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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 540/2012

of 21 June 2012

amending Regulation (EC) No 954/2006 imposing a definitive anti-dumping duty on imports of certain seamless pipes and tubes, of iron or steel originating in Croatia, Romania, Russia and Ukraine

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community⁽¹⁾ ('the basic Regulation'), and in particular Article 9(4) thereof,

Having regard to the proposal submitted by the European Commission ('the Commission') after having consulted the Advisory Committee,

Whereas:

(3) With regard to CJSC Nikopolosky Seamless Tubes Plant Niko Tube and OJSC Nizhnedneprovsky Tube Rolling Plant (NTRP) it is recalled that their company names changed in February 2007 to CJSC Interpipe Nikopolsky Seamless Tubes Plant Niko Tube and OJSC Interpipe Nizhnedneprovsky Tube Rolling Plant, respectively⁽⁶⁾. Subsequently, CJSC Interpipe Nikopolsky Seamless Tubes Plant Niko Tube has been discontinued as a legal entity and all its property and non-property rights and liabilities were taken over by LLC Interpipe Niko Tube, which was established in December 2007.

(4) By its judgment of 10 March 2009⁽⁷⁾, the CFI annulled Article 1 of Regulation (EC) No 954/2006 in so far as the anti-dumping duty fixed for exports by the applicants exceeds that which would have been applicable had the export price not been adjusted for a commission when sales took place through the related trading company.

A. PROCEDURE

(1) In March 2005, the Commission initiated an investigation⁽²⁾ with regards to imports of certain seamless pipes and tubes (SPT) originating, inter alia, in Ukraine ('original investigation'). In June 2006 definitive anti-dumping duties were imposed by Council Regulation (EC) No 954/2006⁽³⁾. In addition, on 30 November 2007, the Commission published a Notice in the *Official Journal of the European Union*, reflecting a name change of two Ukrainian exporting producers⁽⁴⁾.

(2) On 8 September 2006, Interpipe Nikopolsky Seamless Tubes Plant Niko Tube and Interpipe Nizhnedneprovsky Tube Rolling Plant ('Interpipe group' or 'the applicants') lodged a request⁽⁵⁾ before the Court of First Instance of the European Communities (CFI) to annul Regulation (EC) No 954/2006 as far as it affects them.

(5) The Council of the European Union and the Commission, as well as the applicants, lodged appeals requesting the Court of Justice of the European Union (ECJ) to set aside the CFI judgment of 10 March 2009. On 16 February 2012, the ECJ dismissed both the appeals and the cross-appeal ('the Judgment')⁽⁸⁾ and thus confirmed the CFI (now the General Court) judgment of 10 March 2009.

(6) Article 1 of Regulation (EC) No 954/2006 was consequently annulled to the extent to which the anti-dumping duty imposed on exports into the European Union of goods produced and exported by the Interpipe group exceeded that which would be applicable if export price not been adjusted for a commission when sales took place through the related trading company.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ C 77, 31.3.2005, p. 2.

⁽³⁾ OJ L 175, 29.6.2006, p. 4.

⁽⁴⁾ OJ C 288, 30.11.2007, p. 34.

⁽⁵⁾ OJ C 261, 28.10.2006, p. 28.

⁽⁶⁾ OJ C 288, 30.11.2007, p. 34.

⁽⁷⁾ Case T-249/06 — *Interpipe Niko Tube and Interpipe NTRP v Council* [2009] ECR II-383.

⁽⁸⁾ OJ C 98, 31.3.2012, p. 2.

- (7) It is recognised by the Courts ⁽¹⁾ that, in cases where a proceeding consists of several steps, the annulment of one of these steps does not annul the complete proceeding. The anti-dumping proceeding is an example of such a multi-step proceeding. Consequently, the annulment of parts of the definitive anti-dumping Regulation does not imply the annulment of the entire procedure prior to the adoption of the Regulation in question. On the other hand, according to Article 266 of the Treaty on the Functioning of the European Union, the Union institutions are obliged to comply with the Judgment of the Courts of the European Union. Accordingly, the Union Institutions, in so complying with the Judgment, have the possibility to remedy the aspects of the contested Regulation which led to its annulment, while leaving unchanged the uncontested parts which are not affected by the Judgment ⁽²⁾.

- (8) This Regulation seeks to correct the aspects of the Regulation (EC) No 954/2006 found to be inconsistent with the basic Regulation, and which thus led to the annulment of parts of that Regulation. All other findings made in Regulation (EC) No 954/2006 remain valid.
- (9) Therefore, in accordance with Article 266 of the Treaty on the Functioning of the European Union, the anti-dumping duty rate for the Interpipe group was recalculated on the basis of the Judgment.

B. NEW ASSESSMENT OF THE FINDINGS BASED ON THE JUDGMENT OF THE COURT OF JUSTICE

- (10) In this Regulation, the aspect of the Judgment that is addressed is the calculation of the dumping margin, more specifically the calculation of the adjustment made to the export price for differences in commissions in accordance with Article 2(10)(i) of the basic Regulation.
- (11) As outlined in recitals (131) and (134) of the Regulation (EC) No 954/2006, the export price was adjusted for commissions pursuant to Article 2(10)(i) of the basic Regulation for sales made via the related trading company.
- (12) The CFI, in its Judgment, found, and the ECJ later confirmed, that the Union Institutions, in comparing the normal value and the export price, should not have made an adjustment for commissions in this particular case.
- (13) Therefore, the dumping margin was re-calculated without adjusting the export price for differences in commissions.
- (14) The comparison of the thus re-calculated weighted average export price with the weighted average normal value as found during the original investigation by

product type on an ex-factory basis showed the existence of dumping. The dumping margin established, expressed as a percentage of the CIF import price at the Union frontier, duty unpaid, is 17,7 %.

C. DISCLOSURE

- (15) All interested parties concerned by the implementation of the Judgment were informed of the proposal to revise the rates of anti-dumping duty applicable to the Interpipe group. They were also granted a period within which they could make representations subsequent to this disclosure in accordance with the provisions of the basic Regulation.

D. CONCLUSION

- (16) On the basis of the above the duty rate applicable to the Interpipe group should be amended accordingly. The amended rate should also apply retroactively from 30 June 2006 (the date that Regulation (EC) No 954/2006 entered into force), in the following sense: repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation. For instance, if that repayment or remission is asked on the basis of Article 236(2) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽³⁾ it must, in principle, only be granted if the request was made by a submission of an application to the appropriate customs office within a period of three years from the date on which the amount of those duties was communicated to the debtor. (For example, if the duty was collected shortly after the entry into force of Regulation (EC) No 954/2006, and the request for reimbursement was made within three years from the date on which the amount of duties was communicated to the debtor, normally, the request should be granted, provided that it also fulfils all other requirements),

HAS ADOPTED THIS REGULATION:

Article 1

The entry concerning CJSC Interpipe Nikopolsky Seamless Tubes Plant Niko Tube and OJSC Interpipe Nizhnedneprovsky Tube Rolling Plant, in the table in Article 1 of Council Regulation (EC) No 954/2006, shall be replaced by the following:

'Company	Anti-dumping duty	TARIC additional code
LLC Interpipe Niko Tube and OJSC Interpipe Nizhnedneprovsky Tube Rolling Plant (Interpipe NTRP)	17,7 %	A743'

⁽¹⁾ Case T-2/95 *Industrie des poudres sphériques (IPS) v Council* [1998] ECR II-3939.

⁽²⁾ Case C-458/98 *P IPS v Council* [2000] ECR I-8147.

⁽³⁾ OJ L 302, 19.10.1992, p. 1.

Article 2

To the extent that products produced by the companies referred to in Article 1 are concerned, the amounts of duties paid or entered into the accounts pursuant to Article 1 of Council Regulation (EC) No 954/2006 in its initial version and which exceed those as established on the basis of Article 1 of Council Regulation (EC) No 954/2006 as amended by this Regulation, shall be repaid or remitted. Repayment or remission must be requested from national customs authorities in accordance with applicable customs legislation.

Article 3

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

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

Done at Luxembourg, 21 June 2012.

For the Council
The President
M. FREDERIKSEN

COUNCIL IMPLEMENTING REGULATION (EU) No 541/2012**of 21 June 2012****terminating the interim review of the anti-dumping measures concerning imports of furfuraldehyde originating in the People's Republic of China and repealing those measures**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Article 9 and Article 11(3), (5) and (6) thereof,

Having regard to the proposal submitted by the European Commission ('Commission') after consulting the Advisory Committee,

Whereas:

A. PROCEDURE**1. Measures in force**

- (1) In 1995, the Council imposed by Regulation (EC) No 95/95 ⁽²⁾ a definitive anti-dumping duty in the form of a specific duty on imports of furfuraldehyde originating in the People's Republic of China ('PRC' or 'the country concerned') ('the original anti-dumping measures'). The specific duty rate was set at EUR 352 per tonne.
- (2) Following an interim review initiated in May 1997 upon the request of a Chinese exporter, the measures were maintained by Council Regulation (EC) No 2722/1999 ⁽³⁾ for a further period of four years.
- (3) In April 2005, following an expiry review, the Council, by Regulation (EC) No 639/2005 ⁽⁴⁾, extended the measures for a further period of five years.
- (4) In May 2011, following a further expiry review, the Council, by Implementing Regulation (EU) No 453/2011 ⁽⁵⁾, extended the measures for a further period of five years. The specific duty rate was set at the same level as in the original anti-dumping measures, i.e. EUR 352 per tonne.

2. Initiation of an interim review

- (5) Recital 84 of Implementing Regulation (EU) No 453/2011 states that the Council considered it appropriate to assess if the level of the duty was still relevant, given that the specific duty had been established on the basis of the findings of the original investigation

in 1995 and never revised. The Commission would therefore consider the *ex officio* initiation of an interim review pursuant to Article 11(3) of the basic Regulation.

- (6) Having determined that the Commission had at its disposal sufficient *prima facie* evidence for the initiation of an *ex officio* interim review, and after consulting the Advisory Committee, the Commission announced on 5 July 2011, in a notice published in the *Official Journal of the European Union* ⁽⁶⁾ ('the notice of initiation'), the initiation of an interim review pursuant to Article 11(3) of the basic Regulation.

3. Investigation**3.1. Investigation period**

- (7) The investigation concerning dumping covered the period from 1 July 2010 to 30 June 2011 ('the review investigation period' or 'RIP'). The examination of the trends relevant for the assessment of injury covered the period from 1 January 2008 to the end of the review investigation period ('the period considered').

3.2. Parties concerned by this investigation

- (8) The Commission officially advised the Union industry, exporting producers in the country concerned, importers, users known to be concerned, and the authorities of the country concerned of the initiation of the interim review.
- (9) Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the notice of initiation.

3.3. Sampling for exporting producers in the People's Republic of China

- (10) In view of the apparent large number of exporting producers in the PRC, it was considered appropriate to examine whether sampling should be used, in accordance with Article 17 of the basic Regulation. In order to enable the Commission to decide whether sampling would be necessary and, if so, to select a sample, the exporting producers in the PRC were requested to make themselves known within 15 days of the initiation of the review and to provide the Commission with the information requested in the notice of initiation. Given that no exporting producers came forward to cooperate, sampling was therefore not necessary.

3.4. Questionnaire replies and verifications

- (11) The Commission sent questionnaires to all parties known to be concerned. No other parties made themselves known within the deadlines set in the notice of initiation.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 15, 21.1.1995, p. 11.

⁽³⁾ OJ L 328, 22.12.1999, p. 1.

⁽⁴⁾ OJ L 107, 28.4.2005, p. 1.

⁽⁵⁾ OJ L 123, 12.5.2011, p. 1.

⁽⁶⁾ OJ C 196, 5.7.2011, p. 9.

- (12) No replies to the questionnaires were received from the two Union producers, the Chinese exporting producers or from any importers or users. One producer in the analogue country, Argentina, replied to the questionnaire.
- (13) Given the lack of cooperation from parties, no verification visits were carried out.

B. PRODUCT CONCERNED AND LIKE PRODUCT

1. Product concerned

- (14) The product concerned by this review is the same as the one in the original investigation and the following reviews mentioned above, namely furfuraldehyde originating in the PRC, currently falling within CN code 2932 12 00 ('the product concerned'). Furfuraldehyde is also known as 2-furaldehyde or furfural.
- (15) Furfuraldehyde is a light yellow liquid with a characteristic pungent odour, which is obtained by processing different types of agricultural waste. Furfuraldehyde has two main applications: as a selective solvent in petroleum refining for the production of lubricating oils and as raw material for processing into furfuryl alcohol, which is used to make synthetic resin for foundry moulds.

2. Like product

- (16) As in the previous investigations, it was considered that the furfuraldehyde produced in the PRC and exported to the EU, the furfuraldehyde produced and sold on the domestic market of the analogue country Argentina and the furfuraldehyde manufactured and sold in the EU by the Union producers have the same basic physical and chemical characteristics, and the same basic uses. They were therefore considered to be like products within the meaning of Article 1(4) of the basic Regulation.

C. DUMPING

1. General

- (17) No Chinese exporting producer cooperated with the investigation and they did not submit any information. Therefore, the findings on dumping set out below had to be based on facts available, in particular Eurostat data, official export statistics of the PRC and information submitted by the company in the analogue country, Argentina.

2. Analogue country

- (18) Pursuant to Article 2(7)(a) of the basic Regulation normal value was determined on the basis of the price or constructed value in an appropriate market economy third country ('the analogue country'), or the price from the analogue country to other countries, including the Union, or, where those are not possible, on any other reasonable basis, including the price actually paid or payable in the Union for the like product, duly adjusted if necessary to include a reasonable profit margin.

- (19) As in the original investigation, Argentina was proposed in the notice of initiation as an appropriate analogue country for the purposes of establishing normal value pursuant to Article 2(7)(a) of the basic Regulation. Following the publication of the notice of initiation, no comments concerning the proposed analogue country were received.

- (20) One producer of furfuraldehyde in Argentina cooperated with the investigation by replying to a questionnaire. The investigation showed that Argentina had a competitive market for furfuraldehyde with around 90 % of the market supplied by local production and the rest by imports from third countries. The production volume in Argentina constitutes more than 70 % of the volume of Chinese exports of the product concerned to the EU for inward processing. The Argentinean market was therefore deemed sufficiently representative for the determination of normal value for the PRC.

- (21) It is therefore concluded, as in the previous investigations, that Argentina constitutes an appropriate analogue country in accordance with Article 2(7)(a) of the basic Regulation.

3. Dumping of imports during the RIP

3.1. Normal value

- (22) Normal value was established on the basis of the information received from the cooperating producer in the analogue country, i.e. on the basis of the price paid or payable on the domestic market of Argentina by unrelated customers, since these sales were found to be made in the ordinary course of trade.
- (23) As a result, normal value was established as the weighted average domestic sales price to unrelated customers by the cooperating producer in Argentina.
- (24) It was first established whether the total domestic sales of the like product to independent customers were representative in accordance with Article 2(2) of the basic Regulation, i.e. whether they accounted for 5 % or more of the total sales volume of the product concerned exported to the EU. The domestic sales of the cooperating producer in Argentina were sufficiently representative during the RIP.

- (25) The Commission subsequently examined whether the domestic sales of the like product could be regarded as being sold in the ordinary course of trade pursuant to Article 2(4) of the basic Regulation. This was done by establishing for the like product sold on the Argentinean market the proportion of profitable domestic sales to independent customers during the RIP. Since all sales of the like product during the RIP were profitable, normal value was based on weighted average of all domestic sales.

3.2. Export price

- (26) As none of the Chinese exporters to the EU cooperated with the investigation, export prices were established on the basis of the facts available. The most appropriate basis was found to be the information provided by Eurostat data in relation to imports into the EU of the product concerned. Though most of these imports were made under the inward processing regime (Chinese furfuraldehyde was further processed into furfuryl alcohol for export), there was no reason to consider that they were not a reasonable basis for establishing export prices.

3.3. Comparison

- (27) For the purposes of ensuring a fair comparison between the normal value and the export price in accordance with Article 2(10) of the basic Regulation, due allowance in the form of adjustments was made with regard to certain differences in transport, credit costs and insurance, which affected prices and price comparability.

3.4. Dumping margin

- (28) In accordance with Article 2(11) of the basic Regulation, the dumping margin was established on the basis of a comparison of the weighted average normal value with the weighted average export prices at the same level of trade. This comparison showed a margin of dumping of 5,6 %.

4. Lasting nature of changed circumstances

- (29) Further to the analysis of the existence of dumping during the RIP, the likelihood of the continuation of dumping should measures be repealed was investigated. Given the fact that no exporting producer in the PRC cooperated in this investigation, the conclusions below rely on facts available in accordance with Article 18 of the basic Regulation.
- (30) In this respect the following elements were analysed: Chinese domestic demand and consumption, and the development of Chinese exports to the EU under the inward processing regime (IPR).
- (31) According to information available, since 2007 the domestic consumption of furfuraldehyde in the PRC has been increasing at a faster pace (an average forecasted annual growth for the time period 2007-12 of approx. 9 %) than the Chinese production capacity of that product (approx. + 6 %). The rise in Chinese domestic furfural consumption is mostly explained by the growing demand for furfuraldehyde's main downstream product, furfuryl alcohol. Chinese production of furfuryl alcohol has been drastically increasing since 1999, reflecting an emphasis on manufacturing higher-value furfural products and increasing demand for furan resins from the foundry industry.

- (32) Moreover, domestic demand for corn cob, the main raw material used by Chinese furfuraldehyde producers, has been increasing. With the rising global population, especially in the PRC and India, and the change from a grain based diet to a protein based diet, the global demand for corn is forecasted to grow at an increased rate. The PRC is the world's second largest corn consumer. In addition to the increase in industrial uses of corn, the Chinese demand for feed and livestock production is growing 3 % to 6 % annually. Whereas the PRC's corn consumption has been growing rapidly over the last few years, its production has been falling behind the demand. It is expected that during the time period 2011-15 corn exports from the USA to the PRC will quintuple. It also has to be noted that Chinese furfural producers are facing more and more competition from xylose and xylitol producers, with whom they share the same feedstock (corn cobs).

- (33) Concerning Chinese exports to the EU during the RIP, it should be noted that virtually all furfuraldehyde from the country concerned is imported exclusively under inward processing arrangements (IPR). This practice started in 2000 with approx. 75 % of Chinese yearly quantities of furfuraldehyde being shipped into the Union without being subject to anti-dumping duty, with the aim of further processing them into furfuryl alcohol destined for export to third countries. Since 2001, free market imports from the country concerned have almost completely ceased.

- (34) The long-term changes in the domestic demand for furfural in the PRC and the tight supply-demand situation on the Chinese corn market, along with the structure of Chinese imports to the EU as explained in the previous recital, seem to have led to a change in the level of dumping practiced by the Chinese exporting producers. A comparison of Chinese export prices to the EU with the normal value of the product concerned, all duly adjusted, shows a decrease in the dumping margin during the RIP, as compared to the previous expiry review investigation.

- (35) In conclusion, the above analysis shows that the changes in the Chinese domestic demand and consumption of corn cobs and furfuraldehyde and consequently of prices, are of a lasting nature. Therefore it can be concluded that if anti-dumping measures are repealed, Chinese exports into the Union would not significantly increase.

D. UNION INDUSTRY

- (36) The Union industry ('UI') consists of two companies: Lenzing AG (Austria) and Tanin Sevnica kemirna industrija d.d (Slovenia), which together account for 100 % of Union production of the like product in the

RIP. On this basis, the two Union producers constitute the Union industry within the meaning of Articles 4(1) and 5(4) of the basic Regulation. Neither company replied to the questionnaires sent to them or fully cooperated in the investigation.

- (37) Given the lack of cooperation from the Union industry, data for examining the situation of the Union market and injury caused to the Union industry by dumped imports from the PRC has been taken from facts available, including data extrapolated from information collected in the recent expiry review which covered the period from 1 January 2007 until 31 March 2010. Any sources given for the data in the tables below therefore relates to the period 2007-09 unless specified. Nutrafur, the Spanish producer that lodged the original complaint in 1994 under the name of Furfural Espanol S.A., ceased production in October 2008. The production figures of Nutrafur in 2008 were included in the consumption in the Union market. For reasons of confidentiality data concerning the performance of the Union industry are given only in indexed form.

E. SITUATION ON THE UNION MARKET

1. Consumption in the Union market

- (38) Union consumption of furfuraldehyde for 2008 and 2009 was established on the basis of the verified sales volumes of the Union industry on the Union market (including the sales of Nutrafur until October 2008 while it was still producing furfuraldehyde) plus imports under Inward Processing Regime (IPR) from the PRC and imports from other third countries into free circulation, based on data of the importer International Furan Chemicals BV ('IFC') verified during the last expiry review investigation and Eurostat. As Eurostat does not disclose the complete information for confidentiality reasons, Eurostat data were used only for the imports from other third countries except the PRC and the Dominican Republic, since IFC is the sole importer of furfuraldehyde from these sources.
- (39) Facts available were used for 2010 and the RIP due to the lack of cooperation from both the Union industry and the sole importer and the confidentiality of large amounts of data usually available from Eurostat. In the absence of any indications to the contrary, there was no reason to believe that there has been any marked shift in Union consumption since 2009 and it was considered that it remained at the same levels during 2010 and the RIP.
- (40) On this basis, during the period considered, the Union consumption decreased by 17 %, from 45 738 tonnes in 2008 to 38 000 tonnes during the RIP.

Table 1 — Union consumption

Year	2008	2009	2010	RIP
Tonnes	45 738	38 175	38 000	38 000
Index (2008 = 100)	100	83	83	83
Y/Y trend		- 17	0	0

Source: verified questionnaire replies of the Union industry and IFC, Eurostat

2. Imports from the PRC

2.1. Volume, market share and prices

- (41) According to Chinese export statistics, Chinese imports were being made under IPR during the RIP. The Chinese IPR volume increased from 10 002 tonnes in 2008 to 13 975 tonnes in the RIP, i.e. by 40 %. Over the period considered the Chinese market share for IPR increased from 22 % to 37 %, i.e. by 15 percentage points.
- (42) The Chinese IPR price increased by 47 % from EUR 1 014 per MT in 2008 to EUR 1 488 in the RIP. It is noted that during the RIP prices of Chinese imports increased rapidly, reaching a high point of over 1 700 EUR/MT.

Table 2 — Imports from the PRC

Year	2008	2009	2010	RIP
Tonnes	10 002	5 159	8 375	13 975
Index (2008 = 100)	100	52	84	140
Y/Y trend		- 48	32	56
Market share	22 %	14 %	22 %	37 %
Price, EUR/tonne	1 014	690	1 362	1 488
Index (2008 = 100)	100	68	134	147

Source: Verified questionnaire response of IFC, Chinese export statistics

3. Import volumes and prices from other third countries

- (43) It should be noted that, as in the original investigation, imports from the Dominican Republic were entirely shipments from a parent company to its European subsidiary to produce furfuryl alcohol. Thus, the prices used in these transactions are transfer prices between related companies which may not reflect real market prices. Given the lack of cooperation from the importer concerned and the confidentiality of data in Eurostat, it has been assumed that imports and prices from the Dominican Republic remained constant during 2010 and the RIP.

Table 3 — Imports into the Union from the Dominican Republic

Year	2008	2009	2010	RIP
Tonnes	27 662	24 996	25 000	25 000
Index (2008 = 100)	100	90	90	90
Y/Y trend		- 10	0	0
Market share	60 %	65 %	66 %	66 %
Price, EUR/tonne	982	582	582	582
Index (2008 = 100)	100	59	59	59

- (44) According to Eurostat, import volumes of furfuraldehyde into the Union from countries other than the PRC, together with their average prices, developed as follows:

Table 4 — Imports into the Union from other third countries

Year	2008	2009	2010	RIP
Tonnes	1 583	1 226	138	162
Index (2008 = 100)	100	77	9	10
Y/Y trend		- 23	- 68	1
Market share	3 %	3 %	1 %	1 %
Price, EUR/tonne	997	632	1 473	1 685
Index (2008 = 100)	100	63	148	169

4. Export volumes and prices from the EU to other third countries

- (45) During the period considered data was only available for 2008 and 2009. No reliable statistical data was available to assess the evolution of the dataset into 2010 and the RIP. In the absence of cooperation from the Union industry facts available were used and the assumption made that exports from the EU would continue at the same volume levels as 2009 with a price increase in line with that found on the Union market.

Table 5 — Export volumes and prices of the Union Industry to other third countries

Year	2008	2009	2010	RIP
Quantities — Index (2008 = 100)	100	155	155	155
Y/Y trend		55	0	0
Prices — Index (2008 = 100)	100	77	134	147
Y/Y trend		- 23	57	13

5. Economic situation of the Union industry

- (46) The economic situation of the Union industry, i.e. the two companies Lenzing and Tanin, is analysed below using data collected during the expiry review plus facts available for the current review investigation period (RIP).

5.1. Production

- (47) The total production by the Union industry of the like product increased by 5 % until 2009. In the absence of other data it was assumed that production remained stable in 2010 and the RIP.

Table 6 — Union production

Year	2008	2009	2010	RIP
Index (2008 = 100)	100	105	105	105
Y/Y trend		5	0	0

Source: Verified questionnaire replies of the Union producers

5.2. Production capacity and capacity utilisation

- (48) The total production capacity of the Union industry remained the same in 2008 and 2009. Given the lack of cooperation from the Union industry it was assumed that capacity and utilisation remained the same in 2010 and the RIP.

Table 7 — Union capacity

Year	2008	2009	2010	RIP
Index (2008 = 100)	100	100	100	100
Capacity utilisation	92 %	96 %	96 %	96 %

Source: Verified questionnaire replies of the Union producers

5.3. Level of stocks

- (49) Given the lack of cooperation of the Union industry it was assumed that stock levels remained the same as they were at the end of 2009.

Table 8 — Stocks

Year	2008	2009	2010	RIP
Index (2008 = 100)	100	56	56	56
Y/Y trend		- 44	0	0

Source: Verified questionnaire replies of the Union producers

5.4. Sales volume and market share

- (50) The Union industry's sales volume to unrelated customers in the Union market increased by 12 %

from 2008 to 2009. In the absence of data from the Union industry it was assumed that volume of sales did not increase in 2010 or the RIP.

Table 9 — Sales volume and Union market share

Year	2008	2009	2010	RIP
Index (2008 = 100)	100	112	112	112
Market share ranged	10-20 %	14-24 %	14-24 %	14-24 %

Source: Verified questionnaire replies of the Union producers

5.5. Average sales prices

- (51) During the period considered the average sales prices charged by the Union industry on the Union market increased substantially by 36 %. This was caused by a large price increase during 2010 and the RIP.

Table 10 — Average sales price in the EU

Year	2008	2009	2010	RIP
Index (2008 = 100)	100	89	108	136
Y/Y trend		- 11	19	28

Source: Verified questionnaire replies of the Union producers plus facts made available to the Commission

5.6. Average cost of production

- (52) As no cost of production data was made available by the Union industry for 2010 and the RIP data from the previous expiry review was increased by 6 % to take into account inflation during the period.

Table 11 — Average cost of production

Year	2008	2009	2010	RIP
Index (2008 = 100)	100	100	102	106
Y/Y trend		0	2	4

Source: Verified questionnaire replies of the Union producers

5.7. Profitability and cash flow

- (53) Calculation of the profits made by the Union industry, based on the price and cost data above, showed a significant increase during the period considered due to the price increases on the Union market combined with no evidence of increase in production costs beyond inflation. Cash flow is considered, in the absence of any other data, to have followed a trend similar to profitability.

Table 12 — Profitability and cash flow

Year	2008	2009	2010	RIP
Profitability Index (2008 = 100)	100	96	153	297
Y/Y trend		- 4	57	144
Cash Flow — Index (2008 = 100)	100	34	69	69
Y/Y trend		- 66	35	0

Source: Verified questionnaire replies of the Union producers

5.8. Investments, return on investments and ability to raise capital

- (54) In the absence of data from the Union industry, given the increases in prices in 2010 and the RIP it has been assumed that there was a return to the level of investment as that seen in 2007. Return on investment has been assumed to follow the same basic trend as profitability shown in Table 12.

Table 13 — Investments and return on investments

Year	2008	2009	2010	RIP
Investments index (2008 = 100)	100	3	163	163
Y/Y trend		- 97	160	0
Return on investments index (2008 = 100)	100	- 4	100	200
Y/Y trend		- 104	104	100

Source: Verified questionnaire replies of the Union producers

5.9. Employment and productivity

- (55) Given the lack of information from the Union industry for 2010 and the RIP it has been considered that employment and productivity remained constant during the period considered.

Table 14 — Employment and productivity

Year	2008	2009	2010	RIP
Employment — Index	100	100	100	100
Productivity (tonnes/employees) — Index	100	100	100	100
Labour costs — Index	100	100	100	100

Source: Verified questionnaire replies of the Union producers

5.10. *Magnitude of dumping margin*

- (56) Despite the lack of cooperation from the Chinese exporting producers, the volume and value of imports was analysed from Eurostat together with an estimation of market share. The significant price increase in 2010 and 2011 has dramatically reduced the margin of dumping from the PRC since the expiry review investigation period.

5.11. *Recovery from the effects of dumped imports*

- (57) As shown by the positive evolution of most of the indicators listed above, during the period considered the financial situation of the Union industry has fully recovered from the injurious effect of the significantly dumped imports that were identified by previous investigations originating in the PRC.

6. **Conclusion on the economic situation of the Union industry**

- (58) The measures against the PRC have had a positive impact on the economic situation of the Union industry, since most of the injury indicators showed a positive development: production, sales volume and sales value increased between 2008 and the RIP. However given the substantial increase in prices on the Union market, the Union industry is now achieving profits far in excess of the target profit, set at the original investigation as being 5 %, to ensure its development.
- (59) Given the significant increase in prices on the Union market during the RIP, with no evidence of a parallel increase in costs, it is concluded that the Union industry has not suffered material injury within the meaning of Article 3(5).

7. **Conclusion on the lasting nature of these changed circumstances**

- (60) Consideration has been given as to whether the increase in prices on the Union market is a lasting change in circumstances from the findings of the previous expiry review investigation. The data available shows prices on the Union market recovering strongly, matching the levels of 2008 and then overtaking these amounts whereas in the expiry review investigation prices were falling. Moreover, unlike in the expiry review, no evidence of undercutting was found. In the expiry review, profitability was on a downward trend but data after the end of that investigation shows profitability recovering strongly, matching the levels of 2008 and then exceeding them.
- (61) It was analysed whether, however, the change in prices since the end of the expiry review investigation period could be based on a particularly poor harvest season in

the PRC, as furfuraldehyde is produced there from agricultural waste. However the price has not fallen significantly since the harvest season at the end of 2010 and therefore this was discounted. It appeared that there had been an increase in the prices of imports originating in the PRC caused by the long-term growth in the domestic demand for furfuraldehyde and the rising raw material costs in the country concerned. Due to the lack of cooperation from the Chinese exporting producers, this could not be verified, but the Commission received no evidence that this was not the case.

- (62) Given the evidence available to the Commission referred to above, and the lack of information showing that the price increases referred to have been temporary, it has been concluded that this change is of a lasting nature.

F. TERMINATION OF THE ANTI-DUMPING PROCEEDING AND REPEAL OF THE ANTIDUMPING MEASURES IN FORCE

- (63) In light of the above, it is considered that the present anti-dumping review should be terminated and the anti-dumping measures in force be repealed.
- (64) All parties were informed of the essential facts and considerations on the basis of which it was intended to recommend that the existing measures be terminated. They were also granted a period within which they could make representations subsequent to this disclosure. No comments were received.
- (65) It follows from the above that the present anti-dumping review should be terminated and the anti-dumping measures imposed by Implementing Regulation (EU) No 453/2011 on imports of furfuraldehyde originating in the PRC should be terminated and the existing duty repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The interim review of the anti-dumping duties applicable to imports of 2-furaldehyde (also known as furfuraldehyde or furfural) currently falling within CN code 2932 12 00 originating in the People's Republic of China is hereby terminated.

Article 2

Implementing Regulation (EU) No 453/2011 is hereby repealed.

Article 3

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

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

Done at Luxembourg, 21 June 2012.

For the Council

The President

M. FREDERIKSEN

COUNCIL IMPLEMENTING REGULATION (EU) No 542/2012**of 25 June 2012****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing Implementing Regulation (EU) No 1375/2011**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2580/2001 ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) On 22 December 2011, the Council adopted Implementing Regulation (EU) No 1375/2011 implementing Article 2(3) of Regulation (EC) No 2580/2001 ⁽²⁾, establishing an updated list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies.
- (2) The Council has provided all the persons, groups and entities, for which it was practically possible, with statements of reasons explaining why they were listed in Implementing Regulation (EU) No 1375/2011.
- (3) By way of a notice published in the *Official Journal of the European Union*, the Council informed the persons, groups and entities listed in Implementing Regulation (EU) No 1375/2011 that it had decided to keep them on the list. The Council also informed the persons, groups and entities concerned that it was possible to request a statement of the Council's reasons for putting them on the list, where one had not already been communicated to them. In the case of certain persons and groups, an amended statement of reasons was made available.

- (4) The Council has carried out a complete review of the list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies, as required by Article 2(3) of that Regulation. When doing so it took account of observations submitted to the Council by those concerned.
- (5) The Council has concluded that the persons, groups and entities listed in the Annex to this Regulation have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism ⁽³⁾, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that Common Position, and that they should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.
- (6) The list of the persons, groups and entities to which Regulation (EC) No 2580/2001 applies should be updated accordingly and Implementing Regulation (EU) No 1375/2011 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Implementing Regulation (EU) No 1375/2011 is hereby repealed.

Article 3

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

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

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ OJ L 343, 23.12.2011, p. 10.

⁽³⁾ OJ L 344, 28.12.2001, p. 93.

ANNEX

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

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born August 11, 1960 in Iran. Passport: D9004878.
2. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
3. AL YACOB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
4. ARBABSIAR Manssor (a.k.a. Mansour Arbabsiar), born March 6 or 15, 1955 in Iran. Iranian and US national. Passport: C2002515 (Iran); Passport: 477845448 (USA). National ID no.: 07442833, expiry date 15 March 2016 (USA driving licence).
5. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the "Hofstadgroep"
6. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
7. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
8. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
9. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahlai, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusif, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
10. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran
11. SOLEIMANI Qasem (a.k.a. Ghasem Soleymani, a.k.a. Qasmi Sulayman, a.k.a. Qasem Soleymani, a.k.a. Qasem Solaimani, a.k.a. Qasem Salimani, a.k.a. Qasem Solemani, a.k.a. Qasem Sulaimani, a.k.a. Qasem Sulemani), born March 11, 1957 in Iran. Iranian national. Passport: 008827 (Iran Diplomatic), issued 1999. Title: Major General.
12. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 – member of the "Hofstadgroep"

2. Groups and entities

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

16. "Liberation Tigers of Tamil Eelam" – "LTTE"
 17. "Ejército de Liberación Nacional" ("National Liberation Army")
 18. "Palestinian Islamic Jihad" – "PIJ"
 19. "Popular Front for the Liberation of Palestine" – "PFLP"
 20. "Popular Front for the Liberation of Palestine – General Command" (a.k.a. "PFLP – General Command")
 21. "Fuerzas armadas revolucionarias de Colombia" – "FARC" ("Revolutionary Armed Forces of Colombia")
 22. "Devrimci Halk Kurtuluş Partisi-Cephesi" – "DHKP/C" (a.k.a. "Devrimci Sol" ("Revolutionary Left"), a.k.a. "Dev Sol") ("Revolutionary People's Liberation Army/Front/Party")
 23. "Sendero Luminoso" – "SL" ("Shining Path")
 24. "Stichting Al Aqsa" (a.k.a. "Stichting Al Aqsa Nederland", a.k.a. "Al Aqsa Nederland")
 25. "Teyrbazen Azadiya Kurdistan" – "TAK" (a.k.a. "Kurdistan Freedom Falcons", a.k.a. "Kurdistan Freedom Hawks")
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COUNCIL IMPLEMENTING REGULATION (EU) No 543/2012**of 25 June 2012****implementing Article 11(1) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) On 1 August 2011, the Council adopted Regulation (EU) No 753/2011.
- (2) On 18 May 2012, the Committee established pursuant to paragraph 30 of United Nations Security Council

Resolution 1988 (2011) amended the list of individuals, groups, undertakings and entities subject to restrictive measures.

- (3) Annex I to Regulation (EU) No 753/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 753/2011 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 199, 2.8.2011, p. 1.

ANNEX

The entries in Annex I to Regulation (EU) No 753/2011 for the persons below shall be replaced by the entries as set out below.

A. *Individuals associated with the Taliban*

1. **Shams Ur-Rahman Abdul Zahir** (*alias* (a) Shamsurrahman (b) Shams-u-Rahman (c) Shamsurrahman Abdurahman, (d) Shams ur-Rahman Sher Alam).

Title: (a) Mullah (b) Maulavi. **Grounds for listing:** Deputy Minister of Agriculture under the Taliban regime. **Date of birth:** 1969. **Place of birth:** Waka Uzbin village, Sarobi District, Kabul Province, Afghanistan. **Nationality:** Afghan. **National identification no:** (a) 2132370 (Afghan national identification card (tazkira)). (b) 812673 (Afghan national identification card (tazkira)). **Other information:** (a) Believed to be in Afghanistan/ Pakistan border area, (b) Involved in drug trafficking, (c) Belongs to Ghilzai tribe. **Date of UN designation:** 23.2.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

As at June 2007, Shams ur-Rahman Sher Alam was the Taliban member responsible for the Kabul Province. He was in charge of Taliban military operations in and around Kabul and has been involved in many attacks.

2. **Ubaidullah Akhund Yar Mohammed Akhund** (*alias* (a) Obaidullah Akhund, (b) Obaid Ullah Akhund).

Title: (a) Mullah, (b) Hadji, (c) Maulavi. **Grounds for listing:** Minister of Defence under the Taliban regime. **Date of birth:** (a) approximately 1968, (b) 1969. **Place of birth:** (a) Sangisar village, Panjwai District, Kandahar Province, Afghanistan, (b) Arghandab District, Kandahar Province, Afghanistan, (c) Nalgham area, Zheray District, Kandahar Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) He was one of the deputies of Mullah Mohammed Omar, (b) Was a Member of the Taliban's Supreme Council, in charge of military operations, (c) Arrested in 2007 and was in custody in Pakistan, (d) Reportedly deceased in March 2010, (e) Linked by marriage to Saleh Mohammad Kakar Akhtar Muhammad, (e) Belonged to Alokozai tribe. **Date of UN designation:** 25.1.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ubaidullah Akhund was a deputy to Mohammed Omar and a member of the Taliban leadership in charge of military operations.

3. **Mohammad Jawad Waziri.**

Grounds for listing: UN Department, Ministry of Foreign Affairs under the Taliban regime. **Date of birth:** Approximately 1960. **Place of birth:** (a) Jaghatu District, Maidan Wardak Province, Afghanistan, (b) Sharana District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Believed to be in Afghanistan/Pakistan border area; (b) Belongs to Wazir tribe. **Date of UN designation:** 23.2.2001.

4. **Nazir Mohammad Abdul Basir** (*alias* Nazar Mohammad)

Title: (a) Maulavi, (b) Sar Muallim. **Grounds for listing:** (a) Mayor of Kunduz City, (b) Acting Governor of Kunduz Province (Afghanistan) under the Taliban regime. **Date of birth:** 1954. **Place of birth:** Malaghi Village, Kunduz District, Kunduz Province, Afghanistan. **Nationality:** Afghan. **Other information:** Reportedly deceased on 9 November 2008. **Date of UN designation:** 23.2.2001.

5. **Abdulhai Salek**

Title: Maulavi **Grounds for listing:** Governor of Uruzgan Province under the Taliban regime. **Date of birth:** Approximately 1965. **Place of birth:** Awlyatak Village, Gardan Masjid Area, Chaki Wardak District, Maidan Wardak Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Reportedly deceased in North Afghanistan in 1999, (b) Belonged to Wardak tribe. **Date of UN designation:** 23.2.2001.

6. **Abdul Latif Mansur** (*alias* (a) Abdul Latif Mansoor (b) Wali Mohammad)

Title: Maulavi. **Grounds for listing:** Minister of Agriculture under the Taliban regime. **Date of birth:** approximately 1968. **Place of birth:** (a) Zurmat District, Paktia Province, Afghanistan, (b) Garda Saray District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Member of Taliban Miram Shah Shura as of May 2007, (b) Member of the Taliban Supreme Council and Head of Council's Political Commission as at 2009, (c) Taliban commander in Eastern Afghanistan as of 2010, (d) Taliban member responsible for Nangarhar Province, Afghanistan as of late 2009, (e) Believed to be in Afghanistan/Pakistan border area, (f) Belongs to Sahak tribe (Ghilzai). **Date of UN designation:** 31.1.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdul Latif Mansur was a member of the Taliban 'Miram Shah Council' as at May 2007. He was the Taliban shadow governor of Nangarhar Province, Afghanistan, in 2009 and the Head of the Taliban's political commission as at mid-2009. As at May 2010, Abdul Latif Mansur was a senior Taliban commander in eastern Afghanistan.

7. **Allah Dad Tayeb Wali Muhammad** (*alias* (a) Allah Dad Tayyab, (b) Allah Dad Tabeeb).

Title: (a) Mullah, (b) Haji. **Grounds for listing:** Deputy Minister of Communication under the Taliban regime. **Date of birth:** approximately 1963. **Place of birth:** (a) Ghorak District, Kandahar Province, Afghanistan, (b) Nesh District, Uruzgan Province, Afghanistan. **Nationality:** Afghan. **Other information:** Belongs to Popalzai tribe. **Date of UN designation:** 25.1.2001.

8. **Zabihullah Hamidi** (*alias* Taj Mir)

Grounds for listing: Deputy Minister of Higher Education under the Taliban regime. **Date of birth:** 1958-1959. **Place of birth:** Payeen Bagh village, Kahmard District, Bamyan Province, Afghanistan. **Address:** Dashti Shor area, Mazari Sharif, Balkh Province, Afghanistan. **Nationality:** Afghan. **Date of UN designation:** 23.2.2001.

9. **Mohammad Yaqoub.**

Title: Maulavi. **Grounds for listing:** Head of Bakhtar Information Agency (BIA) under the Taliban regime. **Date of birth:** Approximately 1966. **Place of birth:** (a) Shahjoi District, Zabul Province, Afghanistan (b) Janda District, Ghazni Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Member of Taliban Cultural Commission, (b) Believed to be in Afghanistan/Pakistan border area, (c) Belongs to Kharoti tribe. **Date of UN designation:** 23.2.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

As of 2009, Mohammad Yaqoub was a leading Taliban member in the Yousef Khel District of the Paktika Province.

10. **Mohammad Shafiq Ahmadi.**

Title: Mullah. **Grounds for listing:** Governor of Samangan Province under the Taliban regime. **Date of birth:** 1956-1957. **Place of birth:** Tirin Kot District, Uruzgan Province, Afghanistan. **Nationality:** Afghan. **Date of UN designation:** 23.2.2001.

11. **Ahmad Jan Akhundzada Shukoor Akhundzada** (*alias* (a) Ahmad Jan Akhunzada (b) Ahmad Jan Akhund Zada).

Title: (a) Maulavi (b) Mullah. **Grounds for listing:** Governor of Zabol and Uruzgan Provinces under the Taliban regime. **Date of birth:** 1966-1967. **Place of birth:** (a) Lablan village, Dehrawood District, Uruzgan Province, Afghanistan, (b) Zurmat District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Taliban member responsible for Uruzgan Province, Afghanistan, as at early 2007, (b) Brother-in-law of Mullah Mohammed Omar, (c) Believed to be in Afghanistan/Pakistan border area. **Date of UN designation:** 25.1.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ahmad Jan Akhunzada Shukoor Akhunzada was the Taliban member in charge of Uruzgan Province as at early 2007.

12. **Khalil Ahmed Haqqani** (*alias* (a) Khalil Al-Rahman Haqqani, (b) Khalil ur Rahman Haqqani, (c) Khaleel Haqqani).

Title: Haji. **Address:** (a) Peshawar, Pakistan; (b) Near Dergey Manday Madrasa in Dergey Manday Village, near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan, (c) Kayla Village near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan; (d) Sarana Zadran Village, Paktia Province, Afghanistan. **Date of birth:** (a) 1.1.1966, (b) between 1958 and 1964. **Place of birth:** Sarana Village, Garda Saray area, Waza Zadran District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Senior member of the Haqqani Network, which operates out of North Waziristan in the Federally Administered Tribal Areas of Pakistan, (b) Had previously travelled to, and raised funds in, Dubai, United Arab Emirates, (c) Brother of Jalaluddin Haqqani and uncle of Sirajuddin Jallaloudine Haqqani. **Date of UN designation:** 9.2.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Khalil Ahmed Haqqani is a senior member of the Haqqani Network, a Taliban-affiliated group of militants that operates from North Waziristan Agency in the Federally Administered Tribal Areas of Pakistan. At the forefront of insurgent activity in Afghanistan, the Haqqani Network was founded by Khalil Haqqani's brother, Jalaluddin Haqqani (T.I.H.40.01.), who joined Mullah Mohammed Omar's Taliban regime in the mid-1990s.

Khalil Haqqani engages in fundraising activities on behalf of the Taliban and the Haqqani Network, often travelling internationally to meet with financial supporters. As of September 2009, Khalil Haqqani had traveled to Gulf states and had raised funds from sources there, as well as from sources in South and East Asia.

Khalil Haqqani also provides support to the Taliban and the Haqqani Network operating in Afghanistan. As of early 2010, Khalil Haqqani provided funds to Taliban cells in Logar Province, Afghanistan. In 2009, Khalil Haqqani supplied and controlled approximately 160 combatants in Logar Province, Afghanistan, and was one of several people responsible for the detention of enemy prisoners captured by the Taliban and the Haqqani Network. Khalil Haqqani has taken orders for Taliban operations from Sirajuddin Haqqani, his nephew.

Khalil Haqqani has also acted on behalf of Al-Qaida and has been linked to its military operations. In 2002, Khalil Haqqani deployed men to reinforce Al-Qaida elements in Paktia Province, Afghanistan.

13. **Badruddin Haqqani** (*alias* Atiqullah).

Address: Miram Shah, Pakistan. **Date of birth:** approximately 1975- 1979. **Place of birth:** Miramshah, North Waziristan, Pakistan. **Other information:** (a) operational commander of the Haqqani Network and member of the Taliban shura in Miram Shah, (b) has helped lead attacks against targets in south-eastern Afghanistan, (c) son of Jalaluddin Haqqani, brother of Sirajuddin Jallaloudine Haqqani and Nasiruddin Haqqani, nephew of Khalil Ahmed Haqqani. **Date of UN designation:** 11.5.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Badruddin Haqqani is the operational commander for the Haqqani Network, a Taliban-affiliated group of militants that operates from North Waziristan Agency in the Federally Administered Tribal Areas of Pakistan. The Haqqani Network has been at the forefront of insurgent activity in Afghanistan, responsible for many high-profile attacks. The Haqqani Network's leadership consists of the three eldest sons of its founder Jalaluddin Haqqani, who joined Mullah Mohammed Omar's Taliban regime in the mid-1990s. Badruddin is the son of Jalaluddin and brother to Nasiruddin Haqqani and Sirajuddin Haqqani, as well as nephew of Khalil Ahmed Haqqani.

Badruddin helps lead Taliban associated insurgents and foreign fighters in attacks against targets in south-eastern Afghanistan. Badruddin sits on the Miram Shah shura of the Taliban, which has authority over Haqqani Network activities.

Badruddin is also believed to be in charge of kidnappings for the Haqqani Network. He has been responsible for the kidnapping of numerous Afghans and foreign nationals in the Afghanistan-Pakistan border region.

14. **Malik Noorzai** (*alias:* (a) Hajji Malik Noorzai, (b) Hajji Malak Noorzai, (c) Haji Malek Noorzai, (d) Haji Maluk, (e) Haji Aminullah).

Title: Haji. **Address:** (a) Boghra Road, Miralzei Village, Chaman, Baluchistan Province, Pakistan, (b) Kalay Rangin, Spin Boldak District, Kandahar Province, Afghanistan. **Date of Birth:** (a) 1957, (b) 1960. **Place of birth:** Chaman border town, Pakistan. **Nationality:** Afghan. **Other information:** (a) Taliban financier. (b) Owns businesses in Japan and frequently travels to Dubai, United Arab Emirates, and Japan. (c) As of 2009, facilitated Taliban activities, including through recruitment and the provision of logistical support. (d) Believed to be in the Afghanistan/Pakistan border area. (e) Belongs to Noorzai tribe. (f) Brother of Faizullah Khan Noorzai. **Date of UN designation:** 04.10.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Malik Noorzai is a Pakistan-based businessman who has provided financial support to the Taliban. Malik and his brother, Faizullah Noorzai Akhtar Mohammed Mira Khan, have invested millions of dollars in various businesses for the Taliban. In late 2008, Taliban representatives approached Malik as a businessman with whom to invest Taliban funds. Since at least 2005, Malik has also personally contributed tens of thousands of dollars and distributed hundreds of thousands of dollars to the Taliban, some of which was collected from donors in the Gulf region and Pakistan and some of which was Malik's own money. Malik also handled a hawala account in Pakistan that received tens of thousands of dollars transferred from the Gulf every few months to support Taliban activities. Malik has also facilitated Taliban activities. As of 2009, Malik had served for 16 years as the chief caretaker of a madrassa (religious school), in the Afghanistan/ Pakistan border region, that was used by the Taliban to indoctrinate and train recruits. Among other things, Malik delivered the funds that supported the madrassa. Malik, along with his brother, has also played a role in storing vehicles to be used in Taliban suicide bombing operations and has helped move Taliban fighters around Helmand Province, Afghanistan. Malik owns businesses in Japan and frequently visits Dubai and Japan for business. As early as 2005, Malik owned a vehicle import business in Afghanistan that imported vehicles from Dubai and Japan. He has imported cars, auto parts and clothing from Dubai and Japan for his businesses, in which two Taliban commanders have invested. In mid-2010, Malik and his brother secured the release of hundreds of cargo containers, reportedly worth millions of dollars, which Pakistani authorities seized earlier that year because they believed the recipients had a connection to terrorism.

15. **Faizullah Khan Noorzai** (*alias*: (a) Hajji Faizullah Khan Noorzai, (b) Haji Faizuulah Khan Norezai, (c) Haji Faizullah Khan, (d) Haji Fiazullah, (e) Haji Faizullah Noori, (f) Haji Faizullah Noor, (g) Faizullah Noorzai Akhtar Mohammed Mira Khan (h) Haji Pazullah Noorzai, (i) Haji Mullah Faizullah).

Title: Haji. **Address:** (a) Boghra Road, Miralzei Village, Chaman, Baluchistan Province, Pakistan, (b) Kalay Rangin, Spin Boldak District, Kandahar Province, Afghanistan. **Date of birth:** (a) 1962, (b) 1961, (c) between 1968 and 1970, (d) 1962. **Place of birth:** (a) Lowy Kariz, Spin Boldak District, Kandahar Province, Afghanistan, (b) Kadanay, Spin Boldak District Kandahar Province, Afghanistan, (c) Chaman, Baluchistan Province, Pakistan. **Nationality:** Afghan. **Other information:** (a) Prominent Taliban financier. (b) As of mid- 2009, supplied weapons, ammunition, explosives and medical equipment to Taliban fighters; raised funds for the Taliban, and provided training to them, in the Afghanistan/Pakistan border region. (c) Has previously organized and funded Taliban operations in Kandahar Province, Afghanistan. (d) As of 2010, travelled to and owned businesses in Dubai, United Arab Emirates, and Japan. (e) Belongs to Noorzai tribe, Miralzai sub-tribe. (f) Brother of Malik Noorzai. (g) Father's name is Akhtar Mohammed (*alias*: Haji Mira Khan). **Date of UN designation:** 04.10.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Faizullah Noorzai Akhtar Mohammed Mira Khan has served as a prominent Taliban financier with whom senior Taliban leaders invested funds. He has collected over USD 100 000 for the Taliban from donors in the Gulf and in 2009 gave a portion of his own money. He also financially supported a Taliban commander in Kandahar Province and has provided funding to assist with training Taliban and Al-Qaida fighters who were to conduct attacks against Coalition and Afghan military forces. As of mid-2005, Faizullah organized and funded Taliban operations in Kandahar Province, Afghanistan. In addition to his financial support, Faizullah has otherwise facilitated Taliban training and operations. As of mid-2009, Faizullah supplied weapons, ammunition, explosives, and medical equipment to Taliban fighters from southern Afghanistan. In mid-2008, Faizullah was responsible for housing Taliban suicide bombers and moving them from Pakistan into Afghanistan. Faizullah has also provided anti- aircraft missiles to the Taliban, helped move Taliban fighters around Helmand Province, Afghanistan, facilitated Taliban suicide bombing operations and given radios and vehicles to Taliban members in Pakistan.

As of mid-2009, Faizullah operated a madrassa (religious school) in the Afghanistan/Pakistan border region, where tens of thousands of dollars were raised for the Taliban. Faizullah's madrassa grounds were used to provide training to Taliban fighters in the construction and use of improvised explosive devices (IEDs). As of late 2007, Faizullah's madrassa was used to train Al-Qaida fighters who were later sent to Kandahar Province, Afghanistan.

In 2010, Faizullah maintained offices and possibly owned properties, including hotels, in Dubai, the United Arab Emirates. Faizullah regularly travelled to Dubai and Japan with his brother, Malik Noorzai, to import cars, auto parts and clothing. As of early 2006, Faizullah owned businesses in Dubai and Japan.

COUNCIL IMPLEMENTING REGULATION 2012/544/CFSP**of 25 June 2012****implementing Article 32(1) of Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria ⁽¹⁾, and in particular Article 32(1) thereof,

Whereas:

- (1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012.
- (2) In view of the gravity of the situation in Syria, and in accordance with Council Implementing Decision 2012/335/CFSP of 25 June 2012 implementing Council Decision 2011/782/CFSP concerning restrictive

measures against Syria ⁽²⁾, one additional person and additional entities should be included in the list of natural and legal persons, entities or bodies subject to restrictive measures set out in Annex II to Regulation (EU) No 36/2012,

HAS ADOPTED THIS REGULATION:

Article 1

The person and entities listed in the Annex to this Regulation shall be added to the list set out in Annex II to Regulation (EU) No 36/2012.

Article 2

The Regulation shall enter into force on the date 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 Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 16, 19.1.2012, p. 1.

⁽²⁾ See page 80 of this Official Journal.

ANNEX

PERSON AND ENTITIES REFERRED TO IN ARTICLE 1

Persons

	Name	Identifying information	Reasons	Date of listing
1.	Bouthaina Shaaban (a.k.a. Buthaina Shaaban)	Born 1953 in Homs, Syria	Political and Media Advisor to the President since July 2008 and as such associated with the violent crackdown on the population.	26.6.2012

Entities

	Name	Identifying information	Reasons	Date of listing
1.	Ministry of Defence	Address: Umayyad Square, Damascus Telephone: +963-11-7770700	Syrian government branch directly involved in repression.	26.6.2012
2.	Ministry of Interior	Address: Merjeh Square, Damascus Telephone: +963-11-2219400, +963-11-2219401, +963-11-2220220, +963-11-2210404	Syrian government branch directly involved in repression.	26.6.2012
3.	Syrian National Security Bureau		Syrian government branch and element of the Syrian Ba'ath Party. Directly involved in repression. It directed Syrian security forces to use extreme force against demonstrators.	26.6.2012
4.	Syria International Islamic Bank (SIIB) (a.k.a.: Syrian International Islamic Bank; a.k.a. SIIB)	Location: Syria International Islamic Bank Building, Main Highway Road, Al Mazzeh Area, P.O. Box 35494, Damascus, Syria Alt. Location: P.O. Box 35494, Mezza'h Vellat Sharqia'h, beside the Consulate of Saudi Arabia, Damascus, Syria	SIIB has acted as a front for the Commercial Bank of Syria, which has allowed that bank to circumvent sanctions imposed on it by the EU. From 2011 to 2012, SIIB surreptitiously facilitated financing worth almost \$150 million on behalf of the Commercial Bank of Syria. Financial arrangements that were purportedly made by SIIB were actually made by the Commercial Bank of Syria. In addition to working with the Commercial Bank of Syria to circumvent sanctions, in 2012, SIIB facilitated several substantial payments for the Syrian Lebanese Commercial Bank, another bank already designated by the EU. In these ways, SIIB has contributed to providing financial support to the Syrian regime.	26.6.2012

	Name	Identifying information	Reasons	Date of listing
5.	General Organisation of Radio and TV (a.k.a. Syrian Directorate General of Radio & Television Est; a.k.a. General Radio and Television Corporation; a.k.a. Radio and Television Corporation; a.k.a. GORT)	Address: Al Oumaween Square, P.O. Box 250, Damascus, Syria. Telephone (963 11) 223 4930	State-run agency subordinate to Syria's Ministry of Information and as such supports and promotes its information policy. It is responsible for operating Syria's state-owned television channels, two terrestrial and one satellite, as well as government radio stations. The GORT has incited violence against the civilian population in Syria, serving as a propaganda instrument for the Assad regime and spreading disinformation.	26.6.2012
6.	Syrian Company for Oil Transport (a.k.a. Syrian Crude Oil Transportation Company; a.k.a. "SCOT"; a.k.a. "SCOTRACO")	Banias Industrial Area, Latakia Entrance Way, P.O. Box 13, Banias, Syria; Website www.scot-syria.com ; Email scot50@scn-net.org	Syrian state owned oil company. Provides financial support to the regime.	26.6.2012

COUNCIL REGULATION (EU) No 545/2012**of 25 June 2012****amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) On 18 January 2012 the Council adopted Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria ⁽²⁾ with a view to giving effect to most of the measures provided for in Decision 2011/782/CFSP. That Regulation prohibits, inter alia, the provision of certain financing and financial assistance related to goods subject to an export prohibition.
- (2) Decision 2012/322/CFSP amending Decision 2011/782/CFSP ⁽³⁾, further develops the application of restrictive measures related to financial assistance in the context of the arms embargo.
- (3) Those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.
- (4) Regulation (EU) No 36/2012 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 36/2012 is hereby amended as follows:

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

⁽¹⁾ OJ L 319, 2.12.2011, p. 56.

⁽²⁾ OJ L 16, 19.1.2012, p. 1.

⁽³⁾ See page 45 of this Official Journal.

"1. It shall be prohibited:

- (a) to provide, directly or indirectly, technical assistance related to the goods and technology listed in the Common Military List of the European Union (*) ('Common Military List') or related to the provision, manufacture, maintenance and use of goods included in that list, to any person, entity or body in Syria or for use in Syria;
- (b) to provide, directly or indirectly, technical assistance or brokering services related to equipment, goods or technology which might be used for internal repression or for the manufacture and maintenance of products which could be used for internal repression as listed in Annex I or IA, to any person, entity or body in Syria or for use in Syria;
- (c) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List, or in Annex I or IA, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any person, entity or body in Syria or for use in Syria;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) to (c).

(*) OJ C 86, 18.3.2011, p. 1.";

- (2) Article 3, paragraph 4 is replaced by the following:

"4. Prior authorisation from the competent authority of the relevant Member State, as identified on the websites referred to in Annex III shall be required for the provision of:

- (a) technical assistance or brokering services related to equipment, goods or technology listed in Annex IX and to the provision, manufacture, maintenance and use of such equipment, goods and technology, directly or indirectly to any person, entity or body in Syria or for use in Syria;
- (b) financing or financial assistance related to goods and technology referred to in Annex IX, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such goods and technology, or for any provision of related technical assistance to any person, entity or body in Syria or for use in Syria.

The competent authorities shall not grant any authorisation for the transactions referred to in the first subparagraph, if they have reasonable grounds to determine that those transactions are or may be intended to contribute to internal repression or for the manufacture and maintenance of products which might be used for internal repression."

Article 2

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

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

Done at Brussels, 25 June 2012.

For the Council
The President
C. ASHTON

COMMISSION IMPLEMENTING REGULATION (EU) No 546/2012

of 25 June 2012

amending Regulation (EU) No 206/2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of Article 8(1) and Article 8(4) thereof,

Having regard to Council Directive 2004/68/EC of 26 April 2004 laying down animal health rules for the importation into and transit through the Community of certain live ungulate animals, amending Directives 90/426/EEC and 92/65/EEC and repealing Directive 72/462/EEC⁽²⁾, and in particular Article 3(1) and Article 7(e) thereof,

Whereas:

- (1) Commission Regulation (EU) No 206/2010⁽³⁾ lays down the veterinary certification requirements for the introduction into the Union of certain consignments of live animals or fresh meat. It also lays down the lists of third countries, territories or parts thereof from which those consignments may be introduced into the Union.
- (2) Regulation (EU) No 206/2010 provides that consignments of ungulates are to be introduced into the Union only if they come from the third countries, territories or parts thereof listed in Part 1 of Annex I thereto for which there is a model veterinary certificate corresponding to the consignment concerned listed in that Part. In addition, those consignments are to be accompanied by the appropriate veterinary certificate, drawn up in accordance with the relevant model set out in Part 2 of Annex I to Regulation (EU) No 206/2010, taking into account the specific conditions indicated in column 6 of the table in Part 1 of that Annex.
- (3) The whole territory of Canada, except the Okanagan Valley region of British Columbia, is currently listed in Part 1 of Annex I to Regulation (EU) No 206/2010 as approved for the export to the Union, inter alia, of domestic ovine animals (*Ovis aries*) and domestic caprine animals (*Capra hircus*) intended for breeding and/or production after importation and accompanied by a veterinary certificate in accordance with model OVI-X. However, Canada is not listed in column 6 of the table in Part 1 of that Annex as having an official

brucellosis-free status for the purposes of exports to the Union of live animals certified according to that model certificate.

- (4) Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals⁽⁴⁾ lays down, inter alia, the conditions under which Member States or regions thereof may be recognised as being officially brucellosis-free.
- (5) In addition, Directive 2004/68/EC provides that, where the equivalence of the official health guarantees provided for by a third country can be formally recognised by the Union, the specific animal health conditions for the introduction of live ungulates from that third country into the Union may be based on those guarantees.
- (6) Canada has submitted to the Commission documentation demonstrating compliance with the conditions laid down in Directive 91/68/EEC to be recognised as officially free from brucellosis (*B. melitensis*) for the entire territory of that third country for the purposes of exports to the Union of domestic ovine animals (*Ovis aries*) and domestic caprine animals (*Capra hircus*) intended for breeding and/or production after importation and accompanied by a veterinary certificate in accordance with model certificate OVI-X set out in Part 2 of Annex I to Regulation (EU) No 206/2010.
- (7) Following the evaluation of the documentation submitted by Canada, that third country should be recognised as being officially free from brucellosis (*B. melitensis*). The appropriate reference should therefore be included in the entry for that third country in column 6 of the table in Part 1 of Annex I to Regulation (EU) No 206/2010.
- (8) In addition, Regulation (EU) No 206/2010 provides that consignments of fresh meat intended for human consumption are to be imported into the Union only if they come from the third countries, territories or parts thereof listed in Part 1 of Annex II to that Regulation for which there is a model veterinary certificate corresponding to the consignment concerned listed in that Part.
- (9) Four parts of the territory of Botswana are listed in Part 1 of Annex II to Regulation (EU) No 206/2010 as regions from which imports of fresh de-boned and matured meat from ungulates into the Union are authorised. Those regions consist of a number of veterinary disease control zones.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 139, 30.4.2004, p. 321.

⁽³⁾ OJ L 73, 20.3.2010, p. 1.

⁽⁴⁾ OJ L 46, 19.2.1991, p. 19.

- (10) Following an outbreak of foot-and-mouth disease in region BW-1 of Botswana, Regulation (EU) No 206/2010, as amended by Commission Implementing Regulation (EU) No 801/2011 ⁽¹⁾, provides that the authorisation of Botswana to export fresh de-boned and matured meat from ungulates into the Union from that region is suspended as from 11 May 2011. The region BW-1 of Botswana is composed of veterinary disease control zones 3c, 4b, 5, 6, 8, 9 and 18.
- (11) On 2 December 2011, Botswana notified the Commission of the successful approval of veterinary disease control zones 3c, 4b, 5, 6, 8, 9 and 18 as free from foot-and-mouth disease by the World Organisation for Animal Health. The suspension of the authorisation to export fresh de-boned and matured meat from ungulates into the Union from that region is therefore no longer necessary.
- (12) However, within veterinary disease control zone 6, Botswana has declared an area close to the border with Zimbabwe as a intensive surveillance zone and informed the Commission that all domestic bovine animals in that zone were slaughtered. That area should not be authorised for exports to the Union of fresh de-boned and matured meat from ungulates. It should therefore be excluded from the region BW-1 as listed in part 1 of Annex II to Regulation (EU) No 206/2010.
- (13) Regulation (EU) No 206/2010 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 206/2010 is amended as follows:

- (1) in Part 1 of Annex I, the entry for Canada is replaced by the following:

'CA — Canada	CA-0	Whole country	POR-X		IVb IX V'
	CA-1	Whole country, except the Okanagan Valley region of British Columbia described as follows: — From a point on the Canada/United States border 120°15' longitude, 49° latitude — Northerly to a point 119°35' longitude, 50°30' latitude — North-easterly to a point 119° longitude, 50°45' latitude — Southerly to a point on the Canada/United States border 118°15' longitude, 49° latitude	BOV-X, OVI-X, OVI-Y RUM (*)	A	

- (2) in Part 1 of Annex II, the entry for Botswana is replaced by the following:

'BW — Botswana	BW-0	Whole country	EQU, EQW				
	BW-1	The veterinary disease control zones 3c, 4b, 5, 6, 8, 9 and 18, except the intensive surveillance zone in zone 6 between the border with Zimbabwe and the highway A1	BOV, OVI, RUF, RUW	F	1	11 May 2011	26 June 2012
	BW-2	The veterinary disease control zones 10, 11, 13 and 14	BOV, OVI, RUF, RUW	F	1		7 March 2002
	BW-3	The veterinary disease control zone 12	BOV, OVI, RUF, RUW	F	1	20 October 2008	20 January 2009

⁽¹⁾ OJ L 205, 10.8.2011, p. 27.

BW-4	The veterinary disease control zone 4a, except the intensive surveillance buffer zone of 10 km along the boundary with the foot-and-mouth disease vaccination zone and wildlife management areas	BOV	F	1		18 February 2011'
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Article 2

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

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

Done at Brussels, 25 June 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 547/2012**of 25 June 2012****implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to
ecodesign requirements for water pumps****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products ⁽¹⁾, and in particular Article 15(1) thereof,

After consulting the Ecodesign Consultation Forum,

Whereas:

- (1) Under Directive 2009/125/EC, ecodesign requirements are to be set by the Commission for energy-related products representing significant volumes of sales and trade, having a significant environmental impact and presenting significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2) of Directive 2009/125/EC provides that, in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15(2), and after consulting the Consultation Forum, the Commission shall, as appropriate, introduce implementing measures for products used in electric motor systems, such as water pumps.
- (3) Water pumps forming parts of electric motor systems are essential in various pumping processes. There is a total cost-effective potential for improving the energy efficiency of these pumping systems by approximately 20 % to 30 %. Even though the main savings can be achieved by motors, one of the factors contributing to such improvements is the use of energy-efficient pumps. Consequently, water pumps are a priority product for which ecodesign requirements should be established.
- (4) Electric motor systems include a number of energy-related products, such as motors, drives, pumps or fans. Water pumps are one of these products. Minimum requirements are established for motors in a separate measure, Commission Regulation (EC) No 640/2009 ⁽²⁾. Consequently, the present Regulation only sets minimum requirements for the hydraulic performance of water pumps without the motor.

(5) Many pumps are integrated in other products without being separately placed on the market. To achieve the full cost-effective energy-saving potential, water pumps integrated in other products should also be subject to the provisions of this Regulation.

(6) The Commission has carried out a preparatory study to analyse the technical, environmental and economic aspects of water pumps. The study has been developed together with stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.

(7) The preparatory study shows that water pumps are placed on the European Union market in large quantities. Their energy consumption in the use phase is the most significant environmental aspect of all life-cycle phases, with their annual electricity consumption amounting to 109 TWh in 2005, corresponding to 50 Mt in CO₂ emissions. In the absence of measures to limit this consumption, it is predicted that energy consumption will increase to 136 TWh in 2020. It has been concluded that use-phase electricity consumption can be improved significantly.

(8) The preparatory study shows that electricity consumption in the use phase is the only significant ecodesign parameter related to product design as referred to in Annex I, Part 1, to Directive 2009/125/EC.

(9) Improvements in electricity consumption in the use phase of water pumps should be achieved by applying existing non-proprietary cost-effective technologies that can reduce the total combined costs of purchase and operation.

(10) Ecodesign requirements should harmonise power consumption requirements for water pumps throughout the European Union, thus contributing to the functioning of the internal market and to the improvement of the environmental performance of these products.

(11) An appropriate timeframe should be provided for manufacturers to redesign products. The timeframe should be such as to avoid negative impacts on the functionalities of water pumps and to take into account cost impacts for manufacturers, in particular small and medium-sized enterprises, while ensuring timely achievement of the objectives of this Regulation.

(12) Power consumption should be determined using reliable, accurate and reproducible measurement methods, which

⁽¹⁾ OJ L 285, 31.10.2009, p. 10.

⁽²⁾ OJ L 191, 23.7.2009, p. 26.

take into account the recognised state-of-the-art including, where available, harmonised standards adopted by the European standardisation bodies, as listed in Annex I to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽¹⁾.

- (13) This Regulation should increase the market penetration of technologies that improve the life-cycle environmental impact of water pumps, leading to estimated energy savings of 3,3 TWh by 2020, compared to the situation where no measures are taken.
- (14) In accordance with Article 8(2) of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (15) In order to facilitate compliance checks, manufacturers should provide information in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC.
- (16) In order to further limit the environmental impact of water pumps, manufacturers should provide relevant information on disassembly, recycling or disposal at end-of-life.
- (17) Benchmarks for currently available technologies with high energy efficiency should be identified. This will help to ensure the wide availability and easy accessibility of information, in particular for small and medium-sized enterprises, which will further facilitate the integration of the best available technologies for reducing energy consumption.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market of rotodynamic water pumps for pumping clean water, including where integrated in other products.
2. This Regulation shall not apply to:
 - (a) water pumps designed specifically for pumping clean water at temperatures below -10°C or above 120°C , except with regard to the information requirements of Annex II, points 2(11) to 2(13);
 - (b) water pumps designed only for fire-fighting applications;
 - (c) displacement water pumps;
 - (d) self-priming water pumps.

Article 2

Definitions

In addition to the definitions set out in Directive 2009/125/EC, the following definitions apply:

- (1) '*water pump*' is the hydraulic part of a device that moves clean water by physical or mechanical action and is of one of the following designs:
 - End suction own bearing (ESOB),
 - End suction close coupled (ESCC),
 - End suction close coupled inline (ESCCi),
 - Vertical multistage (MS-V),
 - Submersible multistage (MSS);
- (2) '*End suction water pump*' means a glanded single stage end suction rotodynamic water pump designed for pressures up to 16 bar, with a specific speed n_s between 6 and 80 rpm, a minimum rated flow of $6\text{ m}^3/\text{h}$ ($1,667 \cdot 10^{-3}\text{ m}^3/\text{s}$), a maximum shaft power of 150 kW, a maximum head of 90 m at nominal speed of 1 450 rpm and a maximum head of 140 m at nominal speed of 2 900 rpm;
- (3) '*Rated flow*' means the head and flow that the manufacturer will guarantee under normal operating conditions;
- (4) '*Glanded*' means sealed shaft connection between the impeller in the pump body and the motor. The driving motor component remains dry;
- (5) '*End suction own bearing water pump*' (ESOB) is an end suction water pump with own bearings;
- (6) '*End suction close coupled water pump*' (ESCC) is an end suction water pump of which the motor shaft is extended to become also the pump shaft;
- (7) '*End suction close coupled inline water pump*' (ESCCi) means a water pump of which the water inlet of the pump is on the same axis as the water outlet of the pump;
- (8) '*Vertical multistage water pump*' (MS-V) means a glanded multi stage ($i > 1$) rotodynamic water pump in which the impellers are assembled on a vertical rotating shaft, which is designed for pressures up to 25 bar, with a nominal speed of 2 900 rpm and a maximum flow of $100\text{ m}^3/\text{h}$ ($27,78 \cdot 10^{-3}\text{ m}^3/\text{s}$);
- (9) '*Submersible multistage water pump*' (MSS) means a multi stage ($i > 1$) rotodynamic water pump with a nominal outer diameter of 4" (10,16 cm) or 6" (15,24 cm) designed to be operated in a borehole at nominal speed of 2 900 rpm, at operating temperatures within a range of 0°C and 90°C ;

⁽¹⁾ OJ L 204, 21.7.1998, p. 37.

- (10) 'rotodynamic water pump' means a water pump that moves clean water by means of hydrodynamic forces;
- (11) 'displacement water pump' means a water pump that moves clean water by enclosing a volume of clean water and forcing this volume to the outlet of the pump;
- (12) 'self-priming water pump' means a water pump that moves clean water and which can start and/or operate also when only partly filled with water;
- (13) 'clean water' means water with a maximum non-absorbent free solid content of 0,25 kg/m³, and with a maximum dissolved solid content of 50 kg/m³, provided that the total gas content of the water does not exceed the saturation volume. Any additives that are needed to avoid water freezing down to – 10 °C shall not be taken into account.

The definitions for the purpose of Annexes II to V are set out in Annex I.

Article 3

Ecodesign requirements

The minimum efficiency requirements as well as information requirements for rotodynamic water pumps are set out in Annex II.

Ecodesign requirements shall apply in accordance with the following timetable:

- (1) from 1 January 2013, water pumps shall have a minimum efficiency as defined in Annex II, point 1(a);
- (2) from 1 January 2015, water pumps shall have a minimum efficiency as defined in Annex II, point 1(b);
- (3) from 1 January 2013, the information on water pumps shall comply with the requirements set out in Annex II, point 2.

Compliance with ecodesign requirements shall be measured and calculated in accordance with requirements set out in Annex III.

No ecodesign requirement is necessary regarding any other ecodesign parameter referred to in Annex I, Part 1, of Directive 2009/125/EC.

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

Done at Brussels, 25 June 2012.

Article 4

Conformity assessment

The conformity assessment procedure referred to in Article 8(2) of Directive 2009/125/EC shall be the internal design control set out in Annex IV to that Directive or the management system for assessing conformity set out in Annex V to that Directive.

Article 5

Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, for the ecodesign requirements set out in Annex II to this Regulation, the authorities of the Member States shall apply the verification procedure set out in Annex IV to this Regulation.

Article 6

Indicative benchmarks

The indicative benchmarks for the best-performing water pumps available on the market at the time of entry into force of this Regulation are set out in Annex V.

Article 7

Revision

The Commission shall review this Regulation in the light of technological progress and shall present the result of this review to the Consultation Forum no later than four years after its entry into force. The review shall aim at adopting an extended product approach.

The Commission shall review the tolerances used in the methodology for calculating the energy efficiency before 1 January 2014.

Article 8

Entry into force

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

For the Commission

The President

José Manuel BARROSO

ANNEX I

Definitions applicable for the purposes of Annexes II to V

For the purpose of Annexes II to V, the following definitions apply:

- (1) '*Impeller*' means the rotating component of a rotodynamic pump which transfers energy to the water;
- (2) '*Full impeller*' means the impeller with the maximum diameter for which performance characteristics are given for a pump size in the catalogues of a water pump manufacturer;
- (3) '*Specific speed*' (n_s) means a dimensional value characterising the shape of the water pump impeller by head, flow and speed (n):

$$n_s = n \cdot \frac{\sqrt{Q_{BEP}}}{(\frac{1}{2} H_{BEP})^{\frac{3}{4}}} \quad [\text{min}^{-1}]$$

Where

- '*Head*' (H) means the increase in the hydraulic energy of water in meters [m], produced by the water pump at the specified point of operation,
 - '*Rotational speed*' (n) means the number of revolutions per minute [rpm] of the shaft,
 - '*Flow*' (Q) means the volume flow rate [m^3/s] of water through the water pump,
 - '*Stage*' (i) means the number of series impellers in the water pump,
 - '*Best efficiency point*' (BEP) means the operating point of the water pump at which it is at the maximum hydraulic pump efficiency measured with clean cold water,
- (4) '*Hydraulic pump efficiency*' (η) is the ratio between the mechanical power transferred to the liquid during its passage through the water pump and the mechanical input power transmitted to the pump at its shaft;
 - (5) '*Clean cold water*' means clean water to be used for pump testing, with a maximum kinematic viscosity of $1,5 \times 10^{-6} \text{ m}^2/\text{s}$, a maximum density of $1\,050 \text{ kg/m}^3$ and a maximum temperature of $40 \text{ }^\circ\text{C}$;
 - (6) '*Part load*' (PL) means the operating point of the water pump at 75 % of the flow at BEP;
 - (7) '*Over load*' (OL) means the operating point of the water pump at 110 % of the flow at BEP;
 - (8) '*Minimum Efficiency Index*' (MEI) means the dimensionless scale unit for hydraulic pump efficiency at BEP, PL and OL;
 - (9) '*C*' means a constant for each specific water pump type quantifying the differences in efficiency for different pump types.

ANNEX II

Ecodesign requirements for water pumps**1. EFFICIENCY REQUIREMENTS**

(a) From 1 January 2013, water pumps shall have a minimum efficiency:

- at the best efficiency point (BEP) of at least $(\eta_{\text{BEP}})_{\text{min requ}}$ when measured according to Annex III, and calculated with the C-value for MEI = 0,1, according to Annex III,
- a minimum efficiency at part load (PL) of at least $(\eta_{\text{PL}})_{\text{min requ}}$ when measured according to Annex III, and calculated with the C-value for MEI = 0,1, according to Annex III,
- a minimum efficiency at over load (OL) of at least $(\eta_{\text{OL}})_{\text{min requ}}$ when measured according to Annex III and calculated with the C-value for MEI = 0,1, according to Annex III.

(b) From 1 January 2015, water pumps shall have:

- a minimum efficiency at the best efficiency point (BEP) of at least $(\eta_{\text{BEP}})_{\text{min requ}}$ when measured according to Annex III and calculated with the C-value for MEI = 0,4, according to Annex III,
- a minimum efficiency at part load (PL) of at least $(\eta_{\text{PL}})_{\text{min requ}}$ when measured according to Annex III and calculated with the C-value for MEI = 0,4, according to Annex III,
- a minimum efficiency at over load (OL) of at least $(\eta_{\text{OL}})_{\text{min requ}}$ when measured according to Annex III and calculated with the C-value for MEI = 0,4, according to Annex III.

2. PRODUCT INFORMATION REQUIREMENTS

From 1 January 2013, the information on water pumps referred to in Article 1 set out in following points (1) to (15) shall be visibly displayed on:

- (a) the technical documentation of water pumps;
- (b) free access websites of manufacturers of water pumps.

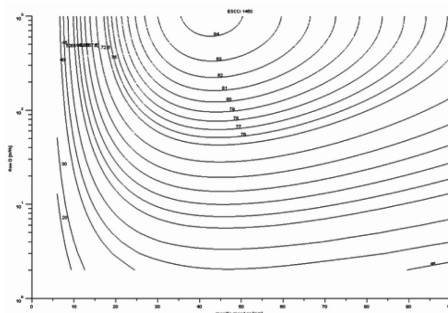
The information shall be provided in the order as presented in points (1) to (15). The information referred to in points (1) and (3) to (6) shall be durably marked on or near the rating plate of the water pump.

- (1) Minimum efficiency index: $MEI \geq [x,xx]$;
- (2) Standard text: 'The benchmark for most efficient water pumps is $MEI \geq 0,70$ ', or, alternatively, the indication 'Benchmark $MEI \geq 0,70$ ';
- (3) Year of manufacture;
- (4) Manufacturer's name or trade mark, commercial registration number and place of manufacture;
- (5) Product's type and size identifier;
- (6) Hydraulic pump efficiency (%) with trimmed impeller $[xx,x]$, or, alternatively, the indication $[-,-]$;
- (7) Pump performance curves for the pump, including efficiency characteristics;
- (8) Standard text: 'The efficiency of a pump with a trimmed impeller is usually lower than that of a pump with the full impeller diameter. The trimming of the impeller will adapt the pump to a fixed duty point, leading to reduced energy consumption. The minimum efficiency index (MEI) is based on the full impeller diameter.';
- (9) Standard text: 'The operation of this water pump with variable duty points may be more efficient and economic when controlled, for example, by the use of a variable speed drive that matches the pump duty to the system.';
- (10) Information relevant for disassembly, recycling or disposal at end-of-life;
- (11) Standard text for water pumps designed only for pumping clean water at temperatures below $-10\text{ }^{\circ}\text{C}$: 'Designed for use below $-10\text{ }^{\circ}\text{C}$ only';

- (12) Standard text for water pumps designed only for pumping clean water at temperatures above 120 °C: *'Designed for use above 120 °C only'*;
- (13) For pumps designed specifically for pumping clean water at temperatures below – 10 °C or above 120 °C, manufacturer must describe the relevant technical parameters and characteristics used;
- (14) Standard text: 'information on benchmark efficiency is available at [www.xxxxxxxxxx.xxx]';
- (15) Benchmark efficiency graph for $MEI = 0,7$ for the pump based on the model shown in the Figure. Similar efficiency graph shall be provided for $MEI = 0,4$.

Figure

Example of a benchmark efficiency graph for ESOB 2900



Further information may be added and may be complemented by graphs, figures or symbols.

ANNEX III

Measurements and calculations

For the purposes of compliance and verification of compliance with the requirements of this Regulation, measurements and calculations shall be made using harmonised standards the reference numbers of which have been published in the *Official Journal of European Union*, or using other reliable, accurate and reproducible methods, which take into account the generally recognised state of the art, and produce results deemed to be of low uncertainty. They shall fulfil all of the following technical parameters.

The hydraulic pump efficiency, as defined in Annex I, is measured at the head and flow corresponding to the best efficiency point (BEP), part load (PL) and over load (OL) for full impeller diameter with clean cold water.

The formula for calculating the required minimum efficiency at best efficiency point (BEP) is as follows:

$$(\eta_{\text{BEP}})_{\text{min, requ}} = 88,59 \cdot x + 13,46 \cdot y - 11,48 \cdot x^2 - 0,85 \cdot y^2 - 0,38 \cdot x \cdot y - C_{\text{Pump Type, rpm}}$$

Where,

$x = \ln(n_s)$; $y = \ln(Q)$ and $\ln$ = natural logarithm and Q = flow in $[m^3/h]$; n_s = specific speed in $[min^{-1}]$; C = value found in Table.

The value of C depends on the pump type and nominal speed, and also the MEI value.

Table

Minimum efficiency index (MEI) and its corresponding C-value depending on the pump type and speed

$C_{\text{Pump Type, rpm}}$ \ C -value for MEI	MEI = 0,10	MEI = 0,40
C (ESOB, 1 450)	132,58	128,07
C (ESOB, 2 900)	135,60	130,27
C (ESCC, 1 450)	132,74	128,46
C (ESCC, 2 900)	135,93	130,77
C (ESCCi, 1 450)	136,67	132,30
C (ESCCi, 2 900)	139,45	133,69
C (MS-V, 2 900)	138,19	133,95
C (MSS, 2 900)	134,31	128,79

The requirements for part load (PL) and over load (OL) conditions are set at slightly lower values than those for 100 % flow (η_{BEP}) .

$$(\eta_{\text{PL}})_{\text{min, requ}} = 0,947 \cdot (\eta_{\text{BEP}})_{\text{min, requ}}$$

$$(\eta_{\text{OL}})_{\text{min, requ}} = 0,985 \cdot (\eta_{\text{BEP}})_{\text{min, requ}}$$

All efficiencies are based on full (untrimmed) impeller. Vertical multistage water pumps are to be tested with a 3 stage ($i = 3$) version. Submersible multistage water pumps are to be tested with a 9 stage ($i = 9$) version. If this number of stages is not offered within the specific product range the next higher number of stages within the product range is to be chosen for testing.

ANNEX IV

Verification procedure for market surveillance purposes

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of the Member States shall apply the following verification procedure for the requirements set out in Annex II.

1. The authorities of the Member State shall test one single unit per model and provide the information about testing results to the authorities of the other Member States.
2. The model shall be considered to comply with the provisions set out in this Regulation, if the hydraulic pump efficiency measured at each of the conditions BEP, PL and OL (η_{BEP} , η_{PL} , η_{OL}) does not vary below the values set out in Annex II by more than 5 %.
3. If the result referred to in point 2 is not achieved, the market surveillance authority shall randomly test three additional units and provide the information about testing results to the authorities of the other Member States and to the European Commission.
4. The model shall be considered to comply with the provisions set out in this Regulation, if the pump passes the following three separate tests, if the:
 - arithmetic mean of the BEP (η_{BEP}) of the three units does not vary below the values set out in Annex II by more than 5 %, and
 - arithmetic mean of the PL (η_{PL}) of the three units does not vary below the values set out in Annex II by more than 5 %, and
 - arithmetic mean of the OL (η_{OL}) of the three units does not vary below the values set out in Annex II by more than 5 %.
5. If the results referred to in point 4 are not achieved, the model shall be considered not to comply with this Regulation.

For the purposes of compliance and verification of compliance with the requirements of this Regulation, Member States shall apply the procedures referred to in Annex III of this regulation and harmonised standards the reference numbers of which have been published in the *Official Journal of European Union*, or other reliable, accurate and reproducible method, which takes into account the generally recognised state of the art, and produce results deemed to be of low uncertainty.

*ANNEX V***Indicative benchmarks referred to in Article 6**

At the time of entry into force of this Regulation, the indicative benchmark for the best available technology on the market for water pumps is a minimum efficiency index (MEI) $\geq 0,70$.

COMMISSION REGULATION (EU) No 548/2012

of 25 June 2012

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1458/2007 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China by imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not, and making such imports subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation') and in particular Articles 13(3) and 14(5) thereof,

After having consulted the Advisory Committee in accordance with Articles 13(3) and 14(5) of the basic Regulation,

Whereas:

A. REQUEST

- (1) The European Commission ('the Commission') has received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation to investigate the possible circumvention of the anti-dumping measures imposed on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China and to make imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not, subject to registration.
- (2) The request was lodged on 17 April 2012 by Société BIC, a Union producer of gas-fuelled, non-refillable pocket flint lighters.

B. PRODUCT

- (3) The product concerned by the possible circumvention is gas-fuelled, non-refillable pocket flint lighters currently falling within CN code ex 9613 10 00 originating in the People's Republic of China ('the product concerned').
- (4) The product under investigation is the same as that defined in the previous recital, but consigned from Vietnam, whether declared as originating in Vietnam or not, currently falling within the same CN code as the product concerned ('the product under investigation').

C. EXISTING MEASURES

- (5) The measures currently in force and possibly being circumvented are anti-dumping measures imposed by Council Regulation (EC) No 1458/2007 ⁽²⁾.

- (6) A circumvention investigation concerning imports of gas-fuelled, non-refillable pocket flint lighters and of certain refillable pocket flint lighters was also carried out in 1998-1999 which led to the extension of the duty to imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China to imports of certain disposable refillable pocket flint lighters originating in the People's Republic of China or consigned from or originating in Taiwan and to imports of non-refillable lighters consigned from or originating in Taiwan ⁽³⁾.

D. GROUNDS

- (7) The request contains sufficient *prima facie* evidence that the anti-dumping measures on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China are being circumvented by means of assembly operations in Vietnam.
- (8) The *prima facie* evidence submitted is as follows.
- (9) The request shows a significant change in the pattern of trade involving exports from the People's Republic of China and Vietnam to the Union has taken place following the imposition of measures on the product concerned, without sufficient due cause or justification for such a change other than the imposition of the duty.
- (10) This change appears to stem from assembly operations in Vietnam of gas-fuelled, non-refillable pocket flint lighters.
- (11) Furthermore, the request contains sufficient *prima facie* evidence that the remedial effects of the existing anti-dumping measures on the product concerned are being undermined both in terms of quantity and price. Significant volumes of imports of the product under investigation appear to have replaced imports of the product concerned. In addition, there is sufficient evidence that imports of the product under investigation are made at prices below the non-injurious price established in the investigation that led to the existing measures.
- (12) Finally, the request contains sufficient *prima facie* evidence that the prices of the product under investigation are dumped in relation to the normal value previously established for the product concerned.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 326, 12.12.2007, p. 1.

⁽³⁾ OJ L 22, 29.1.1999, p. 1.

- (13) Should circumvention practices via Vietnam covered by Article 13 of the basic Regulation, other than assembly operations, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (14) In light of the above, the Commission has concluded that sufficient evidence exists to justify the initiation of an investigation pursuant to Article 13(3) of the basic Regulation and to make imports of the product under investigation, whether declared as originating in Vietnam or not, subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (15) In order to obtain the information it deems necessary for its investigation, the Commission will send questionnaires to the known exporters/producers and to the known associations of exporters/producers in Vietnam, to the known exporters/producers and to the known associations of exporters/producers in the People's Republic of China, to the known importers and to the known associations of importers in the Union and to the authorities of the People's Republic of China and Vietnam. Information, as appropriate, may also be sought from the Union industry.

- (16) In any event, all interested parties should contact the Commission forthwith, but not later than the time-limit set in Article 3 of this Regulation, and request a questionnaire within the time-limit set in Article 3(1) of this Regulation, given that the time-limit set in Article 3(2) of this Regulation applies to all interested parties.

- (17) The authorities of the People's Republic of China and Vietnam will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (18) All interested parties are hereby invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

(c) Exemption of registration of imports or measures

- (19) In accordance with Article 13(4) of the basic Regulation, imports of the product under investigation may be exempted from registration or measures if the importation does not constitute circumvention.

- (20) Since the possible circumvention takes place outside the Union, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to producers in Vietnam of gas-fuelled, non-refillable pocket flint

lighters, that can show that they are not related ⁽¹⁾ to any producer subject to the measures ⁽²⁾ and that are found not to be engaged in circumvention practices as defined in Articles 13(1) and 13(2) of the basic Regulation. Producers wishing to obtain an exemption should submit a request duly supported by evidence within the time-limit indicated in Article 3(3) of this Regulation.

F. REGISTRATION

- (21) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation should be made subject to registration in order to ensure that, should the investigation result in findings of circumvention, anti-dumping duties of an appropriate amount can be levied from the date on which registration of such imports consigned from Vietnam was imposed.

G. TIME-LIMITS

- (22) In the interest of sound administration, time-limits should be stated within which:

— interested parties may make themselves known to the Commission, present their views in writing and submit questionnaire replies or any other information to be taken into account during the investigation,

— producers in Vietnam may request exemption from registration of imports or measures,

— interested parties may make a written request to be heard by the Commission.

- (23) Attention is drawn to the fact that the exercise of most procedural rights set out in the basic Regulation depends on the party's making itself known within the time-limits mentioned in Article 3 of this Regulation.

⁽¹⁾ In accordance with Article 143 of Commission Regulation (EEC) No 2454/93 concerning the implementation of the Community Customs Code, persons shall be deemed to be related only if: (a) they are officers or directors of one another's businesses; (b) they are legally recognized partners in business; (c) they are employer and employee; (d) any person directly or indirectly owns, controls or holds 5% or more of the outstanding voting stock or shares of both of them; (e) one of them directly or indirectly controls the other; (f) both of them are directly or indirectly controlled by a third person; (g) together they directly or indirectly control a third person; or (h) they are members of the same family. Persons shall be deemed to be members of the same family only if they stand in any of the following relationships to one another: (i) husband and wife, (ii) parent and child, (iii) brother and sister (whether by whole or half blood), (iv) grandparent and grandchild, (v) uncle or aunt and nephew or niece, (vi) parent-in-law and son-in-law or daughter-in-law, (vii) brother-in-law and sister-in-law. (OJ L 253, 11.10.1993, p. 1). In this context 'person' means any natural or legal person.

⁽²⁾ However, even if producers are related in the aforementioned sense to companies subject to the measures in place on imports originating in the People's Republic of China (the original anti-dumping measures), an exemption may still be granted if there is no evidence that the relationship with the companies subject to the original measures was established or used to circumvent the original measures.

H. NON-COOPERATION

- (24) In cases in which any interested party refuses access to or does not provide the necessary information within the time-limits, or significantly impedes the investigation, findings, affirmative or negative, may be made in accordance with Article 18 of the basic Regulation, on the basis of the facts available.
- (25) Where it is found that any interested party has supplied false or misleading information, the information shall be disregarded and use may be made of facts available.
- (26) If an interested party does not cooperate or cooperates only partially and findings are therefore based on the facts available in accordance with Article 18 of the basic Regulation, the result may be less favourable to that party than if it had cooperated.

I. SCHEDULE OF THE INVESTIGATION

- (27) The investigation will be concluded, pursuant to Article 13(3) of the basic Regulation, within nine months of the date of the publication of this notice in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

- (28) It is noted that any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data⁽¹⁾.

K. HEARING OFFICER

- (29) Interested parties may request the intervention of the Hearing Officer of the Directorate-General for Trade. The Hearing Officer acts as an interface between the interested parties and the Commission investigation services. The Hearing Officer reviews requests for access to the file, disputes regarding the confidentiality of documents, requests for extension of time-limits and requests by third parties to be heard. The Hearing Officer may organise a hearing with an individual interested party and mediate to ensure that the interested parties' rights of defence are being fully exercised.
- (30) A request for a hearing with the Hearing Officer should be made in writing and should specify the reasons for the request. The Hearing Officer will also provide opportunities for a hearing involving parties to take place which would allow different views to be presented and rebuttal arguments offered.
- (31) For further information and contact details interested parties may consult the Hearing Officer's web pages on

the Directorate-General for Trade's website: http://ec.europa.eu/trade/tackling-unfair-trade/hearing-officer/index_en.htm.

HAS ADOPTED THIS REGULATION:

Article 1

An investigation is hereby initiated pursuant to Article 13(3) of Regulation (EC) No 1225/2009, in order to determine if imports into the Union of gas-fuelled, non-refillable pocket flint lighters, consigned from Vietnam, whether declared as originating in Vietnam or not, currently falling within CN code ex 9613 10 00 (TARIC code 9613 10 00 12), are circumventing the measures imposed by Council Regulation (EC) No 1458/2007.

Article 2

The Customs authorities shall, pursuant to Article 13(3) and Article 14(5) of Regulation (EC) No 1225/2009, take the appropriate steps to register the imports into the Union identified in Article 1 of this Regulation.

Registration shall expire nine months following the date of entry into force of this Regulation.

The Commission, by regulation, may direct Customs authorities to cease registration in respect of imports into the Union of products manufactured by producers having applied for an exemption of registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

1. Questionnaires must be requested from the Commission within 15 days from publication of this Regulation in the *Official Journal of the European Union*.

2. Interested parties, if their representations are to be taken into account during the investigation, must make themselves known by contacting the Commission, present their views in writing and submit questionnaire replies or any other information within 37 days from the date of the publication of this Regulation in the *Official Journal of the European Union*, unless otherwise specified.

3. Producers in Vietnam requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time-limit.

4. Interested parties may also apply to be heard by the Commission within the same 37-day time-limit.

5. Interested parties are required to make all submissions and requests in electronic format (non-confidential submissions via e-mail, confidential ones on CD-R/DVD), and must indicate their name, address, e-mail address, telephone and fax numbers. However, any Powers of Attorney, signed certifications, and any updates thereof, accompanying questionnaire replies must be submitted on paper, i.e. by post or by hand, at the address below. If an interested party cannot provide its

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

submissions and requests in electronic format, it must immediately inform the Commission in compliance with Article 18(2) of the basic Regulation. For further information concerning correspondence with the Commission, interested parties may consult the relevant web page on the website of the Directorate-General for Trade: <http://ec.europa.eu/trade/tackling-unfair-trade/trade-defence>.

All written submissions, including the information requested in this Regulation, questionnaire replies and correspondence provided by interested parties on a confidential basis must be labelled as '*Limited*' ⁽¹⁾ and, in accordance with Article 19(2) of the basic Regulation, must be accompanied by a non-confidential version, which must be labelled '*For inspection by interested parties*'.

Commission address for correspondence:

European Commission
Directorate-General for Trade
Directorate H
Office: N105 4/92
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax: +32 2 29 93988

E-mail: trade-lighters-circumvention@ec.europa.eu

Article 4

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

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

Done at Brussels, 25 June 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ A '*Limited*' document is a document which is considered confidential pursuant to Article 19 of Council Regulation (EC) No 1225/2009 (OJ L 343 22.12.2009 p. 51) and Article 6 of the WTO Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement). It is also a document protected pursuant to Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council (OJ L 145, 31.5.2001, p. 43).

COMMISSION IMPLEMENTING REGULATION (EU) No 549/2012**of 25 June 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, 25 June 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	TR	62,0
	ZZ	62,0
0707 00 05	MK	18,0
	TR	95,4
	ZZ	56,7
0709 93 10	TR	99,4
	ZZ	99,4
0805 50 10	AR	72,8
	TR	91,2
	UY	96,4
	ZA	90,3
	ZZ	87,7
0808 10 80	AR	151,5
	BR	93,1
	CH	68,9
	CL	100,3
	NZ	130,7
	US	121,2
	UY	61,6
	ZA	97,0
	ZZ	103,0
0809 10 00	TR	212,4
	ZZ	212,4
0809 29 00	TR	404,0
	ZZ	404,0

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) No 550/2012**of 25 June 2012****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. Those prices and duties were last amended by Commission Implementing Regulation (EU) No 526/2012 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with Article 36 of Regulation (EC) No 951/2006.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

Article 2

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

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

Done at Brussels, 25 June 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 160, 21.6.2012, p. 16.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 26 June 2012

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 12 10 ⁽¹⁾	37,58	0,00
1701 12 90 ⁽¹⁾	37,58	3,33
1701 13 10 ⁽¹⁾	37,58	0,01
1701 13 90 ⁽¹⁾	37,58	3,63
1701 14 10 ⁽¹⁾	37,58	0,01
1701 14 90 ⁽¹⁾	37,58	3,63
1701 91 00 ⁽²⁾	46,85	3,41
1701 99 10 ⁽²⁾	46,85	0,28
1701 99 90 ⁽²⁾	46,85	0,28
1702 90 95 ⁽³⁾	0,47	0,23

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL DECISION 2012/322/CFSP

of 20 June 2012

amending Decision 2011/782/CFSP concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 1 December 2011, the Council adopted Decision 2011/782/CFSP concerning restrictive measures against Syria ⁽¹⁾.
- (2) It is necessary to further develop the application of Article 1(3)(b) and Article 1a(2)(b) of Decision 2011/782/CFSP.
- (3) Decision 2011/782/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/782/CFSP is hereby amended as follows:

- (1) Article 1(3)(b) is replaced by the following:

‘(b) provide, directly or indirectly, financing or financial assistance related to the items referred to in paragraphs 1 and 2, including in particular grants, loans and

export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services or other services to any natural or legal person, entity or body in, or for use in, Syria.’;

- (2) Article 1a(2)(b) is replaced by the following:

‘(b) financing or financial assistance related to the items referred to in paragraph 1, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services or other services to any natural or legal person, entity or body in, or for use in, Syria.’.

Article 2

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

Done at Brussels, 20 June 2012.

For the Council
The President
N. WAMMEN

⁽¹⁾ OJ L 319, 2.12.2011, p. 56.

COUNCIL IMPLEMENTING DECISION**of 22 June 2012****lifting the suspension of commitments from the Cohesion Fund for Hungary**

(2012/323/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1084/2006 of 11 July 2006 establishing a Cohesion Fund ⁽¹⁾, and in particular Article 4(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 4 of Regulation (EC) No 1084/2006 sets out the conditions applying to access to Cohesion Fund assistance. According to paragraph 1 of that Article, the Council may decide to suspend either the totality or part of the commitments from the Cohesion Fund for the Member State concerned with effect from 1 January of the year following the decision to suspend if it has been established in accordance with Article 126(8) of the Treaty on the Functioning of the European Union ("TFEU") that the Member State concerned has not taken effective action in response to a Council recommendation made under Article 126(7) TFEU.
- (2) On 5 July 2004, by Decision 2004/918/EC on the existence of an excessive deficit in Hungary ⁽²⁾ the Council decided in accordance with Article 104(6) of the Treaty establishing the European Community ("TEC") that an excessive deficit existed in Hungary. The Council adopted a first recommendation on 5 July 2004, a second recommendation on 8 March 2005, and a third recommendation on 10 October 2006, all of which were addressed to Hungary in accordance with Article 104(7) TEC. On 7 July 2009, the Council adopted its fourth such recommendation ("Council Recommendation of 7 July 2009"), with a view to bringing an end to the situation of an excessive government deficit by 2011 at the latest.
- (3) On 24 January 2012, the Council adopted Decision 2012/139/EU establishing whether effective action has been taken by Hungary in response to the Council recommendation of 7 July 2009 ⁽³⁾ in accordance with Article 126(8) TFEU, establishing that Hungary had not taken effective action to correct the excessive government deficit in response to the Council Recommendation of 7 July 2009 within the period laid down therein.

- (4) On 13 March 2012, by Implementing Decision 2012/156/EU suspending commitments from the Cohesion Fund for Hungary with effect from 1 January 2013 ⁽⁴⁾, the Council decided to suspend part of the commitments from the Cohesion Fund with effect from 1 January 2013 in accordance with Article 4 of Regulation (EC) No 1084/2006. The decision on the amount of Cohesion Fund commitments to be suspended aimed to ensure that the suspension was both effective and proportionate, whilst taking into account the current overall economic situation in the Union and the relative importance of the Cohesion Fund for the economy of the Member State concerned. The Council considered appropriate, in the case of a first application of Article 4(1) of Regulation (EC) No 1084/2006 to a given Member State, namely Hungary, to set the amount at 50 % of the allocation of the Cohesion Fund for 2013, without exceeding the maximum level of 0,5 % of the nominal GDP of that Member State as forecast by the Commission services. Accordingly, the Council decided to suspend EUR 495 184 000 commitments from the Cohesion Fund for Hungary with effect from 1 January 2013.

- (5) Also on 13 March, the Council issued a revised recommendation to Hungary in accordance with Article 126(7) TFEU ("Council Recommendation of 13 March 2012"), setting 2012 as the deadline for bringing the situation of an excessive government deficit to an end. Specifically, Hungary was recommended to undertake an additional fiscal effort of at least ½ % of GDP, based on the further specification and implementation of consolidation measures of a structural nature, to ensure the attainment of the 2012 deficit target of 2,5 % of GDP; allocate possible windfall gains for improving the headline balance; take necessary additional measures of a structural nature as needed to ensure that the deficit in 2013 remains well below the 3 % of GDP threshold; and incorporate sufficient reserve provisions in the forthcoming budget laws. At the same time, the Council underlined that the budgetary adjustment should contribute to bringing the government debt ratio onto a declining path and that it also needed to be supported by the proposed improvements in the fiscal governance framework.

- (6) On 23 April 2012, Hungary submitted the annual update of its convergence programme outlining its budgetary strategy to ensure the sustainable correction of the excessive deficit by the 2012 deadline. The official deficit targets and the planned fiscal efforts comply with the Council Recommendation of 13 March 2012. The programme confirms the previous medium-term objective of 1,5 % of GDP, which it plans to achieve by 2013. According to the update, the public debt is

⁽¹⁾ OJ L 210, 31.7.2006, p. 79.⁽²⁾ OJ L 389, 30.12.2004, p. 27.⁽³⁾ OJ L 66, 6.3.2012, p. 6.⁽⁴⁾ OJ L 78, 17.3.2012, p. 19.

being continuously reduced throughout the programme period to 77 % of GDP in 2013 and below 73 % of GDP in 2015. As regards fiscal governance reform, the authorities have announced that they will submit to the Parliament the necessary amendments during the Spring session.

(7) Based on publicly available information, the Commission concluded in its Communication of 30 May 2012 that Hungary has taken the necessary corrective action, representing adequate progress towards the correction of the excessive deficit. In particular, the budget deficit is expected to reach 2,5 % of GDP in 2012 and remain well below the 3 % of GDP reference value in 2013, as recommended by the Council in March. Specifically, taking also into account all publicly available information provided by the Government since mid-March, the 2013 deficit is foreseen by the Commission services to reach 2,7 % of GDP. Considering also the effect of revisions to potential GDP growth and the projected deviation from standard tax elasticities, the fiscal effort in 2012 can be considered to be broadly in line with what was required. The use of windfall revenues and the incorporation of sufficient reserve provisions in the forthcoming budgets have yet to be demonstrated. Based on the Spring 2012 forecast, the general government debt is expected to decrease to 78,5 % of GDP in 2012 and slightly further in 2013. Finally, some progress has been made on enhancing the fiscal governance framework, but important reforms are still to be designed and adopted before the end of the Spring session of Parliament. Against this background and also in light of the recent worse-than-expected first quarter growth data, the Commission will continue to closely monitor budgetary developments in Hungary.

(8) Overall, Hungary has taken the necessary corrective action in response to the Council Recommendation of

13 March 2012 to correct the excessive deficit by the deadline set by the Council. Therefore, Implementing Decision 2012/156/EU suspending part of the commitments from the Cohesion Fund should be abrogated.

(9) If, at any moment in time before the abrogation of the decision on the existence of an excessive deficit in accordance with Article 126(12) TFEU, action taken is proving to be inadequate, the Council should, based on a recommendation by the Commission, adopt a new Decision under Article 126(8) TFEU. In such a case, it may, on a proposal by the Commission, adopt a decision to suspend Cohesion Fund commitments,

HAS ADOPTED THIS DECISION:

Article 1

The partial suspension of commitments from the Cohesion Fund for Hungary laid down in Implementing Decision 2012/156/EU is hereby lifted.

Article 2

This Decision is addressed to Hungary.

Done at Luxembourg, 22 June 2012.

For the Council

The President

M. VESTAGER

COUNCIL DECISION 2012/324/CFSP**of 25 June 2012****amending and extending Decision 2010/784/CFSP on the European Union Police Mission for the Palestinian Territories (EUPOL COPPS)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 14 November 2005, the Council adopted Joint Action 2005/797/CFSP on the European Union Police Mission for the Palestinian Territories ⁽¹⁾ (EUPOL COPPS) which was last extended by Council Decision 2009/955/CFSP ⁽²⁾ and expired on 31 December 2010.
- (2) On 17 December 2010, the Council adopted Decision 2010/784/CFSP ⁽³⁾ continuing EUPOL COPPS as from 1 January 2011 which was last amended by Decision 2011/858/CFSP ⁽⁴⁾. Decision 2010/784/CFSP expires on 30 June 2012.
- (3) On 4 May 2012, the Political and Security Committee (PSC) recommended an extension of EUPOL COPPS until 30 June 2013.
- (4) EUPOL COPPS should be further extended from 1 July 2012 until 30 June 2013 on the basis of its current mandate.
- (5) It is also necessary to lay down the financial reference amount intended to cover the expenditure related to EUPOL COPPS for the period from 1 July 2012 until 30 June 2013.
- (6) EUPOL COPPS will be conducted in the context of a situation which may deteriorate and could impede the

achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/784/CFSP is hereby amended as follows:

- (1) the following subparagraph is added to Article 13(1):

'The financial reference amount intended to cover the expenditure related to EUPOL COPPS for the period from 1 July 2012 until 30 June 2013 shall be EUR 9 330 000.;

- (2) in Article 16, the second paragraph is replaced by the following:

'It shall expire on 30 June 2013.'.

Article 2

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

It shall apply from 1 July 2012.

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 300, 17.11.2005, p. 65.

⁽²⁾ OJ L 330, 16.12.2009, p. 76.

⁽³⁾ OJ L 335, 18.12.2010, p. 60.

⁽⁴⁾ OJ L 338, 21.12.2011, p. 54.

COUNCIL DECISION 2012/325/CFSP**of 25 June 2012****extending the mandate of the European Union Special Representative for Sudan and South Sudan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 11 August 2010, the Council adopted Decision 2010/450/CFSP ⁽¹⁾ appointing Mrs Rosalind MARSDEN as the European Union Special Representative (EUSR) for Sudan.
- (2) On 1 August 2011, the Council adopted Decision 2011/499/CFSP ⁽²⁾ which modified the mandate and the title of the EUSR in view of the declaration of independence by South Sudan. The EUSR's mandate is to expire on 30 June 2012.
- (3) The mandate of the EUSR should be extended for a further period of 12 months.
- (4) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mrs Rosalind MARSDEN as the EUSR for Sudan and South Sudan is hereby extended until 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the Union in relation to Sudan and South Sudan, working with their Governments, the African Union (AU) and the United Nations (UN) and other national, regional and international stakeholders, to achieve a peaceful

coexistence between Sudan and South Sudan based on the principle of two viable, peaceful, and prosperous States. The Union's policy objectives include actively contributing to the resolution of outstanding Comprehensive Peace Agreement (CPA) and post-CPA issues and helping the parties to implement what has been agreed; supporting efforts to stabilise the volatile north-south border area; promoting institution building and fostering stability, security and development in South Sudan; facilitating a political solution to the conflict in Darfur; promoting efforts to resolve the conflict in Southern Kordofan and Blue Nile states; promoting democratic governance, accountability and respect for human rights, including cooperation with the International Criminal Court; stepping up engagement in East Sudan; and improving humanitarian access throughout Sudan and South Sudan.

In addition, the mandate of the EUSR shall be based on the Union's policy objective to contribute to the mitigation and elimination of threats to the stability of South Sudan and the wider region posed by the Lord's Resistance Army (LRA).

*Article 3***Mandate**

In order to achieve the policy objectives, the EUSR's mandate shall be to:

- (a) liaise with the Government of Sudan, the Government of South Sudan, Sudanese and South Sudanese political parties, the armed and rebel movements in Sudan and South Sudan, as well as civil society and non-governmental organisations, with the aim of pursuing the Union's policy objectives;
- (b) maintain close cooperation with the UN, including the UN Mission in South Sudan (Unmiss), the UN Interim Security Force for Abyei (UNISFA) and the UN Special Envoy, the AU and in particular the AU High-Level Implementation Panel for Sudan (AUHIP), the AU/UN hybrid operation in Darfur (Unamid), the League of Arab States (LAS), the Inter-Governmental Agency for Development (IGAD), and other leading regional and international stakeholders;
- (c) represent the Union and promote its policy objectives and positions in international and public fora, as appropriate;
- (d) contribute to furthering the coherence and effectiveness of Union policy towards Sudan and South Sudan while promoting a consistent international approach towards the two countries;

⁽¹⁾ OJ L 211, 12.8.2010, p. 42.

⁽²⁾ OJ L 206, 11.8.2011, p. 50.

- (e) contribute to international mediation efforts led by AUHIP to facilitate agreement between Sudan and South Sudan on outstanding post-CPA issues and to find an inclusive political solution to the ongoing conflict in Southern Kordofan and Blue Nile states;
- (f) support the implementation of issues agreed under the CPA and eventual implementation of agreements on post-CPA issues;
- (g) promote institution-building inside South Sudan;
- (h) contribute to international efforts to facilitate a comprehensive, inclusive and durable peace agreement for Darfur and to promote the implementation of the Doha Document, working closely with the UN, the AU, the Government of Qatar and other international stakeholders, as appropriate;
- (i) promote respect for human rights by maintaining regular contacts with the relevant authorities in Sudan and South Sudan, the Office of the Prosecutor of the International Criminal Court, the Office of the High Commissioner for Human Rights and the human rights observers active in the region;
- (j) contribute to the implementation of the Union's human rights policy, including the EU Guidelines on human rights, in particular the EU Guidelines on children and armed conflict as well as on violence against women and girls and combating all forms of discrimination against them, and the Union policy regarding UN Security Council Resolution 1325 (2000) on women, peace and security, including by monitoring and reporting on developments as well as formulating recommendations in this regard;
- (k) contribute to the implementation of a comprehensive Union approach to Sudan and South Sudan as agreed by the Foreign Affairs Council on 20 June 2011;
- (l) contribute, in close cooperation with the European External Action Service (EEAS), to Union engagement with all relevant stakeholders to support efforts to mitigate and eliminate the threat to civilians and stability in South Sudan and the wider region posed by the LRA;
- (m) follow up and report on compliance by the Sudanese and South Sudanese parties with the relevant UN Security Council Resolutions, in particular 1556 (2004), 1564 (2004), 1590 (2005), 1591 (2005), 1593 (2005), 1612 (2005), 1663 (2006), 1672 (2006), 1679 (2006), 1769 (2007), 1778 (2007), 1881 (2009), 1882 (2009), 1891 (2009), 1919 (2010), 1990 (2011), 1996 (2011), 2024 (2011), 2046 (2012).

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the EEAS and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 July 2012 to 30 June 2013 shall be EUR 1 900 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy and security issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.
2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and the staff of the EUSR**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of the EUSR's staff shall be agreed with the host country/countries, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾.

*Article 9***Access to information and logistical support**

1. Member States, the Commission, the EEAS and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations and/or the Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the EUSR's mandate and the security situation in the geographical area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, including mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, as well as the management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;

- (d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

*Article 11***Reporting**

1. The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.
2. The EUSR shall regularly report to the PSC on the situation in Darfur and on the situation in Sudan and South Sudan.

*Article 12***Coordination**

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of other EUSRs active in the region. The EUSR shall provide Member States' missions and Union delegations in the region with regular briefings.
2. In the field, close liaison shall be maintained with the Heads of Union delegations, including in Khartoum, Juba, Addis Ababa and New York and with Member States' Heads of Mission. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.
3. The EUSR, in close coordination with the Head of Union delegation in Juba, shall provide local political guidance to the Head of Mission of EUAVSEC-South Sudan. The EUSR and the Civilian Operation Commander shall consult each other as required.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by the end of December 2012 and a comprehensive mandate implementation report at the end of the mandate.

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

*Article 14***Entry into force**

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

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

COUNCIL DECISION 2012/326/CFSP**of 25 June 2012****extending the mandate of the European Union Special Representative for the South Caucasus and the crisis in Georgia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 25 August 2011, the Council adopted Decision 2011/518/CFSP⁽¹⁾ appointing Mr Philippe LEFORT as the European Union Special Representative (EUSR) for the South Caucasus and the crisis in Georgia. The EUSR's mandate is to expire on 30 June 2012.
- (2) The mandate of the EUSR should be extended for a further period of 12 months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Philippe LEFORT as the EUSR for the South Caucasus and the crisis in Georgia is hereby extended until 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the Union for the South Caucasus, including the objectives set out in the conclusions of the extraordinary European Council meeting in Brussels on 1 September 2008 and the Council conclusions of 15 September 2008, as well as those of 27 February 2012. Those objectives include:

- (a) in accordance with the existing mechanisms, including the Organisation for Security and Cooperation in Europe (OSCE) and its Minsk Group, to prevent conflicts in the region, to contribute to a peaceful settlement of conflicts in the region, including the crisis in Georgia and the Nagorno-Karabakh conflict, by promoting the return of refugees and internally displaced persons and through other appropriate means, and to support the implementation of such a settlement in accordance with the principles of international law;
- (b) to engage constructively with the main interested actors regarding the region;

- (c) to encourage and to support further cooperation between Armenia, Azerbaijan and Georgia, and, as appropriate, their neighbouring countries;
- (d) to enhance the Union's effectiveness and visibility in the region.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be:

- (a) to develop contacts with governments, parliaments, other key political actors, the judiciary and civil society in the region;
- (b) to encourage the countries in the region to cooperate on regional themes of common interest, such as common security threats, the fight against terrorism, illicit trafficking and organised crime;
- (c) to contribute to the peaceful settlement of conflicts in accordance with the principles of international law and to facilitate the implementation of such settlement in close coordination with the United Nations, the OSCE and its Minsk Group;
- (d) with respect to the crisis in Georgia:
 - (i) to help prepare for the international talks held under point 6 of the settlement plan of 12 August 2008 ('Geneva International Discussions') and its implementing measures of 8 September 2008, including on arrangements for security and stability in the region, the issue of refugees and internally displaced persons, on the basis of internationally recognised principles, and any other subject, by mutual agreement between the parties;
 - (ii) to help establish the Union's position and represent it, at the level of the EUSR, in the talks referred to in point (i); and
 - (iii) to facilitate the implementation of the settlement plan of 12 August 2008 and its implementing measures of 8 September 2008;
- (e) to facilitate the development and implementation of confidence-building measures;
- (f) to assist in the preparation, as appropriate, of Union contributions to the implementation of a possible conflict settlement;
- (g) to intensify the Union's dialogue with the main actors concerned regarding the region;
- (h) to assist the Union in further developing a comprehensive policy towards the South Caucasus;

⁽¹⁾ OJ L 221, 27.8.2011, p. 5.

- (i) in the framework of the activities set out in this Article, to contribute to the implementation of the Union's human rights policy and the EU Guidelines on Human Rights, in particular with regard to children and women in areas affected by conflicts, especially by monitoring and addressing developments in this regard.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2012 to 30 June 2013 shall be EUR 2 000 000.
2. The expenditure financed by the amount set out in paragraph 1 shall be eligible as from 1 July 2012. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.
2. Member States, the institutions of the Union and the EEAS may propose the secondment of staff to the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. Internationally contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending

institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and the staff of the EUSR

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the EUSR's mission and the members of the EUSR's staff shall be agreed with the host party or parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations in the region and/or the Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and the security situation in the geographical area of responsibility, for the security of all personnel under the direct authority of the EUSR, in particular by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, providing for mission-specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the mission area and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance, as required by the conditions in the mission area;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

- (d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

Article 11

Reporting

The EUSR shall regularly provide the PSC and the HR with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the PSC or the HR, the EUSR may provide the Foreign Affairs Council with reports.

Article 12

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of Union delegations and Member States' Heads of Mission, who shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR, in close

coordination with the Head of Union Delegation to Georgia, shall provide the Head of the European Union Monitoring Mission in Georgia (EUMM Georgia) with local political guidance. The EUSR and the Civilian Operation Commander for EUMM Georgia shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by the end of December 2012, and, at the end of the EUSR's mandate, with a comprehensive report on the implementation of the mandate.

Article 14

Entry into force

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

Done at Luxembourg, 25 June 2012.

For the Council

The President

C. ASHTON

COUNCIL DECISION 2012/327/CFSP**of 25 June 2012****extending the mandate of the European Union Special Representative for the Southern Mediterranean region**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 July 2011, the Council adopted Decision 2011/424/CFSP⁽¹⁾ appointing Mr Bernardino LEÓN as the European Union Special Representative (EUSR) for the Southern Mediterranean region. The EUSR's mandate is to expire on 30 June 2012.
- (2) The mandate of the EUSR should be extended for a further period of 12 months,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Bernardino LEÓN as the EUSR for the Southern Mediterranean region is hereby extended until 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The mandate of the EUSR shall be based on the policy objectives of the Union regarding the Southern Neighbourhood as set out in the European Council Declarations of 4 February and 11 March 2011, the European Council conclusions of 24–25 March 2011, and the Council conclusions of 21 February and 20 June 2011, and taking into account the proposals of the HR and the Commission in their communications of 8 March and 25 May 2011.

Those objectives include:

- (a) enhancing the Union's political dialogue, contributing to the partnership and broader relationship with Southern Mediterranean countries, in particular those undergoing political reform and a transition to democracy;
- (b) contributing to the response of the Union to the developments of Southern Mediterranean countries, in particular those undergoing political reform and a transition to democracy, notably by strengthening democracy and institution building, the rule of law, good governance, respect

for human rights and fundamental freedoms, peace and regional cooperation, including through the European Neighbourhood Policy and the Union for the Mediterranean;

- (c) enhancing the Union's effectiveness, presence and visibility in the region and in relevant international forums;
- (d) establishing close coordination with relevant local partners and international and regional organisations such as the African Union, the Cooperation Council for the Arab States of the Gulf, the Organisation of Islamic Cooperation, the League of Arab States, the Arab Maghreb Union, relevant international financial institutions, the United Nations and the private sector.

*Article 3***Mandate**

In order to achieve the policy objectives, the mandate of the EUSR shall be to:

- (a) strengthen the overall political role of the Union with regard to Southern Mediterranean countries, in particular those undergoing political reform and a transition to democracy, notably by enhancing dialogue with governments and international organisations, as well as with civil society and other relevant interlocutors, and promoting awareness among the partners of the Union's approach;
- (b) maintain close contact with all parties involved in the process of democratic transformation in the region, foster stabilisation and reconciliation in full respect of local ownership and contribute to crisis management and prevention;
- (c) contribute to better coherence, consistency and coordination of the Union and Member States' policies and actions towards the region;
- (d) contribute to promoting coordination with international partners and organisations and to supporting regional cooperation. Assist the HR, in coordination with the Commission and Member States, by contributing to the work of the Task Force and follow up meetings for the Southern Mediterranean region;
- (e) contribute to the implementation of the Union's human rights policy in the region, including the EU Guidelines on human rights, in particular the EU Guidelines on Children and Armed Conflict, as well as on violence against women and girls and combating all forms of discrimination against them, and the Union's policy on Women, Peace and Security, including by monitoring and reporting on developments, as well as formulating recommendations in this regard.

⁽¹⁾ OJ L 188, 19.7.2011, p. 24.

*Article 4***Implementation of the mandate**

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.

2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.

3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its relevant departments.

*Article 5***Financing**

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2012 to 30 June 2013 shall be EUR 945 000.

2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

*Article 6***Constitution and composition of the team**

1. Within the limits of the mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, the institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS, and shall carry out their duties and act in the interest of the mandate of the EUSR.

*Article 7***Privileges and immunities of the EUSR and the staff of the EUSR**

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the

EUSR and the members of the EUSR's staff shall be agreed with the host party or parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

*Article 8***Security of EU classified information**

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾.

*Article 9***Access to information and logistical support**

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegations and/or the Member States, as appropriate, shall provide logistical support in the region.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the mandate and on the basis of the security situation in the geographical area of responsibility, for the security of all personnel under the direct authority of the EUSR, in particular by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, providing for mission-specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the mission area and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance, as required by the conditions in the mission area;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the mid-term and mandate implementation reports.

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

*Article 11***Reporting**

The EUSR shall regularly provide the PSC and the HR with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the PSC or the HR, the EUSR may provide the Foreign Affairs Council with reports. In accordance with Article 36 of the Treaty, the EUSR may be involved in briefing the European Parliament.

*Article 12***Coordination**

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged coherently, to attain the Union's policy objectives. The EUSR shall work in full coordination with the Member States and the Commission, as well as other European Union Special Representatives active in the region, including the EUSR for the Middle East Peace Process, as appropriate. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of Union delegations and Member States' Heads of

Mission, who shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by the end of December 2012, and with a comprehensive implementation report on the mandate at the end thereof.

*Article 14***Entry into force**

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

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

COUNCIL DECISION 2012/328/CFSP**of 25 June 2012****appointing the European Union Special Representative for Central Asia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 5 October 2006, the Council adopted Decision 2006/670/CFSP⁽¹⁾ appointing Mr Pierre MOREL as the European Union Special Representative (EUSR) for Central Asia. The EUSR's mandate is to expire on 30 June 2012.
- (2) A EUSR for Central Asia should be appointed for the period from 1 July 2012 to 30 June 2013.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

Mrs Patricia FLOR is hereby appointed as the EUSR for Central Asia for the period from 1 July 2012 to 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal of the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The EUSR's mandate shall be based on the Union's policy objectives in Central Asia. These objectives include:

- (a) promoting good and close relations between the Union and the countries of Central Asia on the basis of common values and interests as set out in relevant agreements;
- (b) contributing to strengthening the stability and cooperation between the countries in the region;
- (c) contributing to strengthening democracy, the rule of law, good governance and respect for human rights and fundamental freedoms in Central Asia;
- (d) addressing key threats, especially specific problems with direct implications for Europe;
- (e) enhancing the Union's effectiveness and visibility in the region, including through a closer coordination with other

relevant partners and international organisations, such as the Organisation for Security and Cooperation in Europe (OSCE) and the United Nations.

*Article 3***Mandate**

1. In order to achieve the policy objectives, the mandate of the EUSR shall be to:
 - (a) promote overall Union political coordination in Central Asia and help to ensure consistency of the external actions of the Union in the region;
 - (b) monitor, on behalf of the HR, together with the European External Action Service (EEAS) and the Commission, the implementation process of the EU Strategy for a New Partnership with Central Asia, complemented by subsequent progress reports on the implementation of the EU Strategy for Central Asia, make recommendations and report to relevant Council bodies on a regular basis;
 - (c) assist the Council in further developing a comprehensive policy towards Central Asia;
 - (d) follow closely political developments in Central Asia by developing and maintaining close contacts with governments, parliaments, the judiciary, civil society and mass media;
 - (e) encourage Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan to cooperate on regional issues of common interest;
 - (f) develop appropriate contacts and cooperation with the main interested actors in the region, and all relevant regional and international organisations, including the Shanghai Cooperation Organisation (SCO), the Eurasian Economic Community (EURASEC), the Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Collective Security Treaty Organisation (CSTO), the Central Asia Regional Economic Cooperation Program (CAREC) and the Central Asian Regional Information and Coordination Centre (CARICC);
 - (g) contribute to the implementation of the Union's human rights policy and EU Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard;
 - (h) contribute, in close cooperation with the OSCE, to conflict prevention and resolution by developing contacts with the authorities and other local actors such as non-governmental organisations, political parties, minorities, religious groups and their leaders;

⁽¹⁾ OJ L 275, 6.10.2006, p. 65.

- (i) provide input to the formulation of energy security, border security, including anti-narcotics, and water resource management, environment and climate change aspects of the common foreign and security policy with respect to Central Asia;
 - (j) promote regional security within Central Asian borders as International Security Assistance Force (ISAF) troops begin to draw down.
2. The EUSR shall support the work of the HR and maintain an overview of all activities of the Union in the region.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the EEAS and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2012 to 30 June 2013 shall be EUR 1 120 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.
3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.
2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.
3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and the staff of the EUSR

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of the EUSR's staff shall be agreed with the host party/parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. The Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the mandate and the security situation in the geographical area of responsibility, for the security of all personnel under the EUSR's direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of the team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the progress and mandate implementation reports.

Article 11

Reporting

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

Article 12

Coordination

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as those of the EUSR for Afghanistan. The EUSR shall provide regular briefings to Member States' missions and the Union's delegations.

2. In the field, close liaison shall be maintained with the Heads of Union delegations and Member States' Heads of

Mission. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.

Article 13

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report by the end of December 2012, and, at the end of the EUSR's mandate, with a comprehensive report on the implementation of the mandate.

Article 14

Entry into force

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

Done at Luxembourg, 25 June 2012.

For the Council

The President

C. ASHTON

COUNCIL DECISION 2012/329/CFSP**of 25 June 2012****extending the mandate of the European Union Special Representative or the Horn of Africa**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 8 December 2011, the Council adopted Decision 2011/819/CFSP⁽¹⁾ appointing Mr Alexander RONDOS as the European Union Special Representative (EUSR) for the Horn of Africa. The EUSR's mandate is to expire on 30 June 2012.
- (2) The mandate of the EUSR should be extended for a further period of 12 months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Alexander RONDOS as the EUSR for the Horn of Africa is hereby extended until 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

For the purposes of the mandate of the EUSR, the Horn of Africa is defined as comprising the Republic of Djibouti, the State of Eritrea, the Federal Democratic Republic of Ethiopia, the Republic of Kenya, Somalia, the Republic of the Sudan, the Republic of South Sudan and the Republic of Uganda. For issues with broader regional implications, including piracy, the EUSR shall engage with countries and regional entities beyond the Horn of Africa, as appropriate.

In view of the need for a regional approach to the inter-related challenges facing the region, the EUSR for the Horn of Africa

shall work in close consultation with the EUSR for Sudan and South Sudan who shall retain primary responsibility for those two countries.

*Article 2***Policy objectives**

1. The mandate of the EUSR shall be based on the policy objectives of the Union in relation to the Horn of Africa as set out in its strategic framework adopted on 14 November 2011 to contribute actively to regional and international efforts to achieve lasting peace, security and development in the region. The EUSR shall furthermore aim to enhance the quality, intensity, impact and visibility of the Union's multi-faceted engagement in the Horn of Africa.
2. Priority shall continue to be given to Somalia, to the regional dimensions of the conflict and to piracy which has its root causes in the instability of Somalia.
3. With regard to Somalia, the Union's policy objectives aim, through the coordinated and effective use of all its instruments, to promote a return for Somalia and its people to a path of peace and prosperity. To that end, the Union supports the role of the United Nations (UN) in facilitating a credible and inclusive Somali-led political process and will continue to contribute actively, together with regional and international partners, to the implementation of the Djibouti Peace Agreement and its post-transition arrangements.
4. Regarding piracy, the EUSR's role shall be to contribute to developing and implementing a coherent, effective and balanced Union approach to piracy originating in Somalia, encompassing all aspects of Union action, particularly in the political, security and development areas and to be the Union's key interlocutor on piracy for the international community, including the Eastern and Southern Africa and Indian Ocean (ESA/IO) region.

*Article 3***Mandate**

1. In order to achieve the Union's policy objectives in relation to the Horn of Africa, the mandate of the EUSR shall be to:
 - (a) engage with all relevant stakeholders of the region, governments, existing regional authorities, international and regional organisations, civil society and diasporas, with a view to furthering the Union's objectives and contribute to a better understanding of the role of the Union in the region;
 - (b) represent the Union in relevant international fora, as appropriate, and ensure visibility for Union support to crisis management and prevention;

⁽¹⁾ OJ L 327, 9.12.2011, p. 62.

- (c) encourage and support effective political cooperation and economic integration in the region through the Union's partnership with the African Union (AU) and sub-regional organisations;
- (d) contribute to the implementation of the Union's policy towards the Horn of Africa, in close cooperation with the European External Action Service (EEAS), Union delegations in the region and the Commission;
- (e) with regard to Somalia, and working in close coordination with relevant regional and international partners, contribute actively to actions and initiatives leading to the implementation of the Djibouti Peace Agreement and its post-transition arrangements, supporting institution-building, the rule of law, and the establishment of capable governance structures at all levels; improving security; promoting justice, national reconciliation and respect for human rights; improving humanitarian access, especially in South-Central Somalia through appropriate advocacy activities regarding respect for international humanitarian law; and safeguarding compliance with the humanitarian principles of humanity, neutrality, impartiality and independence;
- (f) maintain close and active cooperation with the United Nations Secretary-General Special Representative for Somalia, participate in the work of the International Contact Group for Somalia and other relevant fora, and promote a coordinated and coherent international approach towards Somalia, including, through the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia), EUNAVFOR Atalanta, EUCAP Nestor and the Union's continued support to the African Union Mission in Somalia (AMISOM), working closely with Member States;
- (g) closely follow the regional dimension of the Somali crisis, including terrorism, arms smuggling, refugee and migration flows, and maritime security, piracy and related financial flows;
- (h) regarding piracy, maintain an overview of all Union actions within the EEAS, the Commission and Member States, and maintain regular high level political contacts with the countries in the region affected by piracy originating in Somalia, the regional organisations, the UN Contact Group on Piracy off the Coast of Somalia, the UN and other key actors in order to ensure a coherent and comprehensive approach to piracy and to ensure the Union's key role in the international efforts to fight piracy. This includes the Union's active support to regional maritime capacity-building and for the judicial treatment of pirates, and ensuring that the root causes of piracy within Somalia are adequately addressed. It also includes continued support to the ESA/IO region in the implementation of its counter piracy strategy and action plan as well as the Djibouti Code of Conduct;
- (i) follow political developments in the region and contribute to the development of the Union policy towards the region,
- including in relation to the Ethiopia-Eritrea border issue and implementation of the Algiers Agreement, the Nile Basin initiative and other concerns in the region that impact on its security, stability and prosperity;
- (j) follow closely the trans-boundary challenges affecting the Horn of Africa, including any political and security consequences of humanitarian crises;
- (k) contribute to the implementation of the Union's human rights policy in the Horn of Africa, including the EU Guidelines on human rights, in particular the EU Guidelines on Children and Armed Conflict as well as on violence against women and girls and combating all forms of discrimination against them, and the Union's policy on Women, Peace and Security, including by monitoring and reporting on developments as well as formulating recommendations in this regard.
2. For the purpose of the fulfilment of the mandate, the EUSR shall, *inter alia*:
- (a) advise and report on the definition of Union positions in international fora, as appropriate, in order to promote proactively the Union's comprehensive policy approach towards the Horn of Africa;
- (b) maintain an overview of all activities of the Union and cooperate closely with all relevant Union delegations;
- (c) establish a presence in Mogadishu.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the EEAS and its relevant departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR for the period from 1 July 2012 to 30 June 2013 shall be EUR 4 900 000.

2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy and security issues as required by the mandate. The EUSR shall keep the Council and the Commission promptly informed of the composition of the team.

2. Member States, institutions of the Union and the EEAS may propose the secondment of staff to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to the EUSR. International contracted staff shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and the staff of the EUSR

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of the EUSR's staff shall be agreed with the host country/countries, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of the EUSR's team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission, the EEAS and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.

2. The Union delegations and/or the Member States, as appropriate, shall provide logistical support in the region.

Article 10

Security

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the mandate and the security situation in the geographical area of responsibility, for the security of all personnel under the EUSR's direct authority, in particular by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, including mission-specific physical, organisational and procedural security measures, governing the management of the secure movement of personnel to, and within, the mission area, as well as the management of security incidents and including a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.

Article 11

Reporting

1. The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR may provide the Foreign Affairs Council with reports.

2. The EUSR shall report on the best way of pursuing Union initiatives, such as the contribution of the Union to reforms, and including the political aspects of relevant Union development projects, in coordination with Union delegations in the region.

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

*Article 12***Coordination**

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of Union delegations and of the Commission, as well as those of other EUSRs active in the region, in particular with the EUSR for Sudan and South Sudan and the EUSR to the AU. The EUSR shall provide Member States' missions and Union delegations in the region with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of Union delegations and Member States' Heads of Mission. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR, in close coordination with the relevant Union delegations, shall provide local political guidance to the Force Commander of EUNAVFOR Atalanta, the Mission Commander of EUTM Somalia and the Head of EUCAP Nestor. The EUSR, the EU Operation Commanders and the Civilian Operation Commander shall consult each other as required.

3. The EUSR shall closely cooperate with the authorities of the countries involved, the UN, the AU, the Intergovernmental

Authority on Development (IGAD), other national, regional and international stakeholders, and also with civil society in the region.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a progress report by the end of December 2012 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

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

Done at Luxembourg, 25 June 2012.

For the Council

The President

C. ASHTON

COUNCIL DECISION 2012/330/CFSP**of 25 June 2012****amending Decision 2011/426/CFSP appointing the European Union Special Representative in Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 July 2011, the Council adopted Decision 2011/426/CFSP⁽¹⁾ appointing Mr Peter SØRENSEN as the European Union Special Representative (EUSR) in Bosnia and Herzegovina. The EUSR's mandate is to expire on 30 June 2015.
- (2) Decision 2011/426/CFSP provided the EUSR with the financial reference amount covering the period from 1 September 2011 to 30 June 2012. A new financial reference amount for the period from 1 July 2012 to 30 June 2013 should be established.
- (3) The Foreign Affairs Council, in its Conclusions of 10 October 2011, reaffirmed its commitment to further strengthening its support to Bosnia and Herzegovina. The EUSR's team should be reinforced accordingly in order to have at his disposal the staff necessary to deliver this support.
- (4) The European Union Police Mission in Bosnia and Herzegovina (EUPM) will be terminated on 30 June 2012. The EUSR should then take over some tasks of the EUPM in the field of the rule of law.
- (5) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty.
- (6) Decision 2011/426/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/426/CFSP is hereby amended as follows:

- (1) Article 3(e) is replaced by the following:

'(e) ensure the implementation of the Union's efforts in the whole range of activities in the field of the rule of law, law enforcement and the security sector reform, promote overall Union coordination of, and give local political direction to, Union-led efforts in supporting police reform, the fight against organised crime, cross-border crime and corruption and, in this context, provide the HR and the Commission with assessments and advice as necessary;'

- (2) Article 3(f) is deleted;

- (3) in Article 5(1) the following subparagraph is added:

'The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2012 to 30 June 2013 shall be EUR 5 250 000;'

- (4) Article 10 is replaced by the following:

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in accordance with the EUSR's mandate and the security situation in the geographical area of responsibility, for the security of all personnel under the direct authority of the EUSR, in particular by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, providing for mission-specific physical, organisational and procedural security measures governing the management of the secure movement of personnel to, and within, the mission area and the management of security incidents, and providing for a contingency plan and a mission evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;

⁽¹⁾ OJ L 188, 19.7.2011, p. 30.

- (d) ensuring that all agreed recommendations made following regular security assessments are implemented, and providing the Council, the HR and the Commission with written reports on their implementation and on other security issues within the framework of the progress report and the report on the implementation of the mandate.’.

Article 2

Entry into force

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

Done at Luxembourg, 25 June 2012.

For the Council

The President

C. ASHTON

COUNCIL DECISION 2012/331/CFSP**of 25 June 2012****extending the mandate of the European Union Special Representative in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and in particular Article 28, Article 31(2) and Article 33 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 22 March 2010, the Council adopted Decision 2010/168/CFSP⁽¹⁾ appointing Mr Vygaudas UŠACKAS as the European Union Special Representative (EUSR) in Afghanistan. The EUSR's mandate is to expire on 30 June 2012.
- (2) The mandate of the EUSR should be extended for a further period of 12 months.
- (3) The EUSR will implement the mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

*Article 1***European Union Special Representative**

The mandate of Mr Vygaudas UŠACKAS as the EUSR in Afghanistan is hereby extended until 30 June 2013. The mandate of the EUSR may be terminated earlier, if the Council so decides, upon a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).

*Article 2***Policy objectives**

The EUSR shall represent the Union and promote Union policy objectives in Afghanistan, in close coordination with Member States' representatives in Afghanistan. More specifically, the EUSR shall:

- (a) contribute to the implementation of the EU-Afghanistan Joint Declaration and lead the implementation of the EU Action Plan on Afghanistan and Pakistan, in so far as it concerns Afghanistan, thereby working with Member States' representatives in Afghanistan;
- (b) support Union-Afghanistan political dialogue;
- (c) support the pivotal role played by the United Nations (UN) in Afghanistan with particular emphasis on contributing to better coordinated international assistance, thereby

promoting the implementation of the London, Kabul and Bonn Conference Communiqués, as well as relevant UN Resolutions.

*Article 3***Mandate**

In order to fulfil the mandate, the EUSR shall, in close cooperation with Member States' representatives in Afghanistan:

- (a) promote the views of the Union on the political process and developments in Afghanistan;
- (b) maintain close contact with, and support the development of, relevant Afghan institutions, in particular the Government and the Parliament as well as the local authorities. Contact should also be maintained with other Afghan political groups and other relevant actors in Afghanistan;
- (c) maintain close contact with relevant international and regional stakeholders in Afghanistan, notably the Special Representative of the Secretary-General of the UN and the Senior Civilian Representative of the North Atlantic Treaty Organisation and other key partners and organisations;
- (d) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration, of the EU Action Plan for Afghanistan and Pakistan, in so far as it concerns Afghanistan, and of the Kabul and Bonn and other relevant international Conferences, in particular in the following areas:
 - civilian capacity building, notably at sub-national level,
 - good governance and the establishment of institutions necessary for the existence of the rule of law, in particular an independent judiciary,
 - electoral reforms,
 - security sector reforms, including the strengthening of judicial institutions, the national army and the police force,
 - promotion of growth, namely through agriculture and rural development,
 - respect for Afghanistan's international human rights obligations, including respect for the rights of persons belonging to minorities and the rights of women and children,
 - respect of democratic principles and the rule of law,

⁽¹⁾ OJ L 75, 23.3.2010, p. 22.

- fostering participation by women in public administration and civil society,
 - respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking, trafficking in human beings and proliferation of arms and weapons of mass destruction and related materials,
 - facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons, and
 - enhancing the effectiveness of Union presence and activities in Afghanistan and contributing to the formulation of the regular six-monthly implementation reports on the EU Action Plan, as requested by the Council;
- (e) actively participate in local coordination fora such as the Joint Coordination and Monitoring Board, while keeping non-participating Member States fully informed of decisions taken at these levels;
- (f) advise on the participation and the positions of the Union in international conferences with regard to Afghanistan and contribute to promoting regional cooperation;
- (g) contribute to the implementation of the Union's human rights policy and the EU Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard.

Article 4

Implementation of the mandate

1. The EUSR shall be responsible for the implementation of the mandate, acting under the authority of the HR.
2. The Political and Security Committee (PSC) shall maintain a privileged link with the EUSR and shall be the EUSR's primary point of contact with the Council. The PSC shall provide the EUSR with strategic guidance and political direction within the framework of the mandate, without prejudice to the powers of the HR.
3. The EUSR shall work in close coordination with the European External Action Service (EEAS) and its competent departments.

Article 5

Financing

1. The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 July 2012 to 30 June 2013 shall be EUR 6 380 000.
2. The expenditure shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The management of the expenditure shall be subject to a contract between the EUSR and the Commission. The EUSR shall be accountable to the Commission for all expenditure.

Article 6

Constitution and composition of the team

1. Within the limits of the EUSR's mandate and the corresponding financial means made available, the EUSR shall be responsible for constituting a team. The team shall include the expertise on specific policy issues as required by the mandate. The EUSR shall promptly and regularly inform the Council and the Commission of the composition of the team.
2. Member States, institutions of the Union and the EEAS may propose the secondment of personnel to work with the EUSR. The salary of such seconded personnel shall be covered by the Member State, the institution of the Union concerned or the EEAS, respectively. Experts seconded by Member States to the institutions of the Union or the EEAS may also be posted to work with the EUSR. Internationally contracted personnel shall have the nationality of a Member State.

3. All seconded personnel shall remain under the administrative authority of the sending Member State, the sending institution of the Union or the EEAS and shall carry out their duties and act in the interest of the mandate of the EUSR.

Article 7

Privileges and immunities of the EUSR and the staff of the EUSR

The privileges, immunities and further guarantees necessary for the completion and smooth functioning of the mission of the EUSR and the members of the EUSR's staff shall be agreed with the host party or parties, as appropriate. Member States and the Commission shall grant all necessary support to such effect.

Article 8

Security of EU classified information

The EUSR and the members of his team shall respect the security principles and minimum standards established by Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾.

Article 9

Access to information and logistical support

1. Member States, the Commission and the General Secretariat of the Council shall ensure that the EUSR is given access to any relevant information.
2. Union delegations and/or Member States, as appropriate, shall provide logistical support in the region.

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

*Article 10***Security**

In accordance with the Union's policy on the security of personnel deployed outside the Union in an operational capacity under Title V of the Treaty, the EUSR shall take all reasonably practicable measures, in conformity with the EUSR's mandate and the security situation in the geographical area of responsibility, for the security of all personnel under the EUSR's direct authority, notably by:

- (a) establishing a mission-specific security plan based on guidance from the EEAS, including mission-specific physical, organisational and procedural security measures, governing management of the secure movement of personnel to, and within, the mission area, as well as management of security incidents and a mission contingency and evacuation plan;
- (b) ensuring that all personnel deployed outside the Union are covered by high risk insurance as required by the conditions in the mission area;
- (c) ensuring that all members of the EUSR's team to be deployed outside the Union, including locally contracted personnel, have received appropriate security training before or upon arriving in the mission area, based on the risk ratings assigned to the mission area by the EEAS;
- (d) ensuring that all agreed recommendations made following regular security assessments are implemented and providing the HR, the Council and the Commission with written reports on their implementation and on other security issues within the framework of the progress and mandate implementation reports.

*Article 11***Reporting**

The EUSR shall regularly provide the HR and the PSC with oral and written reports. The EUSR shall also report to Council working parties as necessary. Regular written reports shall be circulated through the COREU network. Upon recommendation of the HR or the PSC, the EUSR shall provide the Foreign Affairs Council with reports.

*Article 12***Coordination**

1. The EUSR shall contribute to the unity, consistency and effectiveness of the Union's action and shall help ensure that all Union instruments and Member States' actions are engaged consistently, to attain the Union's policy objectives. The activities of the EUSR shall be coordinated with those of the Commission, as well as with those of the EUSR for Central Asia and with the Union's Delegation in Pakistan. The EUSR shall provide Member States' missions and Union delegations with regular briefings.

2. In the field, close liaison shall be maintained with the Heads of the Union delegations and Member States' Heads of Mission. They shall make every effort to assist the EUSR in the implementation of the mandate. The EUSR shall provide the Head of the EU Police Mission in Afghanistan (EUPOL Afghanistan) with local political guidance. The EUSR and the Civilian Operation Commander shall consult each other as required. The EUSR shall also liaise with other international and regional actors in the field.

*Article 13***Review**

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the HR, the Council and the Commission with a progress report by the end of December 2012 and a comprehensive mandate implementation report at the end of the mandate.

*Article 14***Entry into force**

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

Done at Luxembourg, 25 June 2012.

For the Council

The President

C. ASHTON

COUNCIL DECISION 2012/332/CFSP**of 25 June 2012****amending and extending Joint Action 2005/889/CFSP on establishing a European Union Border Assistance Mission for the Rafah Crossing Point (EU BAM Rafah)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28, Article 42(4) and Article 43(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 25 November 2005, the Council adopted Joint Action 2005/889/CFSP ⁽¹⁾.
- (2) On 19 December 2011, the Council adopted Decision 2011/857/CFSP ⁽²⁾ amending Joint Action 2005/889/CFSP and extending it until 30 June 2012.
- (3) On 4 May 2012, the Political and Security Committee recommended an extension of EU BAM Rafah for 12 months.
- (4) EU BAM Rafah should be further extended from 1 July 2012 until 30 June 2013 on the basis of its current mandate.
- (5) It is also necessary to lay down the financial reference amount intended to cover the expenditure related to EU BAM Rafah for the period from 1 July 2012 to 30 June 2013.
- (6) EU BAM Rafah will be conducted in the context of a situation which may deteriorate and could impede the

achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty on European Union,

HAS ADOPTED THIS DECISION:

Article 1

Joint Action 2005/889/CFSP is hereby amended as follows:

- (1) the following subparagraph is added to Article 13(1):

'The financial reference amount intended to cover the expenditure related to EU BAM Rafah for the period from 1 July 2012 to 30 June 2013 shall be EUR 980 000.;

- (2) in Article 16, the second paragraph is replaced by the following:

'It shall expire on 30 June 2013.'.

Article 2

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

It shall apply from 1 July 2012.

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 327, 14.12.2005, p. 28.

⁽²⁾ OJ L 338, 21.12.2011, p. 52.

COUNCIL DECISION 2012/333/CFSP

of 25 June 2012

updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Decision 2011/872/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP ⁽¹⁾.
- (2) On 22 December 2011, the Council adopted Decision 2011/872/CFSP updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP ⁽²⁾.
- (3) In accordance with Article 1(6) of Common Position 2001/931/CFSP, it is necessary to carry out a complete review of the list of persons, groups and entities to which Decision 2011/872/CFSP applies.
- (4) This Decision sets out the result of the review that the Council has carried out in respect of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply.
- (5) The Council has concluded that the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP, that a decision has been taken with respect to them by a competent authority within the meaning of Article 1(4) of that

Common Position, and that they should continue to be subject to the specific restrictive measures provided for therein.

- (6) The list of the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply should be updated accordingly, and Decision 2011/872/CFSP should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

Decision 2011/872/CFSP is hereby repealed.

Article 3

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

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 344, 28.12.2001, p. 93.

⁽²⁾ OJ L 343, 23.12.2011, p. 54.

ANNEX

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

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born August 11, 1960 in Iran. Passport: D9004878.
2. AL-NASSER, Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia
3. AL YACOUB, Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia
4. ARBABSIAR Manssor (a.k.a. Mansour Arbabsiar), born March 6 or 15, 1955 in Iran. Iranian and US national. Passport: C2002515 (Iran); Passport: 477845448 (USA). National ID no.: 07442833, expiry date 15 March 2016 (USA driving licence).
5. BOUYERI, Mohammed (a.k.a. Abu ZUBAIR, a.k.a. SOBIAR, a.k.a. Abu ZOUBAIR), born 8.3.1978 in Amsterdam (The Netherlands) – member of the "Hofstadgroep"
6. FAHAS, Sofiane Yacine, born 10.9.1971 in Algiers (Algeria) – member of "al-Takfir" and "al-Hijra"
7. IZZ-AL-DIN, Hasan (a.k.a. GARBAYA, Ahmed, a.k.a. SA-ID, a.k.a. SALWWAN, Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon
8. MOHAMMED, Khalid Shaikh (a.k.a. ALI, Salem, a.k.a. BIN KHALID, Fahd Bin Adballah, a.k.a. HENIN, Ashraf Refaat Nabith, a.k.a. WADOOD, Khalid Adbul), born 14.4.1965 or 1.3.1964 in Pakistan, passport No 488555
9. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahla'i, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusif, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
10. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran
11. SOLEIMANI Qasem (a.k.a. Ghasem Soleymani, a.k.a. Qasmi Sulayman, a.k.a. Qasem Soleymani, a.k.a. Qasem Solaimani, a.k.a. Qasem Salimani, a.k.a. Qasem Solemani, a.k.a. Qasem Sulaimani, a.k.a. Qasem Sulemani), born March 11, 1957 in Iran. Iranian national. Passport: 008827 (Iran Diplomatic), issued 1999. Title: Major General.
12. WALTERS, Jason Theodore James (a.k.a. Abdullah, a.k.a. David), born 6.3.1985 in Amersfoort (The Netherlands), passport (The Netherlands) No. NE8146378 – member of the "Hofstadgroep"

2. Groups and entities

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

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

COUNCIL IMPLEMENTING DECISION 2012/334/CFSP**of 25 June 2012****implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2011/486/CFSP of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan ⁽¹⁾, and in particular Article 5 thereof,

Whereas:

- (1) On 1 August 2011, the Council adopted Decision 2011/486/CFSP.
- (2) On 18 March 2012, the Committee established pursuant to paragraph 30 of United Nations Security Council Resolution 1988 (2011) amended the list of individuals, groups, undertakings and entities subject to restrictive measures.

- (3) The Annex to Decision 2011/486/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2011/486/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 199, 2.8.2011, p. 57.

ANNEX

The entries in the Annex to Decision 2011/486/CFSP for the persons below shall be replaced by the entries as set out below.

A. *Individuals associated with the Taliban*

1. **Shams Ur-Rahman Abdul Zahir** (*alias* (a) Shamsurrahman (b) Shams-u-Rahman (c) Shamsurrahman Abdur-ahman, (d) Shams ur-Rahman Sher Alam).

Title: (a) Mullah (b) Maulavi. **Grounds for listing:** Deputy Minister of Agriculture under the Taliban regime. **Date of birth:** 1969. **Place of birth:** Waka Uzbini village, Sarobi District, Kabul Province, Afghanistan. **Nationality:** Afghan. **National identification no:** (a) 2132370 (Afghan national identification card (tazkira)). (b) 812673 (Afghan national identification card (tazkira)). **Other information:** (a) Believed to be in Afghanistan/Pakistan border area, (b) Involved in drug trafficking, (c) Belongs to Ghilzai tribe. **Date of UN designation:** 23.2.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

As at June 2007, Shams ur-Rahman Sher Alam was the Taliban member responsible for the Kabul Province. He was in charge of Taliban military operations in and around Kabul and has been involved in many attacks.

2. **Ubaidullah Akhund Yar Mohammed Akhund** (*alias* (a) Obaidullah Akhund, (b) Obaid Ullah Akhund).

Title: (a) Mullah, (b) Hadji, (c) Maulavi. **Grounds for listing:** Minister of Defence under the Taliban regime. **Date of birth:** (a) approximately 1968, (b) 1969. **Place of birth:** (a) Sangisar village, Panjwai District, Kandahar Province, Afghanistan, (b) Arghandab District, Kandahar Province, Afghanistan, (c) Nalgham area, Zheray District, Kandahar Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) He was one of the deputies of Mullah Mohammed Omar, (b) Was a Member of the Taliban's Supreme Council, in charge of military operations, (c) Arrested in 2007 and was in custody in Pakistan, (d) Reportedly deceased in March 2010, (e) Linked by marriage to Saleh Mohammad Kakar Akhtar Muhammad, (e) Belonged to Alokozai tribe. **Date of UN designation:** 25.1.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ubaidullah Akhund was a deputy to Mohammed Omar and a member of the Taliban leadership in charge of military operations.

3. **Mohammad Jawad Waziri.**

Grounds for listing: UN Department, Ministry of Foreign Affairs under the Taliban regime. **Date of birth:** Approximately 1960. **Place of birth:** (a) Jaghatu District, Maidan Wardak Province, Afghanistan, (b) Sharana District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Believed to be in Afghanistan/Pakistan border area; (b) Belongs to Wazir tribe. **Date of UN designation:** 23.2.2001.

4. **Nazir Mohammad Abdul Basir** (*alias* Nazar Mohammad)

Title: (a) Maulavi, (b) Sar Muallim. **Grounds for listing:** (a) Mayor of Kunduz City, (b) Acting Governor of Kunduz Province (Afghanistan) under the Taliban regime. **Date of birth:** 1954. **Place of birth:** Malaghi Village, Kunduz District, Kunduz Province, Afghanistan. **Nationality:** Afghan. **Other information:** Reportedly deceased on 9 November 2008. **Date of UN designation:** 23.2.2001.

5. **Abdulhai Salek**

Title: Maulavi **Grounds for listing:** Governor of Uruzgan Province under the Taliban regime. **Date of birth:** Approximately 1965. **Place of birth:** Awlyatak Village, Gardan Masjid Area, Chaki Wardak District, Maidan Wardak Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Reportedly deceased in North Afghanistan in 1999, (b) Belonged to Wardak tribe. **Date of UN designation:** 23.2.2001.

6. **Abdul Latif Mansur** (*alias* (a) Abdul Latif Mansoor (b) Wali Mohammad)

Title: Maulavi. **Grounds for listing:** Minister of Agriculture under the Taliban regime. **Date of birth:** approximately 1968. **Place of birth:** (a) Zurmat District, Paktia Province, Afghanistan, (b) Garda Saray District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** (a) Member of Taliban Miram Shah Shura as of

May 2007, **(b)** Member of the Taliban Supreme Council and Head of Council's Political Commission as at 2009, **(c)** Taliban commander in Eastern Afghanistan as of 2010, **(d)** Taliban member responsible for Nangarhar Province, Afghanistan as of late 2009, **(e)** Believed to be in Afghanistan/Pakistan border area, **(f)** Belongs to Sahak tribe (Ghilzai). **Date of UN designation:** 31.1.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdul Latif Mansur was a member of the Taliban 'Miram Shah Council' as at May 2007. He was the Taliban shadow governor of Nangarhar Province, Afghanistan, in 2009 and the Head of the Taliban's political commission as at mid-2009. As at May 2010, Abdul Latif Mansur was a senior Taliban commander in eastern Afghanistan.

7. **Allah Dad Tayeb Wali Muhammad** (*alias* **(a)** Allah Dad Tayyab, **(b)** Allah Dad Tabeeb).

Title: **(a)** Mullah, **(b)** Haji. **Grounds for listing:** Deputy Minister of Communication under the Taliban regime. **Date of birth:** approximately 1963. **Place of birth:** **(a)** Ghorak District, Kandahar Province, Afghanistan, **(b)** Nesh District, Uruzgan Province, Afghanistan. **Nationality:** Afghan. **Other information:** Belongs to Popalzai tribe. **Date of UN designation:** 25.1.2001.

8. **Zabihullah Hamidi** (*alias* Taj Mir)

Grounds for listing: Deputy Minister of Higher Education under the Taliban regime. **Date of birth:** 1958-1959. **Place of birth:** Payeen Bagh village, Kahmard District, Bamyan Province, Afghanistan. **Address:** Dashti Shor area, Mazari Sharif, Balkh Province, Afghanistan. **Nationality:** Afghan. **Date of UN designation:** 23.2.2001.

9. **Mohammad Yaqoub.**

Title: Maulavi. **Grounds for listing:** Head of Bakhtar Information Agency (BIA) under the Taliban regime. **Date of birth:** Approximately 1966. **Place of birth:** **(a)** Shahjoi District, Zabul Province, Afghanistan **(b)** Janda District, Ghazni Province, Afghanistan. **Nationality:** Afghan. **Other information:** **(a)** Member of Taliban Cultural Commission, **(b)** Believed to be in Afghanistan/Pakistan border area, **(c)** Belongs to Kharoti tribe. **Date of UN designation:** 23.2.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

As of 2009, Mohammad Yaqoub was a leading Taliban member in the Yousef Khel District of the Paktika Province.

10. **Mohammad Shafiq Ahmadi.**

Title: Mullah. **Grounds for listing:** Governor of Samangan Province under the Taliban regime. **Date of birth:** 1956-1957. **Place of birth:** Tirin Kot District, Uruzgan Province, Afghanistan. **Nationality:** Afghan. **Date of UN designation:** 23.2.2001.

11. **Ahmad Jan Akhundzada Shukoor Akhundzada** (*alias* **(a)** Ahmad Jan Akhunzada **(b)** Ahmad Jan Akhund Zada).

Title: **(a)** Maulavi **(b)** Mullah. **Grounds for listing:** Governor of Zabol and Uruzgan Provinces under the Taliban regime. **Date of birth:** 1966-1967. **Place of birth:** **(a)** Lablan village, Dehrawood District, Uruzgan Province, Afghanistan, **(b)** Zurmat District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** **(a)** Taliban member responsible for Uruzgan Province, Afghanistan, as at early 2007, **(b)** Brother-in-law of Mullah Mohammed Omar, **(c)** Believed to be in Afghanistan/Pakistan border area. **Date of UN designation:** 25.1.2001.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Ahmad Jan Akhunzada Shukoor Akhunzada was the Taliban member in charge of Uruzgan Province as at early 2007.

12. **Khalil Ahmed Haqqani** (*alias* **(a)** Khalil Al-Rahman Haqqani, **(b)** Khalil ur Rahman Haqqani, **(c)** Khaleel Haqqani).

Title: Haji. **Address:** **(a)** Peshawar, Pakistan; **(b)** Near Dergey Manday Madrasa in Dergey Manday Village, near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan, **(c)** Kayla Village near Miram Shah, North Waziristan Agency (NWA), Federally Administered Tribal Areas (FATA), Pakistan; **(d)** Sarana Zadran Village, Paktia Province, Afghanistan. **Date of birth:** **(a)** 1.1.1966, **(b)** between 1958 and 1964. **Place of birth:** Sarana Village, Garda Saray area, Waza Zadran District, Paktia Province, Afghanistan. **Nationality:** Afghan. **Other information:** **(a)** Senior member of the Haqqani Network, which operates out of North Waziristan in the Federally Administered Tribal Areas of Pakistan, **(b)** Had previously travelled to, and raised funds in, Dubai, United Arab Emirates, **(c)** Brother of Jalaluddin Haqqani and uncle of Sirajuddin Jallaloudine Haqqani. **Date of UN designation:** 9.2.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Khalil Ahmed Haqqani is a senior member of the Haqqani Network, a Taliban-affiliated group of militants that operates from North Waziristan Agency in the Federally Administered Tribal Areas of Pakistan. At the forefront of insurgent activity in Afghanistan, the Haqqani Network was founded by Khalil Haqqani's brother, Jalaluddin Haqqani (T.I.H.40.01.), who joined Mullah Mohammed Omar's Taliban regime in the mid-1990s.

Khalil Haqqani engages in fundraising activities on behalf of the Taliban and the Haqqani Network, often travelling internationally to meet with financial supporters. As of September 2009, Khalil Haqqani had traveled to Gulf states and had raised funds from sources there, as well as from sources in South and East Asia.

Khalil Haqqani also provides support to the Taliban and the Haqqani Network operating in Afghanistan. As of early 2010, Khalil Haqqani provided funds to Taliban cells in Logar Province, Afghanistan. In 2009, Khalil Haqqani supplied and controlled approximately 160 combatants in Logar Province, Afghanistan, and was one of several people responsible for the detention of enemy prisoners captured by the Taliban and the Haqqani Network. Khalil Haqqani has taken orders for Taliban operations from Sirajuddin Haqqani, his nephew.

Khalil Haqqani has also acted on behalf of Al-Qaida and has been linked to its military operations. In 2002, Khalil Haqqani deployed men to reinforce Al-Qaida elements in Paktia Province, Afghanistan.

13. Badruddin Haqqani (*alias* Atiqullah).

Address: Miram Shah, Pakistan. **Date of birth:** approximately 1975- 1979. **Place of birth:** Miramshah, North Waziristan, Pakistan. **Other information:** (a) operational commander of the Haqqani Network and member of the Taliban shura in Miram Shah, (b) has helped lead attacks against targets in south-eastern Afghanistan, (c) son of Jalaluddin Haqqani, brother of Sirajuddin Jallaludine Haqqani and Nasiruddin Haqqani, nephew of Khalil Ahmed Haqqani. **Date of UN designation:** 11.5.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Badruddin Haqqani is the operational commander for the Haqqani Network, a Taliban-affiliated group of militants that operates from North Waziristan Agency in the Federally Administered Tribal Areas of Pakistan. The Haqqani Network has been at the forefront of insurgent activity in Afghanistan, responsible for many high-profile attacks. The Haqqani Network's leadership consists of the three eldest sons of its founder Jalaluddin Haqqani, who joined Mullah Mohammed Omar's Taliban regime in the mid-1990s. Badruddin is the son of Jalaluddin and brother to Nasiruddin Haqqani and Sirajuddin Haqqani, as well as nephew of Khalil Ahmed Haqqani.

Badruddin helps lead Taliban associated insurgents and foreign fighters in attacks against targets in south- eastern Afghanistan. Badruddin sits on the Miram Shah shura of the Taliban, which has authority over Haqqani Network activities.

Badruddin is also believed to be in charge of kidnappings for the Haqqani Network. He has been responsible for the kidnapping of numerous Afghans and foreign nationals in the Afghanistan-Pakistan border region.

14. Malik Noorzai (*alias:* (a) Hajji Malik Noorzai, (b) Hajji Malak Noorzai, (c) Haji Malek Noorzai, (d) Haji Maluk, (e) Haji Aminullah).

Title: Haji. **Address:** (a) Boghra Road, Miralzei Village, Chaman, Baluchistan Province, Pakistan, (b) Kalay Rangin, Spin Boldak District, Kandahar Province, Afghanistan. **Date of Birth:** (a) 1957, (b) 1960. **Place of birth:** Chaman border town, Pakistan. **Nationality:** Afghan. **Other information:** (a) Taliban financier. (b) Owns businesses in Japan and frequently travels to Dubai, United Arab Emirates, and Japan. (c) As of 2009, facilitated Taliban activities, including through recruitment and the provision of logistical support. (d) Believed to be in the Afghanistan/Pakistan border area. (e) Belongs to Noorzai tribe. (f) Brother of Faizullah Khan Noorzai. **Date of UN designation:** 04.10.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Malik Noorzai is a Pakistan-based businessman who has provided financial support to the Taliban. Malik and his brother, Faizullah Noorzai Akhtar Mohammed Mira Khan, have invested millions of dollars in various businesses for the Taliban. In late 2008, Taliban representatives approached Malik as a businessman with whom to invest Taliban funds. Since at least 2005, Malik has also personally contributed tens of thousands of dollars and distributed hundreds of thousands of dollars to the Taliban, some of which was collected from donors in the Gulf region and Pakistan and some of which was Malik's own money. Malik also handled a hawala account in Pakistan that received tens of thousands of dollars transferred from the Gulf every few months to support Taliban activities. Malik has also facilitated Taliban activities. As of 2009, Malik had served for 16 years as the chief caretaker of a madrasa (religious school), in the Afghanistan/ Pakistan border region, that was used by the Taliban to indoctrinate and train recruits. Among other things, Malik delivered the funds that supported the

madrassa. Malik, along with his brother, has also played a role in storing vehicles to be used in Taliban suicide bombing operations and has helped move Taliban fighters around Helmand Province, Afghanistan. Malik owns businesses in Japan and frequently visits Dubai and Japan for business. As early as 2005, Malik owned a vehicle import business in Afghanistan that imported vehicles from Dubai and Japan. He has imported cars, auto parts and clothing from Dubai and Japan for his businesses, in which two Taliban commanders have invested. In mid-2010, Malik and his brother secured the release of hundreds of cargo containers, reportedly worth millions of dollars, which Pakistani authorities seized earlier that year because they believed the recipients had a connection to terrorism.

15. **Faizullah Khan Noorzai** (*alias: (a) Haji Faizullah Khan Noorzai, (b) Haji Faizuulah Khan Norezai, (c) Haji Faizullah Khan, (d) Haji Fiazullah, (e) Haji Faizullah Noori, (f) Haji Faizullah Noor, (g) Faizullah Noorzai Akhtar Mohammed Mira Khan (h) Haji Pazullah Noorzai, (i) Haji Mullah Faizullah*).

Title: Haji. **Address:** (a) Boghra Road, Miralzei Village, Chaman, Baluchistan Province, Pakistan, (b) Kalay Rangin, Spin Boldak District, Kandahar Province, Afghanistan. **Date of birth:** (a) 1962, (b) 1961, (c) between 1968 and 1970, (d) 1962. **Place of birth:** (a) Lowy Kariz, Spin Boldak District, Kandahar Province, Afghanistan, (b) Kadanay, Spin Boldak District Kandahar Province, Afghanistan, (c) Chaman, Baluchistan Province, Pakistan. **Nationality:** Afghan. **Other information:** (a) Prominent Taliban financier. (b) As of mid- 2009, supplied weapons, ammunition, explosives and medical equipment to Taliban fighters; raised funds for the Taliban, and provided training to them, in the Afghanistan/Pakistan border region. (c) Has previously organized and funded Taliban operations in Kandahar Province, Afghanistan. (d) As of 2010, travelled to and owned businesses in Dubai, United Arab Emirates, and Japan. (e) Belongs to Noorzai tribe, Miralzai sub-tribe. (f) Brother of Malik Noorzai. (g) Father's name is Akhtar Mohammed (*alias: Haji Mira Khan*). **Date of UN designation:** 04.10.2011.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Faizullah Noorzai Akhtar Mohammed Mira Khan has served as a prominent Taliban financier with whom senior Taliban leaders invested funds. He has collected over USD 100 000 for the Taliban from donors in the Gulf and in 2009 gave a portion of his own money. He also financially supported a Taliban commander in Kandahar Province and has provided funding to assist with training Taliban and Al-Qaida fighters who were to conduct attacks against Coalition and Afghan military forces. As of mid-2005, Faizullah organized and funded Taliban operations in Kandahar Province, Afghanistan. In addition to his financial support, Faizullah has otherwise facilitated Taliban training and operations. As of mid-2009, Faizullah supplied weapons, ammunition, explosives, and medical equipment to Taliban fighters from southern Afghanistan. In mid-2008, Faizullah was responsible for housing Taliban suicide bombers and moving them from Pakistan into Afghanistan. Faizullah has also provided anti- aircraft missiles to the Taliban, helped move Taliban fighters around Helmand Province, Afghanistan, facilitated Taliban suicide bombing operations and given radios and vehicles to Taliban members in Pakistan.

As of mid-2009, Faizullah operated a madrassa (religious school) in the Afghanistan/Pakistan border region, where tens of thousands of dollars were raised for the Taliban. Faizullah's madrassa grounds were used to provide training to Taliban fighters in the construction and use of improvised explosive devices (IEDs). As of late 2007, Faizullah's madrassa was used to train Al-Qaida fighters who were later sent to Kandahar Province, Afghanistan.

In 2010, Faizullah maintained offices and possibly owned properties, including hotels, in Dubai, the United Arab Emirates. Faizullah regularly travelled to Dubai and Japan with his brother, Malik Noorzai, to import cars, auto parts and clothing. As of early 2006, Faizullah owned businesses in Dubai and Japan.

COUNCIL IMPLEMENTING DECISION 2012/335/CFSP
of 25 June 2012
implementing Council Decision 2011/782/CFSP concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on European Union,

Article 1

Having regard to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria ⁽¹⁾, and in particular Article 21(1) thereof,

The person and entities listed in the Annex to this Decision shall be added to the list set out in Annex I to Decision 2011/782/CFSP.

Article 2

Whereas:

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

- (1) On 1 December 2011, the Council adopted Decision 2011/782/CFSP concerning restrictive measures against Syria.
- (2) In view of the gravity of the situation in Syria, one additional person and additional entities should be included in the list of persons and entities subject to restrictive measures as set out in Annex I to Decision 2011/782/CFSP,

Done at Luxembourg, 25 June 2012.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 319, 2.12.2011, p. 56.

ANNEX

PERSON AND ENTITIES REFERRED TO IN ARTICLE 1

Persons

	Name	Identifying information	Reasons	Date of listing
1.	Bouthaina Shaaban (a.k.a. Buthaina Shaaban)	Born 1953 in Homs, Syria	Political and Media Advisor to the President since July 2008 and as such associated with the violent crackdown on the population.	26.6.2012

Entities

	Name	Identifying information	Reasons	Date of listing
1.	Ministry of Defence	Address: Umayyad Square, Damascus Telephone: +963-11-7770700	Syrian government branch directly involved in repression.	26.6.2012
2.	Ministry of Interior	Address: Merjeh Square, Damascus Telephone: +963-11-2219400, +963-11-2219401, +963-11-2220220, +963-11-2210404	Syrian government branch directly involved in repression.	26.6.2012
3.	Syrian National Security Bureau		Syrian government branch and element of the Syrian Ba'ath Party. Directly involved in repression. It directed Syrian security forces to use extreme force against demonstrators.	26.6.2012
4.	Syria International Islamic Bank (SIIB) (a.k.a.: Syrian International Islamic Bank; a.k.a. SIIB)	Location: Syria International Islamic Bank Building, Main Highway Road, Al Mazzeh Area, P.O. Box 35494, Damascus, Syria Alt. Location: P.O. Box 35494, Mezza'h Vellat Sharqia'h, beside the Consulate of Saudi Arabia, Damascus, Syria	SIIB has acted as a front for the Commercial Bank of Syria, which has allowed that bank to circumvent sanctions imposed on it by the EU. From 2011 to 2012, SIIB surreptitiously facilitated financing worth almost \$150 million on behalf of the Commercial Bank of Syria. Financial arrangements that were purportedly made by SIIB were actually made by the Commercial Bank of Syria. In addition to working with the Commercial Bank of Syria to circumvent sanctions, in 2012, SIIB facilitated several substantial payments for the Syrian Lebanese Commercial Bank, another bank already designated by the EU. In these ways, SIIB has contributed to providing financial support to the Syrian regime.	26.6.2012

	Name	Identifying information	Reasons	Date of listing
5.	General Organisation of Radio and TV (a.k.a. Syrian Directorate General of Radio & Television Est; a.k.a. General Radio and Television Corporation; a.k.a. Radio and Television Corporation; a.k.a. GORT)	Address: Al Oumaween Square, P.O. Box 250, Damascus, Syria. Telephone (963 11) 223 4930	State-run agency subordinate to Syria's Ministry of Information and as such supports and promotes its information policy. It is responsible for operating Syria's state-owned television channels, two terrestrial and one satellite, as well as government radio stations. The GORT has incited violence against the civilian population in Syria, serving as a propaganda instrument for the Assad regime and spreading disinformation.	26.6.2012
6.	Syrian Company for Oil Transport (a.k.a. Syrian Crude Oil Transportation Company; a.k.a. "SCOT"; a.k.a. "SCOTRACO")	Banias Industrial Area, Latakia Entrance Way, P.O. Box 13, Banias, Syria; Website www.scot-syria.com ; Email scot50@scn-net.org	Syrian state owned oil company. Provides financial support to the regime.	26.6.2012

COMMISSION IMPLEMENTING DECISION

of 22 June 2012

on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD)

(notified under document C(2012) 3838)

(only the Danish, Dutch, English, Estonian, French, German, Greek, Italian, Polish, Portuguese, Romanian, Slovenian and Spanish texts are authentic)

(2012/336/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy ⁽¹⁾, and in particular Article 7(4) thereof,

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy ⁽²⁾, and in particular Article 31 thereof,

Having consulted the Committee on the Agricultural Funds,

Whereas:

- (1) Under Article 7(4) of Regulation (EC) No 1258/1999, and Article 31 of Regulation (EC) No 1290/2005, the Commission is to carry out the necessary verifications, communicate to the Member States the results of these verifications, take note of the comments of the Member States, initiate a bilateral discussion so that an agreement may be reached with the Member States in question, and formally communicate its conclusions to them.
- (2) The Member States have had an opportunity to request the launch of a conciliation procedure. That opportunity has been used in some cases and the reports issued on the outcome have been examined by the Commission.
- (3) Under Regulation (EC) No 1258/1999 and Regulation (EC) No 1290/2005, only agricultural expenditure which has been incurred in a way that has not infringed European Union rules may be financed.
- (4) In the light of the verifications carried out, the outcome of the bilateral discussions and the conciliation procedures, part of the expenditure declared by the Member States does not fulfil this requirement and cannot, therefore, be financed under the EAGGF Guarantee Section, the EAGF and the EAFRD.
- (5) The amounts that are not recognised as being chargeable to the EAGGF Guarantee Section, the EAGF and the EAFRD should be indicated. Those amounts do not

relate to expenditure incurred more than 24 months before the Commission's written notification of the results of the verifications to the Member States.

- (6) As regards the cases covered by this decision, the assessment of the amounts to be excluded on grounds of non-compliance with European Union rules was notified by the Commission to the Member States in a summary report on the subject.
- (7) This Decision is without prejudice to any financial conclusions that the Commission may draw from the judgments of the Court of Justice in cases pending on 1 February 2012 and relating to its content,

HAS ADOPTED THIS DECISION:

Article 1

The expenditure itemised in the Annex hereto that has been incurred by the Member States' accredited paying agencies and declared under the EAGGF Guarantee Section, under the EAGF or under the EAFRD shall be excluded from European Union financing because it does not comply with European Union rules.

Article 2

This Decision is addressed to the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 June 2012.

For the Commission

Dacian CIOLOȘ

Member of the Commission

⁽¹⁾ OJ L 160, 26.6.1999, p. 103.

⁽²⁾ OJ L 209, 11.8.2005, p. 1.

ANNEX

BUDGET ITEM: 6 7 0 1

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
DE	Clearance of accounts	2008	overpayments in the EAGF IACS population	ONE-OFF		EUR	– 59 318,36	0,00	– 59 318,36
Total DE						EUR	– 59 318,36	0,00	– 59 318,36
DK	Other Direct Aid — Bovines	2007	non-application of sanctions regarding potentially eligible animals	ONE-OFF		EUR	– 67 797,32	0,00	– 67 797,32
DK	Other Direct Aid — Bovines	2008	non-application of sanctions regarding potentially eligible animals	ONE-OFF		EUR	– 48 411,25	0,00	– 48 411,25
Total DK						EUR	– 116 208,57	0,00	– 116 208,57
ES	Rural Development EAGGF (2000-2006) — Area related measures	2006	deficiencies in the on-the-spot checks, in the measurement of agricultural parcels, in application of Good Farming Practices in the measure of agri-environment	FLAT RATE	5,00 %	EUR	– 350 224,00	0,00	– 350 224,00
ES	Rural Development EAGGF (2000-2006) — Area related measures	2006	insufficient random selection, deficiencies in the on the spot checks, in the measurement of agricultural parcels, in application of Good Farming Practices in the measure of less-favoured areas	FLAT RATE	5,00 %	EUR	– 710 805,00	0,00	– 710 805,00
ES	Wine		plantation of vine without the (re-)plantation rights	ONE-OFF		EUR	– 131 300 920,00	0,00	– 131 300 920,00
Total ES						EUR	– 132 361 949,00	0,00	– 132 361 949,00
FR	Other Direct Aid — Bovines	2005	shortcomings in the verification of the eligibility conditions, non-application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	FLAT RATE	2,00 %	EUR	– 17 088 517,03	0,00	– 17 088 517,03

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
FR	Other Direct Aid — Bovines	2005	shortcomings in the verification of the eligibility conditions, non-application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	ONE-OFF		EUR	– 12 394 594,82	0,00	– 12 394 594,82
FR	Other Direct Aid — Bovines	2006	shortcomings in the verification of the eligibility conditions, non-application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	FLAT RATE	2,00 %	EUR	– 16 233 350,64	0,00	– 16 233 350,64
FR	Other Direct Aid — Bovines	2006	shortcomings in the verification of the eligibility conditions, non-application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	ONE-OFF		EUR	– 8 732 969,42	0,00	– 8 732 969,42
FR	Other Direct Aid — Bovines	2007	shortcomings in the verification of the eligibility conditions, non-application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	FLAT RATE	2,00 %	EUR	– 3 367 782,68	0,00	– 3 367 782,68
FR	Other Direct Aid — Bovines	2007	shortcomings in the verification of the eligibility conditions, non-application of penalties, unsatisfactory checking of the movements, deficiencies in the application of notion of obvious error and in the acces to BDNI for slaughterhouses	ONE-OFF		EUR	– 5 102 086,06	0,00	– 5 102 086,06
Total FR						EUR	– 62 919 300,65	0,00	– 62 919 300,65
GB	Meat Premiums — Bovines	2004	no sanctions applied in case of non-compliance related to claimed above quota	ONE-OFF		GBP	– 15 517,23	0,00	– 15 517,23
GB	Meat Premiums — Ewe and Goats	2004	payments to claimants with less than 10 quota rights	ONE-OFF		GBP	– 10 647,81	0,00	– 10 647,81

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GB	Meat Premiums — Bovines	2005	no sanctions applied in case of non-compliance related to claimed above quota	ONE-OFF		GBP	– 6 790,67	0,00	– 6 790,67
GB	Meat Premiums — Ewe and Goats	2005	payments to claimants with less than 10 quota rights	ONE-OFF		GBP	– 3 492,44	0,00	– 3 492,44
GB	Meat Premiums — Ewe and Goats	2005	payments to claimants with less than 10 quota rights, penalty for missing animals was not applied to the national envelope	ONE-OFF		GBP	– 9 451,43	0,00	– 9 451,43
GB	Sugar — Production refunds	2007	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	– 19,13	0,00	– 19,13
GB	Sugar — other than Export refunds (2007+)	2007	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	– 26,49	0,00	– 26,49
GB	Export refunds — Sugar and isog-lucose	2007	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	– 726,63	0,00	– 726,63
GB	Export refunds — other	2007	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	– 227,75	0,00	– 227,75
GB	Export refunds — other	2008	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	– 26,39	0,00	– 26,39
GB	Sugar — Production refunds	2008	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	0,86	0,00	0,86
GB	Export refunds — Sugar and isog-lucose	2008	deficiency in substitution checks	FLAT RATE	5,00 %	EUR	– 557,68	0,00	– 557,68
Total GB						GBP	– 45 899,58	0,00	– 45 899,58
Total GB						EUR	– 1 583,21	0,00	– 1 583,21

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GR	Export refunds — Sugar and isoglucose	2006	absence of production and storage control systems	FLAT RATE	10,00 %	EUR	– 1 800 082,70	0,00	– 1 800 082,70
GR	Export refunds — Non-Annex I	2006	absence of production and storage control systems	FLAT RATE	10,00 %	EUR	– 12 890,85	0,00	– 12 890,85
GR	Export refunds — Non-Annex I	2006	absence of production and storage control systems	FLAT RATE	15,00 %	EUR	– 66 216,34	0,00	– 66 216,34
GR	Export refunds — Sugar and isoglucose	2006	absence of production and storage control systems	FLAT RATE	15,00 %	EUR	– 7 117 284,53	0,00	– 7 117 284,53
GR	Export refunds — Sugar and isoglucose	2007	absence of production and storage control systems	FLAT RATE	10,00 %	EUR	– 2 522 082,75	0,00	– 2 522 082,75
GR	Export refunds — Non-Annex I	2007	absence of production and storage control systems	FLAT RATE	10,00 %	EUR	– 57 587,78	0,00	– 57 587,78
GR	Export refunds — Sugar and isoglucose	2008	absence of production and storage control systems	FLAT RATE	10,00 %	EUR	– 515,62	0,00	– 515,62
GR	Export refunds — Non-Annex I	2008	absence of production and storage control systems	FLAT RATE	10,00 %	EUR	– 3 633,19	0,00	– 3 633,19
GR	Other Direct Aid — Processed dried grape products (other measures)	2007	weaknesses with regards to minimum yield, delivery requirements, checks on processors, cross-checks	ONE-OFF		EUR	– 71 253 223,81	0,00	– 71 253 223,81

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
GR	Other Direct Aid — Processed dried grape products (other measures)	2008	weaknesses with regards to minimum yield, delivery requirements, checks on processors, cross-checks	ONE-OFF		EUR	– 250 325,81	0,00	– 250 325,81
GR	Other Direct Aid — Processed dried grape products (other measures)	2009	weaknesses with regards to minimum yield, delivery requirements, checks on processors, cross-checks	ONE-OFF		EUR	– 2 192,34	0,00	– 2 192,34
GR	Fruit and Vegetables — Citrus Processing	2007	Insufficient number of administrative controls and non-application of sanctions	FLAT RATE	5,00 %	EUR	– 255 264,74	0,00	– 255 264,74
GR	Fruit and Vegetables — Citrus Processing	2008	Insufficient number of administrative controls and non-application of sanctions	FLAT RATE	5,00 %	EUR	– 258 047,81	0,00	– 258 047,81
GR	Wine		plantation of vine without the (re-)plantation rights	ONE-OFF		EUR	– 21 336 120,00	0,00	– 21 336 120,00
Total GR						EUR	– 104 935 468,27	0,00	– 104 935 468,27
IT	Fruit and Vegetables — Citrus Processing	2006	weaknesses in the control system (administrative and accounting checks)	FLAT RATE	5,00 %	EUR	– 1 683 981,22	0,00	– 1 683 981,22
IT	Fruit and Vegetables — Citrus Processing	2007	weaknesses in the control system (administrative and accounting checks)	FLAT RATE	5,00 %	EUR	– 1 100 328,66	0,00	– 1 100 328,66
IT	Fruit and Vegetables — Tomato Processing	2006	insufficient check of tomato production yield	FLAT RATE	2,00 %	EUR	– 3 510 182,04	0,00	– 3 510 182,04
IT	Fruit and Vegetables — Tomato Processing	2007	insufficient check of tomato production yield	FLAT RATE	2,00 %	EUR	– 2 679 963,75	0,00	– 2 679 963,75

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
IT	Fruit and Vegetables — Tomato Processing	2008	insufficient check of tomato production yield	FLAT RATE	2,00 %	EUR	– 2 556 488,30	0,00	– 2 556 488,30
IT	Olive Oil — Work programmes of operators' organisations	2007	payments made after the regulatory deadline	ONE-OFF		EUR	– 515 252,59	0,00	– 515 252,59
IT	RD Guarantee Accompanying Measures (area related measures)	2005	Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement of the on-the-spot checks in Calabria region	FLAT RATE	2,00 %	EUR	– 160 616,00	0,00	– 160 616,00
IT	Rural Development EAGGF (2000-2006) — Area related measures	2006	Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement of the on-the-spot checks in Calabria region	FLAT RATE	2,00 %	EUR	– 60 045,00	0,00	– 60 045,00
IT	Rural Development EAGGF (2000-2006) — Area related measures	2006	late on-the-spot checks for agri-envi measures, Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement of the on-the-spot checks in Puglia region	FLAT RATE	2,00 %	EUR	– 308 332,00	0,00	– 308 332,00
IT	Rural Development EAGGF (2000-2006) — Area related measures	2006	late on-the-spot checks for agri-envi measures, Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement of the on-the-spot checks in Puglia region	FLAT RATE	5,00 %	EUR	– 82 920,00	0,00	– 82 920,00
IT	Rural Development EAGGF (2000-2006) — Area related measures	2007	late on-the-spot checks for agri-envi measures, Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement of the on-the-spot checks in Puglia region	FLAT RATE	2,00 %	EUR	– 3 985,00	0,00	– 3 985,00
IT	Wine		plantation of vine without the (re-)plantation rights	ONE-OFF		EUR	– 98 881 120,00	0,00	– 98 881 120,00
Total IT						EUR	– 111 543 214,56	0,00	– 111 543 214,56

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
NL	Clearance of accounts	2007	wrongful transfer of the rights of one certificate leading to wrongful payment of export refunds	ONE-OFF		EUR	– 81 004,00	0,00	– 81 004,00
Total NL						EUR	– 81 004,00	0,00	– 81 004,00
PL	Cross Compliance	2006	some GAEC not defined and weaknesses in sanctioning system (claim year 2005)	FLAT RATE	10,00 %	PLN	– 9 462 163,58	– 298 039,22	– 9 164 124,36
PL	Cross Compliance	2007	some GAEC not defined (claim year 2006)	FLAT RATE	5,00 %	EUR	– 3 231 141,53	– 76 634,50	– 3 154 507,03
PL	Cross Compliance	2007	some GAEC not defined and weaknesses in sanctioning system (claim year 2005)	FLAT RATE	10,00 %	EUR	– 3 730,29	– 117,50	– 3 612,79
PL	Cross Compliance	2008	some GAEC not defined (claim year 2006)	FLAT RATE	5,00 %	EUR	3 168,04	0,00	3 168,04
PL	Cross Compliance	2008	some GAEC not defined (claim year 2007)	FLAT RATE	5,00 %	EUR	– 6 242 027,29	0,00	– 6 242 027,29
PL	Cross Compliance	2008	some GAEC not defined and weaknesses in sanctioning system (claim year 2005)	FLAT RATE	10,00 %	EUR	– 602,58	0,00	– 602,58
PL	Cross Compliance	2009	some GAEC not defined (claim year 2006)	FLAT RATE	5,00 %	EUR	– 585,38	0,00	– 585,38
PL	Cross Compliance	2009	some GAEC not defined (claim year 2007)	FLAT RATE	5,00 %	EUR	– 7 875,92	0,00	– 7 875,92
Total PL						PLN	– 9 462 163,58	– 298 039,22	– 9 164 124,36
Total PL						EUR	– 9 482 794,95	– 76 752,00	– 9 406 042,95

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
PT	Other Direct Aid — Bovines	2005	population excluded from on-the-spot checks	FLAT RATE	5,00 %	EUR	– 43 659,00	0,00	– 43 659,00
PT	Other Direct Aid — Ewe and Goats	2007	amounts paid for less than 10 quota rights	ONE-OFF		EUR	– 831,83	0,00	– 831,83
PT	Other Direct Aid — Bovines	2007	non-application of sanctions	ONE-OFF		EUR	– 24 450,00	0,00	– 24 450,00
PT	Other Direct Aid — Bovines	2008	non-application of sanctions	ONE-OFF		EUR	– 41 350,00	0,00	– 41 350,00
Total PT						EUR	– 110 290,83	0,00	– 110 290,83
SI	Clearance of accounts	2008	non-recovered amounts for errors in the EAGF IACS population	ONE-OFF		EUR	– 8 014,42	0,00	– 8 014,42
Total SI						EUR	– 8 014,42	0,00	– 8 014,42
6 7 0 1 Total						GBP	– 45 899,58	0,00	– 45 899,58
						PLN	– 9 462 163,58	– 298 039,22	– 9 164 124,36
						EUR	– 421 619 146,82	– 76 752,00	– 421 542 394,82

BUDGET ITEM: 6 7 1 1

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
DE	Clearance of accounts	2008	known errors in the EAFRD IACS population	ONE-OFF		EUR	– 4 599,05	0,00	– 4 599,05
DE	Clearance of accounts	2008	known errors in the EAFRD non-IACS population	ONE-OFF		EUR	– 99 505,49	0,00	– 99 505,49

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
DE	Clearance of accounts	2007	overpayments in the EAFRD	ONE-OFF		EUR	– 6 422,93	0,00	– 6 422,93
Total DE						EUR	– 110 527,47	0,00	– 110 527,47
EE	Rural Development EAFRD Axis 1 + 3 — Investment orientated measures (2007-2013)	2008	control weaknesses	FLAT RATE	5,00 %	EUR	– 219 399,90	0,00	– 219 399,90
EE	Rural Development EAFRD Axis 1 + 3 — Investment orientated measures (2007-2013)	2009	control weaknesses	FLAT RATE	5,00 %	EUR	– 432 949,15	0,00	– 432 949,15
EE	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2009	control weaknesses	FLAT RATE	5,00 %	EUR	– 54 631,06	0,00	– 54 631,06
EE	Rural Development EAFRD Axis 4 LEADER (2007-2013)	2010	control weaknesses	FLAT RATE	5,00 %	EUR	– 90 905,20	0,00	– 90 905,20
Total EE						EUR	– 797 885,31	0,00	– 797 885,31
IT	Rural Development EAFRD Axis 2 (2007-2013, area related measures)	2008	late on-the-spot checks for agri-envi measures, Article 25 (1) of Regulation (EC) No 796/2004 not respected in case of the announcement of the on-the-spot checks in Puglia region	FLAT RATE	2,00 %	EUR	– 46 958,00	0,00	– 46 958,00
Total IT						EUR	– 46 958,00	0,00	– 46 958,00
PL	Cross Compliance	2008	some GAEC not defined (claim year 2007)	FLAT RATE	5,00 %	EUR	– 1 577 692,31	0,00	– 1 577 692,31
PL	Cross Compliance	2009	some GAEC not defined (claim year 2007)	FLAT RATE	5,00 %	EUR	– 2 873,42	0,00	– 2 873,42
Total PL						EUR	– 1 580 565,73	0,00	– 1 580 565,73

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
PT	Clearance of accounts	2008	most likely error	ONE-OFF		EUR	– 507 308,00	0,00	– 507 308,00
PT	Clearance of accounts	2008	systematic error	ONE-OFF		EUR	– 897 367,00	0,00	– 897 367,00
PT	Clearance of accounts	2008	systematic error - RURIS	ONE-OFF		EUR	– 590,00	0,00	– 590,00
Total PT						EUR	– 1 405 265,00	0,00	– 1 405 265,00
SI	Clearance of accounts — Financial Clearance	2008	known error found in the completeness test of Annex II and III A	ONE-OFF		EUR	– 6 010,62	0,00	– 6 010,62
Total SI						EUR	– 6 010,62	0,00	– 6 010,62
6 7 1 1 Total						EUR	– 3 947 212,13	0,00	– 3 947 212,13

BUDGET ITEM: 05 07 01 07

MS	Measure	Financial year	Reason	Type	%	Currency	Amount	Deductions	Financial impact
RO	Financial audit — Late payments and payment deadlines	2009	late payments	ONE-OFF		EUR	– 7 674 175,73	– 9 399 922,54	1 725 746,81
Total RO						EUR	– 7 674 175,73	– 9 399 922,54	1 725 746,81
05 07 01 07 Total						EUR	– 7 674 175,73	– 9 399 922,54	1 725 746,81

COMMISSION IMPLEMENTING DECISION

of 22 June 2012

granting a derogation from Regulation (EU) No 1337/2011 of the European Parliament and of the Council concerning European statistics on permanent crops with regard to the Federal Republic of Germany and the French Republic

*(notified under document C(2012) 4132)***(Only the French and German texts are authentic)**

(2012/337/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops and repealing Council Regulation (EEC) No 357/79 and Directive 2001/109/EC of the European Parliament and of the Council ⁽¹⁾, and in particular Article 10(1) thereof,

Having regard to the requests made by the Federal Republic of Germany and the French Republic,

Whereas:

- (1) In accordance with Article 10 of Regulation (EU) No 1337/2011, where the application of this Regulation to the national statistical system of a Member State requires major adaptations and is likely to cause significant practical problems with regard to the permanent crops referred to in points (a) to (l) of Article 1(1), the Commission may grant Member States a derogation.
- (2) The Federal Republic of Germany and the French Republic have requested derogations from the application of Regulation (EU) No 1337/2011 in accordance with Article 10(2) thereof.
- (3) The information provided by the Federal Republic of Germany and the French Republic justifies granting those derogations.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Agricultural Statistics,

HAS ADOPTED THIS DECISION:

Article 1

1. The Federal Republic of Germany is granted derogation from its obligation to submit statistics on the permanent crops referred to in points (a) to (l) of Article 1(1) of Regulation (EU) No 1337/2011 until 31 December 2012.

2. The derogation is granted for the reference year 2012.

Article 2

1. The French Republic is granted derogation from its obligation to submit statistics on olive trees until 31 December 2012.
2. The derogation is granted for the reference year 2012.

Article 3

This Decision is addressed to the Federal Republic of Germany and the French Republic.

Done at Brussels, 22 June 2012.

For the Commission

Algirdas ŠEMETA

Member of the Commission

⁽¹⁾ OJ L 347, 30.12.2011, p. 7.

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