specified organism at import of specified plants from that place of production, and China makes the updated version of the register available to the Commission, the Commission shall communicate the updated version of the register to the Member States.

Where that organisation updates the register by including a place of production because that organisation has found that that place of production complies with point 1(b) of Section 1(B) of Annex I and China makes the updated version of the register available to the Commission as well as the necessary explanatory information, the Commission shall communicate that updated version and, where appropriate, that explanatory information to the Member States.

Through Internet based information pages, the Commission shall make the register and its updates available to the public.

⁽¹⁾ Glossary of Phytosanitary Terms — Reference Standard ISPM No 5 by the Secretariat of the International Plant Protection Convention, Rome.

4. Where during an inspection at a registered place of production, as set out in points (ii), (iii) and (iv) of point 1(b) of Section 1(B) of Annex I, the Chinese plant protection organisation finds evidence of the presence of the specified organism and the Commission is notified of that finding by China, the Commission shall immediately communicate that finding to the Member States.

Through Internet based information pages, the Commission shall also make this information available to the public.

5. Where the Commission has evidence from sources other than those referred to in paragraphs 3 and 4 that a place of production listed in the register does not comply with point 1(b) of Section 1(B) of Annex I or that the specified organism has been found on specified plants imported from such a place of production, it shall communicate the information concerning that place of production to the Member States.

Through Internet based information pages, the Commission shall also make this information available to the public.

Article 4

Movement of specified plants within the Union

Specified plants originating in demarcated areas within the Union established in accordance with Article 6 may be moved within the Union only if they meet the conditions set out in point 1 of Section 2 of Annex I.

Specified plants which have not been grown in demarcated areas but are introduced into such areas may be moved within the Union only if they meet the conditions set out in point 2 of Section 2 of Annex I.

Specified plants imported in accordance with Articles 2 and 3 from third countries where the specified organism is known to be present may be moved within the Union only if they meet the conditions set out in point 3 of Section 2 of Annex I.

Article 5

Surveys and notifications of the specified organism

1. Member States shall conduct official annual surveys for the presence of the specified organism and for evidence of infestation by that organism on host plants in their territory.

Without prejudice to Article 16(1) of Directive 2000/29/EC, Member States shall notify the results of those surveys to the Commission and the other Member States by 30 April of each year.

2. Without prejudice to Article 16(1) of Directive 2000/29/EC, Member States shall, within 5 days and in writing, notify the Commission and the other Member States

of the presence of the specified organism in an area within their territory where that presence was previously unknown or the specified organism was considered to have been eradicated or where the infestation was detected on a plant species previously not known to be a host plant.

Article 6

Demarcated areas

1. Where the results of the surveys referred to in Article 5(1) confirm the presence of the specified organism in an area, or there is evidence of the presence of that organism by other means, the Member State concerned shall without delay establish a demarcated area, which shall consist of an infested zone and a buffer zone, in accordance with Section 1 of Annex II.

2. Member States need not establish demarcated areas, as provided for in paragraph 1, if the conditions, as set out in point 1 of Section 2 of Annex II are satisfied. In such a case, Member States shall take the measures as set out in point 2 of that Section.

3. Member States shall take measures in the demarcated areas, as set out in Section 3 of Annex II.

4. Member States shall set time periods for the implementation of the measures provided for in paragraphs 2 and 3.

Article 7

Reporting on measures

1. Member States shall, within 30 days of the notification referred to in Article 5(2), report to the Commission and the other Member States on the measures they have taken or intend to take in accordance with Article 6.

The report shall also include the description of a demarcated area, where established, and information on its location with a map showing its delimitation and information on the current pest status as well as measures to comply with the requirements concerning the movement of specified plants within the Union set out in Article 4.

It shall describe the evidence and criteria on which the measures are based.

In cases where Member States decide not to establish a demarcated area under Article 6(2), the report shall include justifying data and reasons.

2. Member States shall by 30 April of each year communicate to the Commission and the other Member States a report including an up-to-date list of all demarcated areas established under Article 6, including information on their description and location with maps showing their delimitation, and measures that Member States have taken or intend to take.

*Article 8***Compliance**

Member States shall take all measures to comply with this Decision and, if necessary, amend the measures which they have adopted to protect themselves against the introduction and spread of the specified organism in such a manner that those measures comply with this Decision. They shall immediately inform the Commission of those measures.

*Article 9***Repeal**

Decision 2008/840/EC is repealed.

*Article 10***Review**

This Decision shall be reviewed by 31 May 2013 at the latest.

*Article 11***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2012.

For the Commission

John DALLI

Member of the Commission

ANNEX I

1. Specific import requirements

A. Imports originating in third countries except China

1. Without prejudice to the provisions listed in Annex III, Part A(9, 16, 18) and Annex IV, Part A(I)(14, 15, 17, 18, 19.2, 20, 22.1, 22.2, 23.1, 23.2, 32.1, 32.3, 33, 34, 36.1, 39, 40, 43, 44, 46) to Directive 2000/29/EC, specified plants originating in third countries, other than China, where the specified organism is known to be present shall be accompanied by a certificate as referred to in Article 13(1) of that Directive which states under the rubric 'Additional Declaration':
 - (a) that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation in the country of origin and situated in a pest-free area established by that organisation in accordance with relevant International Standards for Phytosanitary Measures. The name of the pest-free area shall be mentioned under the rubric 'place of origin'; or
 - (b) that the plants have been grown, during a period of at least 2 years prior to export, in a place of production established as free from *Anoplophora chinensis* (Forster) in accordance with International Standards for Phytosanitary Measures:
 - (i) which is registered and supervised by the national plant protection organisation in the country of origin; and
 - (ii) which has been subjected annually to at least two official meticulous inspections for any sign of *Anoplophora chinensis* (Forster) carried out at appropriate times and no signs of the organism have been found; and
 - (iii) where the plants have been grown in a site:
 - with complete physical protection against the introduction of *Anoplophora chinensis* (Forster), or
 - with the application of appropriate preventive treatments and surrounded by a buffer zone with a radius of at least 2 km where official surveys for the presence or signs of *Anoplophora chinensis* (Forster) are carried out annually at appropriate times. In case signs of *Anoplophora chinensis* (Forster) are found, eradication measures are immediately taken to restore the pest freedom of the buffer zone; and
 - (iv) where immediately prior to export consignments of the plants have been subjected to an official meticulous inspection, for the presence of the specified organism, in particular in roots and stems of the plants. This inspection shall include targeted destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; or
 - (c) that the plants have been grown from rootstocks which meet the requirements of point (b), grafted with scions which meet the following requirements:
 - (i) at the time of export, the grafted scions are no more than 1 cm in diameter at their thickest point;
 - (ii) the grafted plants have been inspected in accordance with point (b)(iv).
2. Specified plants imported in accordance with point 1 shall be meticulously inspected at the point of entry or the place of destination established in accordance with Commission Directive 2004/103/EC ⁽¹⁾. Inspection methods applied shall ensure the detection of any sign of the specified organism, in particular in roots and stems of the plants. This inspection shall include targeted destructive sampling. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %.

B. Imports originating in China

1. Without prejudice to the provisions listed in Annex III, Part A(9, 16, 18) and Annex IV, Part A(I)(14, 15, 17, 18, 19.2, 20, 22.1, 22.2, 23.1, 23.2, 32.1, 32.3, 33, 34, 36.1, 39, 40, 43, 44, 46) to Directive 2000/29/EC, specified plants originating in China shall be accompanied by a certificate as referred to in Article 13(1) of that Directive which states under the rubric 'Additional Declaration':
 - (a) that the plants have been grown throughout their life in a place of production which is registered and supervised by the national plant protection organisation of China and situated in a pest-free area established by that organisation in accordance with relevant International Standards for Phytosanitary Measures. The name of the pest-free area shall be mentioned under the rubric 'place of origin'; or

⁽¹⁾ OJ L 313, 12.10.2004, p. 16.

(b) that the plants have been grown, during a period of at least 2 years prior to export, in a place of production established as free from *Anoplophora chinensis* (Forster) in accordance with International Standards for Phytosanitary Measures:

- (i) which is registered and supervised by the national plant protection organisation of China; and
- (ii) which has been subjected annually to at least two official inspections for any sign of *Anoplophora chinensis* (Forster) carried out at appropriate times and no signs of the organism have been found; and
- (iii) where the plants have been grown in a site:
 - with complete physical protection against the introduction of *Anoplophora chinensis* (Forster), or
 - with the application of appropriate preventive treatments and surrounded by a buffer zone with a radius of at least 2 km where official surveys for the presence or signs of *Anoplophora chinensis* (Forster) are carried out annually at appropriate times. In case signs of *Anoplophora chinensis* (Forster) are found, eradication measures are immediately taken to restore the pest freedom of the buffer zone; and
- (iv) where immediately prior to export consignments of the plants have been subjected to an official meticulous inspection, including targeted destructive sampling on each lot, for the presence of *Anoplophora chinensis* (Forster), in particular in roots and stems of the plants.

The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; or

(c) that the plants have been grown from rootstocks which meet the requirements of (b), grafted with scions which meet the following requirements:

- (i) at the time of export, the grafted scions are no more than 1 cm in diameter at their thickest point;
- (ii) the grafted plants have been inspected in accordance with point (b)(iv);

(d) the registration number of the place of production.

2. Specified plants imported in accordance with point 1 shall be meticulously inspected at the point of entry or the place of destination established in accordance with Directive 2004/103/EC. Inspection methods applied, including targeted destructive sampling on each lot, shall ensure the detection of any sign of the specified organism, in particular in roots and stems of the plants. The size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %.

The destructive sampling referred to in the first paragraph shall be carried out at the level set out in the following table:

Number of plants in the lot	Level of destructive sampling (number of plants to be cut)
1 – 4 500	10 % of lot size
> 4 500	450

2. Conditions for movement

1. Specified plants originating ⁽¹⁾ in demarcated areas within the Union may be moved within the Union only if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC ⁽²⁾ and have been grown during a period of at least 2 years prior to movement in a place of production:

- (i) which is registered according to Commission Directive 92/90/EEC ⁽³⁾; and
- (ii) which has been subjected annually to at least two official meticulous inspections for any sign of the specified organism carried out at appropriate times and no signs of the specified organism have been found; where appropriate, this inspection shall include targeted destructive sampling of the roots and stems of plants; the size of the sample for inspection shall be such as to enable at least the detection of 1 % level of infestation with a level of confidence of 99 %; and

⁽¹⁾ Glossary of Phytosanitary Terms — Reference Standard ISPM No 5 and Phytosanitary certificates — Reference Standard ISPM No 12 by the Secretariat of the International Plant Protection Convention, Rome.

⁽²⁾ OJ L 4, 8.1.1993, p. 22.

⁽³⁾ OJ L 344, 26.11.1992, p. 38.

(iii) which is located in a demarcated area where the plants have been grown in a site:

- with complete physical protection against the introduction of the specified organism, or
- with the application of appropriate preventive treatments or where targeted destructive sampling is carried out on each lot of specified plants prior to movement at the level set out in the table in point 2 of Part B of Section 1 and, in any case, where official surveys for the presence or signs of the specified organism are carried out annually within a radius of at least 1 km around the site at appropriate times and no specified organism or signs of it were found.

Rootstocks which meet the requirements of the first paragraph may be grafted with scions which have not been grown under these conditions, but which are no more than 1 cm in diameter at their thickest point.

2. Specified plants not originating ⁽¹⁾ in demarcated areas, but introduced into a place of production in such areas, may be moved within the Union on condition that this place of production complies with the requirements set out in point 1(iii) and only if the plants are accompanied by a plant passport prepared and issued in accordance with Directive 92/105/EEC.
3. Specified plants imported from third countries where the specified organism is known to be present in accordance with Section 1 may be moved within the Union only if they are accompanied by the plant passport referred to in point 1.

⁽¹⁾ Glossary of Phytosanitary Terms — Reference Standard ISPM No 5 and Phytosanitary certificates — Reference Standard ISPM No 12 by the Secretariat of the International Plant Protection Convention, Rome.

ANNEX II

ESTABLISHMENT OF DEMARCATED AREAS AND MEASURES, AS PROVIDED FOR IN ARTICLE 6**1. Establishment of demarcated areas**

1. Demarcated areas shall consist of the following zones:
 - (a) an infested zone which is the zone where the presence of the specified organism has been confirmed, and which includes all plants showing symptoms caused by the specified organism and, where appropriate, all plants belonging to the same lot at the time of planting; and
 - (b) a buffer zone with a radius of at least 2 km beyond the boundary of the infested zone.
2. The exact delimitation of the zones shall be based on sound scientific principles, the biology of the specified organism, the level of infestation, the particular distribution of the host plants in the area concerned and evidence of establishment of the specified organism. In cases where the responsible official body concludes that eradication of the specified organism is possible, taking into account the circumstances of the outbreak, the results of a specific investigation or the immediate application of eradication measures, the radius of the buffer zone may be reduced to not less than 1 km beyond the boundary of the infested zone. In cases where eradication of the specified organism is no longer possible the radius cannot be reduced below 2 km.
3. If the presence of the specified organism is confirmed outside the infested zone, the delimitation of the infested zone and buffer zone shall be reviewed and changed accordingly.
4. Where in a demarcated area, based on the surveys referred to in Article 5(1) and on the monitoring referred to in point 1(h) of Section 3 of Annex II, the specified organism is not detected for a period that includes at least one life cycle and 1 additional year but in any case is not less than 4 consecutive years, this demarcation may be lifted. The exact length of a life cycle depends on evidence that is available for the area concerned or similar climate zone. The demarcation may also be lifted in cases where, following further investigation, the conditions set out in point 1 of Section 2 are found to be satisfied.

2. Conditions under which no demarcated area need be established

1. In accordance with Article 6(2) Member States need not establish a demarcated area, as provided for in Article 6(1), where the following conditions are satisfied:
 - (a) there is evidence either that the specified organism has been introduced into the area with the plants on which it was found and there is an indication that those plants were infested before their introduction into the area concerned, or that it is an isolated finding, immediately associated with a specified plant or not, not expected to lead to establishment; and
 - (b) it is ascertained that there is no establishment of the specified organism and that the spread and successful breeding of the specified organism is not possible due to its biology and taking into account the results of a specific investigation and eradication measures that may consist of precautionary felling and disposal of specified plants including their roots after they have been examined.
2. Where the conditions set out in point 1 are satisfied, Member States need not establish demarcated areas, provided that they take the following measures:
 - (a) immediate measures to ensure the prompt eradication of the specified organism and to exclude the possibility of its spread;
 - (b) monitoring during the period covering at least one life cycle of the specified organism and 1 additional year including monitoring in at least 4 consecutive years, in a radius of at least 1 km around the infested plants or the place where the specified organism was found; for the first year at least monitoring shall be regular and intensive;
 - (c) the destruction of any infested plant material;
 - (d) tracing back to the origin of the infestation and tracing of plants associated with the case of infestation concerned as far as possible and the examination thereof for any sign of infestation; the examination shall include targeted destructive sampling;
 - (e) activities to raise public awareness concerning the threat of that organism;
 - (f) any other measure, which may contribute to the eradication of the specified organism, taking account of ISPM No 9 ⁽¹⁾ and applying an integrated approach according to the principles set out in ISPM No 14 ⁽²⁾.

⁽¹⁾ Guidelines for pest eradication programmes — Reference Standard ISPM No 9 by the Secretariat of the International Plant Protection Convention, Rome.

⁽²⁾ The use of integrated measures in a systems approach for pest risk management — Reference Standard ISPM No 14 by the Secretariat of the International Plant Protection Convention, Rome.

The measures referred to in points (a) to (f) shall be presented in the form of a report referred to in Article 7.

3. Measures to be taken in demarcated areas

1. In demarcated areas Member States shall take the following measures to eradicate the specified organism:

- (a) the immediate felling of infested plants and plants with symptoms caused by the specified organism, and the complete removal of their roots; in cases where the infested plants were found outside the flying period of the specified organism the felling and removal shall be carried out before the start of the next flying period; in exceptional cases where a responsible official body concludes that such felling is inappropriate an alternative eradication measure may be applied offering the same level of protection against the spread of the specified organism; the reasons for that conclusion and the description of the measure shall be notified to the Commission in the report referred to in Article 7;
- (b) the felling of all specified plants within a radius of 100 m around infested plants and the examination of those specified plants for any sign of infestation; in exceptional cases where a responsible official body concludes that such felling is inappropriate, the individual detailed examination for any sign of infestation of all these specified plants within that radius which are not to be felled, and the application, where appropriate, of measures to prevent any possible spread of the specified organism from those plants;
- (c) removal, examination and disposal of plants felled in accordance with points (a) and (b) and of their roots; taking of all necessary precautions to avoid spreading of the specified organism during and after felling;
- (d) prevention of any movement of potentially infested material out of the demarcated area;
- (e) tracing back to the origin of the infestation and tracing of plants associated with the case of infestation concerned, as far as possible, and the examination thereof for any sign of infestation; the examination shall include targeted destructive sampling;
- (f) where appropriate, replacement of specified plants by other plants;
- (g) prohibition of planting of new specified plants in the open air in an area referred to in point 1(b) of Section 3 of Annex II, except for places of production referred to in Section 2 of Annex I;
- (h) intensive monitoring for the presence of the specified organism by annual inspections at appropriate times on host plants, with specific focus on the buffer zone, including where appropriate targeted destructive sampling; the number of samples shall be indicated in the report referred to in Article 7;
- (i) activities to raise public awareness concerning the threat of that organism and the measures adopted to prevent its introduction into and spread within the Union including the conditions regarding movement of specified plants from the demarcated area established under Article 6;
- (j) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication, in particular those related to the accessibility and adequate eradication of all plants that are infested or suspected of infestation, irrespective of their location, public or private ownership or the person or entity responsible for them;
- (k) any other measure, which may contribute to the eradication of the specified organism, taking account of ISPM No 9 ⁽¹⁾ and applying an integrated approach according to the principles set out in ISPM No 14 ⁽²⁾.

The measures referred to in points (a) to (k) shall be presented in the form of a report referred to in Article 7.

2. When the results of the surveys referred to in Article 5 during more than 4 consecutive years have confirmed the presence of the specified organism in an area and in case there is evidence that the specified organism can no longer be eradicated, Member States can limit the measures to the containment of the specified organism within that area. Such measures shall include at least the following:

- (a) felling of infested plants and plants with symptoms caused by the specified organism, and the complete removal of their roots; felling activities shall start immediately, however in cases where the infested plants were found outside the flying period of the specified organism the felling and removal shall be carried out before the start of the next flying period; in exceptional cases where a responsible official body concludes that such felling is inappropriate an

⁽¹⁾ Guidelines for pest eradication programmes — Reference Standard ISPM No 9 by the Secretariat of the International Plant Protection Convention, Rome.

⁽²⁾ The use of integrated measures in a systems approach for pest risk management — Reference Standard ISPM No 14 by the Secretariat of the International Plant Protection Convention, Rome.

alternative eradication measure may be applied offering the same level of protection against the spread of the specified organism; the reasons for that conclusion and the description of the measure shall be notified to the Commission in the report referred to in Article 7;

- (b) removal, examination and disposal of plants felled and of their roots; taking of necessary precautions to avoid spreading of the specified organism after felling;
- (c) prevention of any movement of potentially infested material out of the demarcated area;
- (d) where appropriate, replacement of specified plants by other plants;
- (e) prohibition of planting of new specified plants in the open air in an infested area referred to in point 1(a) of Section 1 of Annex II except for places of production referred to in Section 2 of Annex I;
- (f) intensive monitoring for the presence of the specified organism by annual inspections at appropriate times on host plants, including where appropriate targeted destructive sampling; the number of samples shall be indicated in the report referred to in Article 7;
- (g) activities to raise public awareness concerning the threat of the specified organism and the measures adopted to prevent its introduction into and spread within the Union including the conditions regarding movement of specified plants from the demarcated area established under Article 6;
- (h) where necessary, specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay containment, in particular those related to the accessibility and adequate eradication of all plants that are infested or suspected of infestation, irrespective of their location, public or private ownership or the person or entity responsible for them;
- (i) any other measure, which may contribute to the containment of the specified organism.

The measures referred to in points (a) to (i) shall be presented in the form of a report referred to in Article 7.

CORRIGENDA

Corrigendum to 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*(Official Journal of the European Union L 52 of 24 February 2012)*

On page 11, Annex, in the table, CN code 1602 32 11:

for:

'1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	306,1	0	BR
		353,6	0	CL'

read:

'1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	306,1	0	BR
		353,5	0	CL'

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