

Official Journal

of the European Union

L 293



English edition

Legislation

Volume 55

23 October 2012

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL REGULATION (EU) No 927/2012

of 16 July 2012

establishing the deadline in the event of underutilisation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 28 June 2007, the Council adopted Regulation (EC) No 753/2007 on the conclusion of the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand ⁽¹⁾.
- (2) Since the current Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand ⁽²⁾ ('the current Protocol') will expire on 31 December 2012, a new Protocol was initialled on 3 February 2012. The new Protocol provides EU fishing vessels with fishing opportunities in Greenlandic waters.
- (3) On 16 July 2012, the Council adopted Decision 2012/653/EU ⁽³⁾ on the signing and the provisional application of the new Protocol.
- (4) In accordance with Article 10(1) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ⁽⁴⁾, if it appears that the number of fishing authorisations or the amount of fishing opportunities allocated to the Union

under the current Protocol are not fully utilised, the Commission is to inform the Member States concerned. The absence of a reply within the deadline to be set by the Council is to be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the given period. That deadline should therefore be set by the Council.

- (5) Given that the current Protocol will expire on 31 December 2012 and that the new Protocol is to be provisionally applied from 1 January 2013, this Regulation should apply from 1 January 2013,

HAS ADOPTED THIS REGULATION:

Article 1

1. If, by the relevant date set out in the Annex to this Regulation, applications for fishing authorisations from the Member States under the Protocol to the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, do not cover all the annually allocated fishing opportunities set by that Protocol, the Commission shall consider applications for fishing authorisations from any other Member State pursuant to Article 10 of Regulation (EC) No 1006/2008.

2. The deadline referred to in Article 10(1) of Regulation (EC) No 1006/2008 shall be set at 10 working days.

3. For each stock referred to in the Annex, the Commission shall inform the Member States of the level of utilisation of the fishing opportunities based on licence applications received at the latest:

- (a) one month before the date set out in the Annex; and
- (b) by the date set out in the Annex.

⁽¹⁾ OJ L 172, 30.6.2007, p. 1.

⁽²⁾ OJ L 172, 30.6.2007, p. 9.

⁽³⁾ See page 4 of this Official Journal.

⁽⁴⁾ OJ L 286, 29.10.2008, p. 33.

Article 2

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

It shall apply from 1 January 2013.

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

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

ANNEX

Date referred to in Article 1(1) and (3):

Stock	Date
Northern Prawn in ICES Subareas XIV & V	1 August
Greenland halibut in ICES Subareas XIV & V	15 September
Atlantic halibut in ICES Subareas XIV & V and NAFO Subarea 1	1 September
Greenland halibut in NAFO Subarea 1 – South of 68° North	15 October
Northern Prawn in NAFO Subarea 1	1 October
Pelagic Redfish in ICES Subareas XIV & V and in NAFO Subarea 1F	1 September
Demersal Redfish in ICES Subareas XIV & V and in NAFO Subarea 1F	1 September
Snowcrab in NAFO Subarea 1	1 October
Cod in ICES Subarea XIV and in NAFO Subarea 1	31 October

COUNCIL DECISION

of 16 July 2012

on the signing, on behalf of the European Union, and the provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand and the Government of Denmark and the Home Rule Government of Greenland, on the other hand

(2012/653/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 paragraph 2 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 28 June 2007, the Council adopted Regulation (EC) No 753/2007⁽¹⁾ concerning the conclusion of the Fisheries Partnership Agreement between the European Community and the Government of Denmark and the Home Rule Government of Greenland⁽²⁾ ('the Agreement'). A Protocol setting out the fishing opportunities and the financial contribution provided for by the Agreement⁽³⁾ ('the current Protocol') was attached thereto. The current Protocol will expire on 31 December 2012.
- (2) The Union has negotiated with the Government of Denmark and the Government of Greenland a new Protocol to the Agreement setting out the fishing opportunities and financial contribution ('the Protocol').
- (3) On the conclusion of those negotiations, the new Protocol was initialled on 3 February 2012.
- (4) In order to allow EU vessels to carry on fishing activities, Article 12 of the Protocol provides for it to be applied provisionally from 1 January 2013.
- (5) The Protocol should be signed,

Article 1

The signing of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (hereinafter referred to as 'the Protocol'), is hereby authorised on behalf of the Union, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

The Protocol shall be applied on a provisional basis as from 1 January 2013, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels, 16 July 2012.

For the Council
The President
S. ALETRARIS

⁽¹⁾ OJ L 172, 30.6.2007, p. 1.

⁽²⁾ OJ L 172, 30.6.2007, p. 4.

⁽³⁾ OJ L 172, 30.6.2007, p. 9.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community ⁽¹⁾ on the one hand, and the Government of Denmark and the Home Rule Government of Greenland ⁽²⁾, on the other hand

Article 1

Period of application and fishing opportunities

1. For a period of three years from 1 January 2013, the Greenlandic authorities authorise EU fishing vessels to engage in fishing activities up to the level of the fishing opportunities set out in paragraph 5 of this Article and those established according to paragraph 2 of this Article.

The levels of the fishing opportunities set out in paragraph 5 of this Article may be reviewed by the Joint Committee. When reviewing the levels of fishing opportunities by the Joint Committee provided for in paragraph 5 of this Article, Greenland shall provide to the EU the fishing opportunities granted within the Greenlandic Exclusive Economic Zone (EEZ).

2. No later than 1 December 2013, and of each subsequent year, the Joint Committee shall agree upon the fishing opportunities for the species listed in paragraph 5 of this Article for the following year taking into account available scientific advice, the precautionary approach, the needs of the fishing industry and in particular the quantities set out in paragraph 7 of this Article.

In the event that the fishing opportunities are established by the Joint Committee at a lower level than the level set out in paragraph 5 of this Article, Greenland shall compensate the EU in subsequent years by the equivalent corresponding fishing opportunities or in the same year by other fishing opportunities.

If no compensation is agreed between the Parties, the financial arrangements, including the parameters for the calculation of the value, referred to in Article 2(2)(a) of this Protocol shall be adjusted proportionately.

3. The quota for Northern Prawn in East Greenland may be fished in areas West of Greenland provided that arrangements for quota transfers between ship owners from Greenland and the European Union have been established on a company-to-company basis. The Greenlandic authorities shall undertake to facilitate such arrangements on receipt of a request from the European Commission on behalf of Member States concerned. The maximum annual amount of quota to be transferred from East Greenland to areas of West Greenland shall be 2 000

tonnes. The fishery carried out by the EU vessels shall take place on the same conditions as those provided for in relation to a fishing authorisation issued to a Greenlandic ship owner subject to the provisions of Chapter I of the Annex.

4. Greenland shall offer the EU additional fishing opportunities. If the EU accepts, in whole or in part, such offer, the financial contribution referred to in Article 2(2)(a) shall be increased proportionately. The EU shall provide Greenland with a response no later than 6 weeks after receipt of the offer. If the EU authorities either decline the offer or do not react within 6 weeks, the Greenlandic authorities shall be free to offer the additional fishing opportunities to other parties.

5. Indicative level of fishing opportunities authorised by Greenland (in tonnes):

Stock components	2013	2014	2015
Cod in ICES Subarea XIV and in NAFO Subarea 1 ⁽¹⁾	2 200	2 200	2 200
Pelagic redfish in ICES Subareas XIV & V and in NAFO Subarea 1F ⁽²⁾	3 000	3 000	3 000
Demersal redfish in ICES Subareas XIV & V and in NAFO subarea 1F ⁽³⁾	2 000	2 000	2 000
Greenland Halibut in NAFO Subarea 1 – South of 68° North	2 500	2 500	2 500
Greenland Halibut in ICES Subareas XIV & V ⁽⁴⁾	4 315	4 315	4 315
Northern Prawn in NAFO Subarea 1	3 400	3 400	3 400
Northern Prawn in ICES Subareas XIV & V	7 500	7 500	7 500
Atlantic Halibut in NAFO Subarea 1	200	200	200
Atlantic Halibut in ICES Subareas XIV & V	200	200	200
Snowcrab in NAFO Subarea 1 ⁽⁵⁾	250	250	250
Capelin in ICES Subareas XIV & V ⁽⁶⁾	60 000	60 000	60 000
Grenadier spp. in ICES Subareas XIV & V ⁽⁷⁾	100	100	100

⁽¹⁾ The European Community became the European Union on 1 December 2009.

⁽²⁾ The Home Rule Government of Greenland became the Government of Greenland on 21 June 2009.

Stock components	2013	2014	2015
Grenadier spp. in NAFO Subarea 1 ⁽⁷⁾	100	100	100

⁽¹⁾ In the event of Harvest Control Rules to be implemented through a multi-annual management plan being adopted by the Greenlandic authorities, the figures may have to be revised accordingly. If this revision leads to additional fishing opportunities for the European Union, the financial compensation referred to in Article 2(2)(a) of the Protocol shall be increased proportionally.

⁽²⁾ To be fished with pelagic trawls.

⁽³⁾ To be fished with trawls.

⁽⁴⁾ To be fished by no more than 6 vessels at the same time. This catch limit and effort limitation may be revised in the light of a multi-management plan to be agreed between coastal States. If this revision leads to additional fishing opportunities for the European Union, the financial compensation referred to in Article 2(2)(a) of the Protocol shall be increased proportionally.

⁽⁵⁾ Fishing activities shall only take place in accordance with Greenlandic national legislation.

⁽⁶⁾ When catchable, the European Union may fish up to 7,7 % of the capelin TAC during the fishing season from 20 June to 30 April of the following year. Accordingly, the financial compensation referred to in Article 2(2)(a) of the Protocol shall be increased proportionally. The preliminary TAC shall be communicated to the EU by Greenland well in advance of the opening of the fishing season as soon as possible and by the end of May at the latest.

⁽⁷⁾ Roundnose Grenadier and Rough-head Grenadier shall not be targeted and catches shall only be taken as by-catch in association with other targeted species and shall be reported separately.

6. Management of the by-catch

The by-catch is defined as any unwanted catches of any living marine organisms.

For the purposes of this Protocol, by-catches, which will be taken into account in by-catch limits, are any catches of species of commercial interest not covered by the vessel's target species indicated on the fishing authorisation.

EU fishing vessels operating in the Greenlandic EEZ shall abide by the applicable by-catch rules for species and fish stocks distributed in Greenlandic waters and in particular for those listed under Article 1(5). Moreover, it is prohibited in the Greenlandic EEZ to discard catches made on fish stocks managed through catch or effort limits in Greenlandic waters.

The maximum quantities which may be taken as by-catch are limited to a rate of 10 % of the quota of the targeted stock as expressed in the fishing authorisation for all fishing activities, except for fishing activities targeting Northern Prawn where this rate is reduced to 5 %. When an EU quota for a specific species has been exhausted, the maximum quantities which may be taken as by-catch will be limited to a rate of 5 % of the quota of the targeted stock.

By-catches made on fish stocks where the European Union benefits from fishing opportunities in Greenlandic waters shall be counted against the fishing opportunities of the relevant fish stock allocated to the EU.

By-catches and their specific composition shall be reviewed annually in the framework of the Joint Committee.

7. When the stock situation permits, the minimum quantities for maintaining Greenlandic fishing activities are hereby set at the following levels each year (in tonnes):

Species	NAFO 1	ICES XIV/V
Cod	30 000	
Redfish	2 500	10 000
Greenland halibut	4 700	4 000
Northern Prawn	75 000	1 500

8. Greenland shall not issue fishing authorisations to EU vessels otherwise than under this Protocol.

Article 2

Financial contribution – Methods of payment

1. For the period referred to in Article 1(1) of this Protocol, the financial contribution of the EU referred to in Article 7 of the Agreement shall be EUR 17 847 244 per year.

2. This financial contribution shall comprise:

(a) the annual amount for access to the Greenlandic EEZ of EUR 15 104 203.

This amount shall include a financial reserve of EUR 1 500 000. Payments from this reserve shall be made according to the method set out in paragraph 4 below, to compensate for additional quantities of species made available by Greenland beyond those set out in Article 1(5) and accepted by the EU.

(b) a specific amount of EUR 2 743 041 per year for the support and implementation of Greenlandic sectoral fisheries policy.

3. Paragraph 1 above shall apply subject to the provisions of Article 1(2) and 1(5) and Articles 4, 5, 6 and 8 of this Protocol. The total amount of the financial contribution paid by the European Union shall not be more than twice the amount indicated in Article 2(2)(a).

4. Without prejudice to Article 1(2) and 1(5) and Articles 4, 5 and 6 of this Protocol, Greenland shall notify the EU authorities of any quantities for all species made available for catching beyond the amounts set out in Article 1(5). If accepted by the EU, subject to scientific advice, for those additional amounts the EU shall pay the sum of 17,5 % of the reference price as indicated in Chapter I of the Annex, up to a maximum of EUR 1 500 000 per year, to cover all species identified in Article 1(5). Any part of this financial reserve

not used in one year may be carried over to pay Greenland for additional quantities of species made available for catching in the subsequent year.

5. The EU shall pay the annual amount of the financial contribution, without financial reserve, no later than 30 June 2013 in the first year and no later than 1 March in the following years and the additional amounts from the financial reserve, by the same dates or as soon as possible thereafter, following the notification of the availability of the quantities in question and accepted by the EU.

6. The Greenlandic authorities shall have full discretion regarding the use of the financial contribution as specified in Article 2(2)(a).

7. The financial contribution shall be paid into a Public Treasury account opened with a financial institution specified by the Greenlandic authorities.

Article 3

Promotion of responsible fishing in the Greenlandic EEZ

1. The financial contribution as indicated in Article 2(2)(b) shall be managed in the light of objectives identified by mutual agreement between the two parties, and the annual and multi-annual programming to attain them.

2. As soon as this Protocol starts to apply and no later than three months thereafter, the Joint Committee shall agree on a multiannual sectoral programme and detailed implementing rules covering, in particular:

(a) annual and multiannual guidelines for using the part of the financial contribution referred to in Article 2(2)(b) for the initiatives to be carried out each year;

(b) the objectives, both annual and multiannual, to be achieved with a view to securing a continuation, over time, of responsible fishing and sustainable fisheries, taking account of the priorities expressed by Greenland in its national fisheries policy and other policies relating to, or having an impact on, the continuation of responsible fishing and sustainable fisheries;

(c) criteria and procedures for evaluating the results obtained each year.

3. Any proposed amendments to the multiannual sectoral programme must be agreed to by both parties within the Joint Committee.

4. Each year, Greenland shall allocate, if appropriate, an additional amount to the financial contribution referred to in Article 2(2)(b) with a view to implementing the multiannual sectoral programme. For the first year of application of the Protocol, that allocation of the EU financial contribution as well as of the additional amount shall be notified to the EU

by 1 March. For each year thereafter, Greenland shall notify the EU of those allocations no later than 1 December of the previous year.

5. Where the annual evaluation by the Joint Committee of the progress made in implementing the multiannual sectoral programme is not satisfactory and so warrants, the European Union may reduce the amount of the financial contribution referred to in Article 2(2)(b) of this Protocol, with a view to adjusting the amount of financial resources allocated to the implementation of the programme to be consistent with the expected results.

6. The Joint Committee is responsible for the follow-up of the implementation of the multi-annual sectoral support programme. If necessary, both parties shall continue this follow up through the Joint Committee, after the expiry of the Protocol until the specific financial counterpart relating to sectoral support foreseen in Article 2(2)(b) has been fully utilised.

Article 4

Scientific cooperation for responsible fishing

1. Both Parties hereby undertake to promote responsible fishing in the Greenlandic EEZ based on the principle of non-discrimination between the different fleets fishing in those waters.

2. During the period covered by this Protocol, the European Union and Greenland shall ensure the sustainable use of fishery resources in the Greenlandic EEZ.

3. The parties undertake to promote cooperation at a regional level on responsible fishing and, in particular, within the NEAFC and NAFO and any other sub-regional or international organisation concerned.

4. In accordance with Article 4(1) of this Protocol, and in light of the best available scientific advice, the Parties shall within the Joint Committee, adopt, where appropriate, measures in respect of the activities of European Union vessels licenced and authorised to undertake fishing activities under this Protocol to ensure sustainable management of the fishery resources in the Greenlandic EEZ.

Article 5

New Fishing Opportunities and experimental fisheries

1. Where an interest is expressed by the EU in having access to new fishing opportunities which are not indicated in Article 1(5) of this Protocol, this interest should be addressed to Greenland. The granting of such a request for access to new fishing opportunities shall be made only in accordance with Greenlandic Laws and Regulations and may be the subject of another agreement.

2. Authorisations for experimental fisheries shall be made available for a trial period of maximum six month each, in accordance with the Chapter X of the Annex.

3. When the Parties conclude that the experimental campaigns have achieved positive results, the Greenlandic authorities shall allocate 50 % of the fishing opportunities on the new species to the EU fleet, until the expiry of this Protocol, with a proportional increase in the part of the financial compensation referred to in Article 2(2)(a).

Article 6

Suspension and Review of the Payment of the Financial Contribution

1. The financial contribution referred to in Article 2(2)(a) and 2(2)(b) of this Protocol shall be reviewed or suspended if:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in the Greenlandic EEZ; or
- (b) significant changes in the policy guidelines which led to the conclusion of this Protocol are enacted, either one of the Parties requests a review of the provisions with a view to a possible amendment thereof; or
- (c) the European Union ascertains a breach of essential and fundamental elements of human rights as laid out in Article 6 of the Treaty on the European Union.

Subparagraph (c) shall not apply if the breach occurs in any area of responsibility or field of competence in which the Government of Greenland, as a result of the status of Greenland as a self-governing part of the Kingdom of Denmark, does not hold formal responsibilities or does not have formal competencies.

2. The European Union reserves the right to suspend, totally or partially, the payment of the specific contribution provided for in Article 2(2)(b) of this Protocol if:

- (a) the results obtained are found to be inconsistent with the programming following the evaluation carried out within the Joint Committee; or
- (b) Greenland fails to execute this specific contribution.

3. Suspension of the payment shall require the EU to notify its intention in writing at least three months before the date on which suspension is due to take effect.

4. Payment of the financial contribution shall recommence once the situation has been remedied following actions to mitigate the abovementioned circumstances and following consultation and agreement between the two Parties confirming that the situation is likely to allow a return to normal fishing activities.

Article 7

Suspension and Reinstatement of Fishing Authorisation

Greenland reserves the right to suspend fishing authorisations provided for in the Annex to this Protocol where:

- (a) a specific vessel is in serious violation of Greenlandic Laws and Regulations; or
- (b) a court order issued in relation to a violation of a specific vessel has not been respected by the shipowner. Once the court order has been respected, the fishing authorisation for the vessel shall be reinstated for the remaining period of the fishing authorisation.

Article 8

Suspension of the Implementation of the Protocol

1. Implementation of this Protocol shall be suspended at the initiative of either one of the Parties if:

- (a) unusual circumstances, other than natural phenomena, prevent fishing activities in Greenlandic EEZ; or
- (b) the European Union fails to make the payments provided for in Article 2(2)(a) of this Protocol for reasons not covered by Article 6 of this Protocol; or
- (c) a dispute between the Parties over the interpretation of this Protocol or its implementation arises; or
- (d) either one of the Parties does not respect the provisions of this Protocol; or
- (e) following significant changes in the policy guidelines which led to the conclusion of this Protocol, either one of the Parties requests a review of the provisions with a view to a possible amendment thereof; or
- (f) either one of the Parties ascertains a breach of essential and fundamental elements of human rights as laid out in Article 6 of the Treaty on the European Union.

Subparagraph (f) shall not apply if the breach occurs in any area of responsibility or field of competence in which the Government of Greenland, as a result of the status of Greenland as a self-governing part of the Kingdom of Denmark, does not hold formal responsibilities or does not have formal competencies.

2. Implementation of this Protocol may be suspended at the initiative of one Party if the dispute between the Parties is deemed to be serious and if the consultations held between the two Parties have not resulted in an amicable settlement.

3. Suspension of the implementation of this Protocol shall require the Party concerned to notify its intention in writing at least three months before the date on which suspension is due to take effect.

4. In the event of suspension of implementation, the Parties shall continue to consult each other with a view to finding an amicable settlement to their dispute. Where such settlement is reached, implementation of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and pro rata temporis according to the period during which implementation of the Protocol was suspended.

*Article 9***National Laws and Regulations**

1. The activities of European Union fishing vessels when operating in Greenlandic EEZ shall be governed by the applicable laws and regulations in Greenland and in the Kingdom of Denmark, unless otherwise provided for in the Agreement, this Protocol and the Annex hereto.

2. Greenland shall inform the European Union of any changes or new legislation which relates to fisheries policy, at least 3 months before the entry into force of such changes or new legislation.

*Article 10***Duration**

This Protocol and the Annex hereto shall apply for a period of three years from 1 January 2013, unless notice of termination is given in accordance with Article 11 of this Protocol.

*Article 11***Termination**

1. In the event of termination of the Protocol, the Party concerned shall notify the other Party in writing of its

intention to terminate it at least six months before the date on which such termination would take effect. Dispatch of the notification referred to in the previous sentence shall open consultations by the Parties.

2. Payment of the financial contribution referred to in Article 2 of this Protocol, for the year in which the termination takes effect, shall be reduced proportionately and pro rata temporis.

*Article 12***Provisional Application**

This Protocol shall apply provisionally from 1 January 2013.

*Article 13***Entry into force**

This Protocol and the Annex hereto shall enter into force on the date on which the Parties notify each other of the completion of the procedures necessary for that purpose.

Съставено в Брюксел на осемнадесети септември две хиляди и дванадесета година.
Hecho en Bruselas, el dieciocho de septiembre de dos mil doce.
V Bruselu dne osmnáctého září dva tisíce dvanáct.
Udfærdiget i Bruxelles den attende september to tusind og tolv.
Geschehen zu Brüssel am achtzehnten September zweitausendzwölf.
Kahe tuhande kaheteistkümnenda aasta septembrikuu kaheksateistkümnendal päeval Brüsselis.
Έγινε στις Βρυξέλλες, στις δέκα οκτώ Σεπτεμβρίου δύο χιλιάδες δώδεκα.
Done at Brussels on the eighteenth day of September in the year two thousand and twelve.
Fait à Bruxelles, le dix-huit septembre deux mille douze.
Fatto a Bruxelles, addì diciotto settembre duemiladodici.
Briselē, divi tūkstoši divpadsmitā gada astoņpadsmitajā septembrī.
Priimta du tūkstančiai dvyliktų metų rugsėjo aštuonioliką dieną Briuselyje.
Kelt Brüsszelben, a kétezer-tizenkettedik év szeptember havának tizennyolcadik napján.
Magħmul fi Brussell, fit-tmintax-il jum ta' Settembru tas-sena elfejn u tnax.
Gedaan te Brussel, de achttiende september tweeduizend twaalf.
Sporządzono w Brukseli dnia osiemnastego września roku dwa tysiące dwunastego.
Feito em Bruxelas, em dezoito de setembro de dois mil e doze.
Întocmit la Bruxelles la optsprezece septembrie două mii doisprezece.
V Bruseli dňa osemnásteho septembra dvetisícdivanásť.
V Bruslju, dne osemnajstega septembra leta dva tisoč dvanajst.
Tehty Brysselissä kahdeksantenatoista päivänä syyskuuta vuonna kaksituhattakaksitoista.
Som skedde i Bryssel den artonde september tjugohundratolv.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



За правителството на Дания
 Por el Gobierno de Dinamarca
 Za vládu Dánska
 For Danmarks regering
 Für die Regierung Dänemarks
 Taani valitsuse nimel
 Για την Κυβέρνηση της Δανίας
 For the Government of Denmark
 Pour le gouvernement du Danemark
 Per il governo della Danimarca
 Dānijas valdības vārdā –
 Danijos Vyriausybės vardu
 Dánia kormányza részéről
 Ghall-Gvern tad-Danimarka
 Voor de regering van Denemarken
 W imieniu Rządu Danii
 Pelo Governo da Dinamarca
 Pentru Guvernul Danemarcei
 Za vládu Dánsku
 Za vlado Danske
 Tanskan hallituksen puolesta
 För Danmarks regering



За правителството на Гренландия
 Por el Gobierno de Groenlandia
 Za vládu Grónska
 For Grønlands regering
 Für die Regierung Grönlands
 Gröönimaa valitsuse nimel
 Για την Κυβέρνηση της Γροιλανδίας
 For the Government of Greenland
 Pour le gouvernement du Groenland
 Per il governo della Groenlandia
 Grenlandes valdības vārdā –
 Grenlandijos Vyriausybės vardu
 Grönland kormányzata részéről
 Ghall-Gvern tal-Groenlandja
 Voor de regering van Groenland
 W imieniu Rządu Grenlandii
 Pelo Governo da Groenlândia
 Pentru Guvernul Groenlandei
 Za vládu Grónska
 Za vlado Grenlandije
 Grönlannin hallituksen puolesta
 För Grönlands regering



ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY EU VESSELS IN THE GREENLANDIC EEZ

CHAPTER I

APPLICATION FOR AND ISSUE OF FISHING AUTHORISATIONS (LICENCES)**Conditions for the exercise of fishing activities by EU vessels in the Greenlandic EEZ**

A. Fishing authorisation application and issuing formalities

1. Only eligible vessels may obtain a fishing authorisation to fish in the Greenlandic EEZ and/or under Greenlandic quota in international waters.
2. For a vessel to be eligible, neither the owner, the master nor the vessel itself shall be prohibited from fishing in the Greenlandic EEZ. They shall be in order with the Greenlandic authorities insofar as they shall have fulfilled all prior obligations arising from their fishing activities in Greenland or within the Greenlandic EEZ under the fisheries agreements concluded with the EU.
3. Applications shall be made on the forms provided for that purpose by Greenland, specimens of which are attached at Appendix 1. Each fishing authorisation application shall be accompanied by proof of payment of the fee for the fishing authorisation's term of validity. The fees shall include all national and local charges related to access to fishing activities as well as fees imposed by banks for transfers of money. In case a vessel has not paid the bank transfer fee this amount will be required to be paid with the next fishing authorisation application of this vessel and is a precondition for the issuing of a new fishing authorisation.

EU vessels of the same ship owner or agent may submit a collective application for a fishing authorisation provided that these vessels fly the flag of one and the same Member State. Each fishing authorisation issued under a collective application shall indicate the total quantity of specimen for which the fishing authorisation fee has been paid and shall carry the footnote 'authorised quantity to be shared by the vessels...(names of each vessel listed on the collective application)'.

The EU authorities shall present to the Greenlandic authorities the (collective) application for any fishing authorisation(s) of each vessel wishing to fish under the Agreement.

The Greenlandic authorities are entitled to suspend an existing fishing authorisation or not to issue a new fishing authorisation if an EU vessel has not fulfilled the requirements of transmitting relevant logbook sheets and landing declarations to the Greenlandic authorities in accordance with the catch reporting arrangements.

4. As soon as this Protocol starts to apply, the Greenlandic authorities shall communicate, all information concerning the bank accounts to be used for the payment of the fee.
5. Fishing authorisations shall be issued for specific vessels and shall not be transferable, subject to the provisions of paragraph 6. Fishing authorisations shall indicate the authorised quantity to be caught and retained on board. An amendment of any of the authorised quantities indicated in the fishing authorisation(s) shall be subject to a new application. In the case where a vessel exceeds any authorised quantity indicated in its fishing authorisation, it shall pay a fee equivalent to three times the amount provided for in Part B 3, for the quantity in excess of the authorised quantity. No new fishing authorisation shall be issued to that vessel as long as the fees corresponding to the exceeded quantities are not paid.
6. However, in a limited number of cases and at the request of the European Commission, a vessel's fishing authorisation may be replaced by a new fishing authorisation for another vessel with characteristics similar to those of the first vessel. The new fishing authorisation shall indicate:
 - (a) the date of issue,
 - (b) the fact that it invalidates and replaces the fishing authorisation of the previous vessel.
7. Fishing authorisations shall be transmitted by the Greenland Fisheries Authority to the European Commission within 15 working days of receipt of the application.
8. The original fishing authorisation or a copy of it shall be held on board at all times and be presented at any time on request of the competent Greenlandic authorities.

B. Validity of Fishing authorisations and Payment

1. Fishing authorisations shall be valid from the date of issue to the end of the calendar year in which the fishing authorisation has been issued. They shall be issued within 15 working days of receipt of the application following payment of the required fishing authorisation fees per year for each vessel.

As far as the capelin fishery is concerned, fishing authorisations shall be issued from 20 June to 31 December and also including 1 January to 30 April of the following year.

In case EU legislation fixing the fishing opportunities for a given year for EU vessels, in waters where catch limitations are required, has not been adopted by the beginning of the fishing year EU fishing vessels authorised to fish on 31 December in the previous fishing year may continue their activities on the same fishing authorisation in the year for which legislation has not been adopted provided that scientific advice allows for this. A provisional use of 1/12th of the quota indicated in the fishing authorisation of the previous year, per month, will be allowed provided that the applicable fishing authorisation fee is paid for the quota. The provisional quota may be adjusted in relation to the scientific advice and the conditions of the specific fishery.

The unused quantity of a fishing authorisation for Northern Prawn, at 31 December of a given year, may be transferred, on request, to the following year to a maximum of 5 % of the original quantity of the fishing authorisation, if scientific advice allows for that transfer. The quantity transferred shall be used by 30 April of the following year.

A fishing authorisation fee shall not be paid for by-catches.

2. The reference prices for the species are as follows:

Species	Live weight price in EUR per tonne
Cod	1 800
Pelagic Redfish	1 700
Demersal Redfish	1 700
Greenland Halibut	3 500
Northern Prawn - East	2 500
Northern Prawn - West	2 300
Atlantic Halibut	4 100
Capelin	190
Snowcrab	5 500
Grenadier spp.	2 204

3. The fishing authorisation fees are as follows:

Species	EUR per tonne
Cod	90
Pelagic Redfish	53
Demersal Redfish	53
Greenland Halibut	129
Northern Prawn - East	50
Northern Prawn - West	80
Atlantic Halibut	217
Snowcrab	120
Capelin	5

Should the authorised quantity not be fished, the fee corresponding to this authorised quantity shall not be reimbursed to the ship owner.

CHAPTER II

FISHING ZONES

1. The fishery shall take place within the fishing zone as defined as the Greenlandic Exclusive Economic Zone as provided for in the Regulation No. 1020 of 15 October 2004 in accordance with Royal Decree No. 1005 of 15 October 2004 on the Entry Into Force of Act on Exclusive Economic Zones for Greenland entering into force Act No. 411 of 22 May 1996 on Exclusive Economic Zones.

2. The fishery shall take place at least 12 nautical miles off the baseline according to § 7 Section 2 of Act No. 18 of 31 October 1996 on Fisheries issued by the Landsting of Greenland as most recently amended by the Inatsisartut Act No. 8 of 22 November 2011 unless specifically provided otherwise.
3. The baseline is defined in accordance with Royal Decree No. 1004 of 15 October 2004 on Amendment of Royal Degree on Delimitation of the territorial Waters of Greenland.

CHAPTER III

CATCH REPORTING

A. Catch Reporting and fishing logbook

1. Masters of EU fishing vessels fishing under the Agreement shall keep a fishing logbook of their operations indicating all quantities of each species caught and kept on board or discarded above 50 kg live weight equivalent.
2. The fishing logbook shall be completed by the master on a haul-by-haul basis indicating all catches and discards related to each haul for each day the EU fishing vessel is operating under a Greenlandic fishing authorisation. The information shall be recorded and transmitted daily no later than 2359 UTC by electronic means to the Greenlandic authorities via the Fisheries Monitoring Centre (FMC) of the Flag Member State. The format to be used for the completion and transmission of electronic fishing logbook data shall be agreed between both Parties before the entry into force of the Protocol by the Joint Committee.
3. The master shall also record and transmit fishing logbook data on receipt of a request from an official of the competent Greenlandic authority.
4. On the occasion of any transshipment operation or landing whilst within the Greenlandic EEZ, the master shall also record and transmit by electronic means transshipment and landing declaration data to the Greenlandic authorities via the FMC of the flag Member State within 24 hours of completion of the transshipment or landing operation.
5. The master shall be responsible for the accuracy of the fishing logbook data recorded and transmitted. The master and/or his representative shall be responsible for the accuracy of the transshipment and landing declaration data recorded and transmitted.
6. Without prejudice to paragraph 10, an EU fishing vessel shall not be allowed to leave port to fish under the Agreement without a fully operational electronic catch reporting system (ERS) installed on board.
7. Without prejudice to paragraph 10, EU fishing vessels which do not record and transmit fishing logbook data by electronic means shall not be permitted to fish within the Greenlandic EEZ.
8. In the event of:
 - (a) a technical failure or non-functioning of the electronic recording and reporting system fitted on board an EU fishing vessel, the master of the fishing vessel or his representative shall, starting from the time that the event was detected or from the time that he was otherwise informed, communicate fishing logbook data as appropriate, to the Greenlandic competent authorities via the FMC of the flag Member State, by alternative telecommunications means on a daily basis and no later than 2359 UTC even when there are no catches.
 - (b) a technical failure or non-functioning of the electronic recording and reporting system, in addition to the fishing logbook data, transshipment declaration and landing declaration data as appropriate shall also be communicated, if any of the following situations arise:
 - (i) at the request of the competent authorities of Greenland and/or the Flag Member State;
 - (ii) immediately after the last fishing operation;
 - (iii) before entering into port;
 - (iv) at the time of any inspection at sea;
 - (v) as may be required by Greenlandic legislation.Prior notification shall also be sent in the cases referred to in points (i) and (iii);
 - (c) Following a technical failure or non-functioning of the electronic recording and reporting system on board, an EU fishing vessel may only leave port once the electronic recording and reporting system fitted is fully operational to the satisfaction of the Greenlandic competent authorities and the FMC of the flag State, or is otherwise authorised to leave by the competent authorities of Greenland. Without prejudice to paragraph 6 above, the Greenlandic authorities shall immediately notify the FMC of the flag Member State and the EU authorities if they have authorised an EU fishing vessel to leave port without a fully operational electronic recording and reporting system on board.

9. The removal of the electronic recording and reporting system for repair or replacement shall be subject to the approval of the Greenlandic competent authorities whilst within the Greenlandic EEZ.
 10. Upon entry into force of the Protocol, in parallel with ERS, and for a transitional period of one year, EU fishing vessels operating under the Agreement shall complete and submit paper format Greenlandic logbooks.
- B. Non-receipt of catch data
1. When the Greenlandic competent authorities do not receive electronic catch, transshipment or landing declaration data transmissions in accordance with Section A above, they shall immediately notify the FMC of the flag Member State and the EU authorities. Upon receipt of this notification the FMC of the flag Member State shall immediately notify the master and the ship owner, and shall without further delay take action to rectify the situation. If, in respect of a particular EU fishing vessel, such a situation occurs more than three times within a period of a calendar year, the Greenlandic authorities may require the EU authorities to ensure that the FMC of the flag Member State undertakes a thorough investigation concerning the repeated failure of the electronic recording and reporting system fitted on board. The FMC of the flag Member State shall establish why data have not been received and shall take action to rectify the situation, and shall inform the Greenlandic FMC and the EU authorities of their findings and the cause of the failure.
 2. Immediately upon receipt of a notification from the FMC of the flag Member State, the master of the EU fishing vessel shall send all data which have not yet been transmitted by alternative telecommunication means to the competent Greenlandic authorities via the FMC of the flag Member State. Thereafter data shall be communicated daily and no later than 2359 UTC by the alternative telecommunication means.
- C. Format for exchange of information
1. The XML standard to be used for all electronic data exchanges between the two parties and, where appropriate, shall be that available on the Europa website:

http://ec.europa.eu/fisheries/cfp/control/codes/index_en.htm.
 2. Any amendments to the format referred to in paragraph 1 shall be clearly identified and marked with the date it was updated. Both parties shall inform each other of any intended changes in due time. Such amendments shall not come into force earlier than 6 months after they have been decided.
 3. Electronic data exchanges between the two parties and, where appropriate the EU authorities, shall be facilitated by using the means of communication managed by the European Commission on behalf of the European Union.

CHAPTER IV

TECHNICAL CONSERVATION MEASURES

EU fishing vessels shall be provided by Greenland with an English language version of relevant Greenlandic legislation concerning catch reporting, control, technical conservation measures and observer scheme.

CHAPTER V

CONTROL

The following measures shall apply to EU fishing vessels operating in Greenlandic EEZ without prejudice to the Greenlandic legislation.

A. Inspection at sea

1. The inspection of EU fishing vessels at sea within the Greenlandic EEZ shall be carried out by authorised inspectors. Inspection vessels shall be clearly marked in accordance with international convention and inspectors issued with a form of identity which they shall present to the master at the earliest opportunity during an inspection. Officials shall not interfere with the right of the master to communicate with the competent authorities of his flag Member State.
2. The master of a fishing vessel which is being inspected or his representative shall:
 - (a) facilitate safe and effective boarding of officials in accordance with good seamanship when the appropriate signal of the International Code of Signals is given or when the intention to board is established through radio communication by a vessel or helicopter carrying an official;
 - (b) facilitate the officials to perform their inspection duties, providing such assistance as is requested and is reasonable;
 - (c) permit the official(s) to communicate with the Greenlandic authorities;
 - (d) alert officials to particular safety hazards on board EU fishing vessels;

- (e) provide access by officials to all areas of the vessel, all processed or unprocessed catches, all fishing gears and all relevant information and documents;
 - (f) facilitate safe disembarkation by officials on completion of the inspection.
3. Greenlandic inspectors shall remain on board the EU vessel for the time necessary to carry out inspection tasks. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.
 4. Masters shall not be required to reveal commercially sensitive information over open radio channels.
 5. At the end of each inspection, Greenlandic inspectors shall communicate their findings to the master and draw up an inspection report. The master of the EU fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the relevant inspector and the master of the EU fishing vessel if he/she so wishes.
 6. The Greenlandic inspectors shall issue a copy of the inspection report to the master of the EU fishing vessel before leaving the vessel. Greenland shall notify the EU authorities of the inspection within 8 working days. After receipt of the notification and upon receiving a request from the EU authorities a copy of the inspection report shall be transmitted by Greenland to the EU authorities within 8 working days. Where appropriate this information shall be made available to the relevant Regional Fisheries Management Organisations (RFMOs).
- B. Inspection in port
1. The inspection in a port of Greenland of EU fishing vessels which land or tranship their catch shall be carried out by Greenlandic inspectors who are clearly identified as being assigned to carry out fishing checks.
 2. The port inspections will be carried out in accordance with FAO measures and Port State measures of the relevant RFMOs.
 3. Greenland may authorise the EU to participate in the inspection in port as an observer.
 4. The master of the EU fishing vessel shall co-operate to facilitate the Greenlandic inspectors to carry out their work.
 5. At the end of each inspection, Greenlandic inspectors shall communicate their findings to the master and draw up an inspection report. The master of the EU fishing vessel shall have the right to comment in the inspection report. The inspection report shall be signed by the relevant inspector and the master of the EU fishing vessel.
 6. The Greenlandic inspectors shall issue a copy of the inspection report to the master of the EU vessel before leaving. Greenland shall transmit a copy of the inspection report to the EU authorities within 8 working days following the inspection.

CHAPTER VI

CONTROL OBSERVER SCHEME

A. Observer scheme

Any fishing operations in the Greenlandic EEZ are subject to the observer scheme provided for under the Greenlandic law. Masters of EU fishing vessels holding a fishing authorisation to fish within the Greenlandic EEZ shall cooperate with the Greenlandic authorities for the purpose of embarking of observers on board.

B. Observer's salary

The salary and social contributions of the observer shall be borne by the competent Greenlandic authorities.

C. Observer's obligations

Whilst they are on board observers shall:

1. take all appropriate measures so as not to interrupt or hinder fishing operations;
2. respect on-board property and equipment;
3. respect the confidential nature of any document belonging to the vessel.

D. Observer's report

1. Before leaving the vessel, the observer shall submit a report of his observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.

2. The competent Greenlandic authorities shall notify the EU authorities about this disembarkation of the observer within 8 working days. After receipt of the notification and upon receiving a request from the EU authorities a copy of the observer's report shall be transmitted by Greenland to the EU authorities within 8 working days.

CHAPTER VII

VESSEL MONITORING SYSTEM (VMS)

Conditions On Issues related to Satellite Tracking of Fishing Vessels

1. With regard to the satellite tracking monitoring system any fishing vessels holding a fishing authorisation applicable in the waters of the other Party, shall comply with all the following provisions.
2. All vessels holding a fishing authorisation shall be equipped with a fully operational satellite-tracking device installed on board, to enable automatic and continuous communication of their geographical coordinates, to the fishing monitoring centre (FMC) of their flag state. The frequency of transmission shall be on an hourly basis.
3. Each position message shall:
 - (a) contain:
 - (i) the vessel identification;
 - (ii) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 500 metres, and with a confidence interval of 99 %;
 - (iii) the date and time the position is recorded;
 - (iv) the speed and the course of the vessel;
 - (b) and be configured in accordance with the attached format at Appendix 2.
4. The first position recorded after entry into the EEZ of the other party is identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the waters of the other party, which shall be identified by the code 'EXI'.
5. The FMC of the Flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.
6. The Vessel Monitoring System hardware and software components shall be tamper proof, i.e. shall not permit the input or output of false positions and shall not be capable of being manually over-ridden. The system shall be fully automatic and operational at all times regardless of environmental conditions. It shall be prohibited to destroy, damage, render inoperative or otherwise interfere with the satellite-tracking device. In particular, the masters shall ensure at all times that:
 - (a) the VMS system of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the Flag State.
 - (b) data are not altered in any way;
 - (c) the antenna or the antennas connected to the satellite tracking devices are not obstructed in any way;
 - (d) the power supply of the satellite tracking devices is not interrupted in any way; and
 - (e) the satellite tracking devices are not removed from the vessel.
7. It shall be prohibited for a fishing vessel to enter the other party's EEZ without a fully operational satellite tracking device, otherwise the Greenlandic authorities, are entitled to suspend with immediate effect the fishing authorisation of that fishing vessel. The Greenlandic authorities shall provide notice without delay to the vessel concerned. The EU authorities and the Flag State shall be notified of the suspension of fishing authorisations by the Greenlandic authorities without any delay.
8. Transmission by the vessel in the event of breakdown of the VMS system.
 - (a) In the event of breakdown of the VMS system of the vessel, it shall be repaired or replaced within 30 calendar days, after notification to the master of the fishing vessel and to its Flag State. The EU authorities shall be notified on the fact as soon as possible.
 - (b) During the period above mentioned, the vessel shall be required to start reporting manually his position, in accordance with Chapter VII, paragraph 3 above, by e-mail or fax to the FMC of the Flag State and to the FMC of the party where the vessel is. The frequency of this manual transmission shall be at least one position every 4 hours.

- (c) After that period, the vessel shall no longer be authorised to undertake fishing activities in the Greenlandic EEZ.
9. When the satellite tracking device has transmitted hourly messages with the same geographical position for more than 4 hours, a position message containing the activity code 'ANC', as described in the attached format, shall be sent. Such position messages may be transmitted with a frequency of once every 12 hours. Within less than 1 hour after the position has changed, the hourly reporting frequency will resume.
10. Secure communication of the position messages between FMC's
- (a) The FMC of the Flag State shall automatically send the position messages of the vessels concerned to the FMC of the party in whose waters the vessel is.
- (b) The FMC's of both parties shall exchange their coordinates e.g. e-mail addresses, fax, telex and telephones, and inform each other without any delay of any change to these coordinates.
- (c) The transmission of position messages between the FMCs concerned and the Flag States shall be carried out electronically by HTTPS protocol. The exchange of certificates shall take place between Greenlandic authorities and relevant Flag State FMC.
- (d) The FMCs of the European Union shall be the Flag State FMC in terms of communicating messages from the European Union to Greenland. For the purpose of communicating such reports and messages from Greenland to the European Union, the European Union FMC shall be the FMC of the Member State in whose waters the vessel is or has been operating. The FMC of Greenland is established at the Controlling Unit of Ministry of Fisheries, Hunting and Agriculture (Greenland Fisheries Licence Control Authorities) in Nuuk.
- (e) The FMC of those waters where the vessel is in a given moment shall inform the FMC of the Flag State and the European Commission of any interruption in the receiving of consecutive position messages from a vessel holding a fishing authorisation, where the vessel concerned has not notified its departure from the EEZ.
11. Malfunction of the communication system
- (a) Greenland shall ensure the compatibility of its electronic equipment with that of the FMC's of the Flag States and inform the EU immediately of any malfunction as regards the communication and receiving of position messages with a view to finding a technical solution as soon as possible.
- (b) Communication failures between FMC's shall not affect the operation of the vessels.
- (c) All non-transmitted messages during the downtime, shall be forwarded as soon as the communication is re-established between the FMC's concerned.
12. The master of the fishing vessels holding a fishing authorisation shall be considered to be responsible for any proven manipulation of the vessel's VMS system aimed at disturbing its operation or falsifying its position messages. Any infringement shall be subject to the penalties provided for by the party in whose waters the infringement took place and according to the legislation in force of that party.
13. Under no circumstances shall tracking data communicated to the other Party in accordance with this Agreement be disclosed to authorities, other than control and monitoring authorities, in such a way that individual vessels can be identified.
14. Without prejudice to previous paragraph, VMS data may be used for scientific or research purposes provided that users do not publish this data in such a way that individual vessels can be identified.

CHAPTER VIII

INFRINGEMENTS

A. Treatment of infringements

1. Any infringement committed in the Greenlandic EEZ by an EU fishing vessel holding a fishing authorisation in accordance with the provisions of this Annex shall be mentioned in an inspection report.
2. The signature of the inspection report by the master shall be without prejudice to the master's and/or ship owner's right of defence in respect of an infringement.

B. Information on Detention of a vessel

Greenland shall notify the EU within 24 hours of any detention of an EU fishing vessel holding a fishing authorisation. This notification shall be accompanied by brief details of the infringement.

C. Penalties for infringements

The penalty for the infringement shall be set by Greenland according to the provisions of the national legislation in force.

D. Legal proceeding – Bank security

1. When an infringement is brought before the competent court, the ship owner of the EU fishing vessel which committed the infringement shall deposit a bank security at a bank designated by Greenland, the amount of which, as set by Greenland, covers the costs linked to the detention of the EU fishing vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.
2. The bank security shall be released and returned to the ship owner without delay after the judgment has been given:
 - (a) in full, if no penalty has been imposed;
 - (b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security;
3. The legal proceedings shall open as soon as possible according to the national law;
4. Greenland shall inform the EU of the outcome of the legal proceedings within 14 days following the judgement.

E. Release of the vessel and the crew

The EU fishing vessel shall be authorised to leave port once the bank security has been deposited or once the penalty has been paid.

CHAPTER IX

TEMPORARY JOINT VENTURES

A. Methods and criteria for project assessment for temporary joint ventures and joint enterprises

1. The Parties shall exchange information on the projects presented for the formation of temporary joint ventures and joint enterprises according to Article 2 of the Agreement.
2. The projects shall be presented to the EU via the competent authorities of the Member State or Member States concerned.
3. The EU shall submit to the Joint Committee a list of projects concerning temporary joint ventures and joint enterprises. The Joint Committee shall assess the projects in accordance inter alia with the following criteria:
 - (a) technology appropriate to the proposed fishing operations;
 - (b) target species and fishing zones;
 - (c) age of the vessel;
 - (d) in case of temporary joint ventures, the total duration and that of fishing operations;
 - (e) previous experience of the EU ship owner and any Greenlandic partner in the fisheries sector.

4. The Joint Committee shall issue an opinion on the projects following the assessment under paragraph 3.

5. In the case of temporary joint ventures, once the projects have received a favourable opinion from the Joint Committee, following the approval of the Greenlandic authorities, the necessary fishing authorisations shall then be issued.

B. Conditions concerning access to resources of temporary joint ventures in Greenland

1. Fishing authorisations

The fishing authorisations to be issued by Greenland shall have a validity equal to the duration of the temporary joint ventures. Fishing shall take place on quotas allocated by the Greenlandic authorities.

2. Replacement of vessels

An EU vessel operating under a temporary joint venture may be replaced by another EU vessel with equivalent capacity and technical specifications only on duly justified grounds and with the agreement of the parties.

3. Fitting-out

Vessels operating under temporary joint ventures shall comply with the rules and regulations applicable in Greenland regarding fitting-out, which regulation shall be applied without discrimination between Greenland and EU vessels.

CHAPTER X

EXPERIMENTAL FISHERIES

Details of implementation for experimental fisheries

1. The Government of Greenland and the European Commission shall jointly decide on the European Union operators, the most suitable time as well as the arrangements for the implementation of experimental fisheries. In order to facilitate the exploratory work of the vessels, the Government of Greenland (through the Greenland Institute of Natural Resources) shall provide existing scientific and other basic information.
2. The Greenland fishing industry shall be closely associated (co-ordination and dialogue on the arrangements for experimental fisheries).
3. The length of the campaigns shall be for a maximum of six months and a minimum of three months. Following the agreement of the Parties these periods may be changed.
4. The European Commission shall communicate to the Greenlandic authorities the requests for fishing authorisations for experimental fishery. A technical dossier specifying:
 - (a) the technical characteristics of the vessel;
 - (b) the level of expertise on the fishery of the ship officers;
 - (c) the proposal for the technical parameters of the campaign (length, gear, exploration regions etc.)
5. Where necessary, the Greenlandic authorities shall organise a technical dialogue between the Parties and the ship-owners concerned.
6. Before the beginning of the campaign, the vessel owners shall submit to the Greenlandic authorities and to the European Commission:
 - (a) a declaration of the catches already on board;
 - (b) the technical characteristics of the fishing gear to be used for the campaign;
 - (c) an assurance that they will comply with the Greenland Regulations for fisheries;
7. During the campaign at sea, the owners of the vessels concerned shall:
 - (a) provide the Greenland Institute of Natural Resources, the Greenlandic authorities and the European Commission with a weekly report on catches per day and by haul, including the description of the campaign's technical parameters (position, depth, date and time, catches and other observations or comments);
 - (b) communicate the vessel's position, speed and heading by VMS;
 - (c) ensure the presence on board of one Greenlandic scientific observer or an observer chosen by the Greenlandic authorities. The role of the observer will be to gather scientific information from the catches, as well as to sample the catches. The observer shall be treated as a ship's officer and the vessel-owner shall cover the living costs of the observer during his stay on the vessel. The decision on the observer's time on board, the length of his stay, the boarding and landing harbour will be fixed in agreement with the Greenlandic authorities;
 - (d) submit the vessels to inspection on leaving the Greenlandic EEZ if the Greenlandic authorities so request;
 - (e) ensure that they comply with the Greenland Regulations for fisheries;
8. The catches consistent with and obtained during the experimental campaign remain the property of the vessel-owner.
9. The catches consistent with the experimental campaign shall be established by the Greenlandic authorities prior to the commencement of each campaign and made available to the master of the vessel(s) concerned.
10. The Greenlandic authorities will designate a contact person responsible for addressing any unforeseen problems that might hinder the development of the experimental fisheries.
11. The Greenlandic authorities will prior to the commencement of each campaign present the details and conditions of the experimental fishing campaigns in accordance with Article 9 and 10 of the Agreement and in accordance with Greenlandic law.

APPENDICES TO THIS ANNEX

1. Appendix 1 – Application form for a fishing authorisation
 2. Appendix 2 – Entry/exit notification form
 3. Appendix 3 – Flexibility scheme in the pelagic redfish fishery between Greenlandic and NEAFC waters
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Appendix 1

APPLICATION FORM FOR A FISHING AUTHORISATION IN THE GREENLANDIC EEZ

- 1 Flag State
 - 2 Name of Vessel
 - 3 EU Fleet Register Number
 - 4 External identification letters and number
 - 5 Port of registration
 - 6 International Radio call Sign (IRCS)
 - 7 Inmarsat Number (Telephone, Telex, Email) ⁽¹⁾
 - 8 Year of Building
 - 9 IMO number (if available)
 - 10 Type of Vessel
 - 11 Type of fishing gear
 - 12 Target Species + Quantity
 - 13 Fishing area (ICES/NAFO)
 - 14 Time period for a fishing authorisation
 - 15 Owners, Address of natural or legal person, Telephone, Telex, Email
 - 16 Vessel operator, Address of natural or legal person, Telephone, Telex, Email
 - 17 Name of Master
 - 18 Number of crew members
 - 19 Engine power (KW)
 - 20 Length (L.O.A.)
 - 21 Tonnage in GT
 - 22 Representative (agent) in Greenland, Name and address
 - 23 Address to where the fishing authorisation should be mailed
- European Commission, Directorate General for Maritime Affairs and Fisheries, Rue de la Loi 200, B-1049 Brussels, Fax +32 2 2962338 Email MARE-LICENCES@ec.europa.eu

⁽¹⁾ May be forwarded when application has been approved.

Appendix 2

ENTRY/EXIT NOTIFICATION FORM

Format for Communication of VMS messages to the FMC of the other Party

1) 'ENTRY' message

Data Element:	Field Code:	Mandatory/ Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, 'ENT'
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Latitude	LT	M	Position detail; position $\pm$ 99.999 (WGS-84)
Longitude	LG	M	Position detail; position $\pm$ 999.999 (WGS-84)
Speed	SP	M	Position detail; Vessel speed in tenths of knots
Course	CO	M	Position detail; Vessel course 360° scale
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

2) 'POSITION' message/report

Data Element:	Field Code:	Mandatory/ Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code

Data Element:	Field Code:	Mandatory/ Optional	Remarks:
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, 'POS' ⁽¹⁾
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Latitude	LT	M	Position detail; position $\pm$ 99.999 (WGS-84)
Longitude	LG	M	Position detail; position $\pm$ 999.999 (WGS-84)
Activity	AC	O ⁽²⁾	Position detail; 'ANC' indicating reduced reporting mode
Speed	SP	M	Position detail; Vessel speed in tenths of knots
Course	CO	M	Position detail; Vessel course 360° scale
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

3) 'EXIT' message

Data Element:	Field Code:	Mandatory/ Optional	Remarks:
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination Party Alfa-3 ISO country code
From	FR	M	Message detail; the transmitting Party Alfa-3 ISO country code
Record Number	RN	O	Message detail; serial number of the record in the relevant year
Record Date	RD	O	Message detail; date of transmission
Record Time	RT	O	Message detail; time of transmission
Type of Message	TM	M	Message detail; message type, 'EXI'
Radio Call Sign	RC	M	Vessel detail; international radio call sign of the vessel

⁽¹⁾ Type of message shall be 'MAN' for reports communicated by vessels with a defective satellite tracking device.

⁽²⁾ Applicable only if the vessel is transmitting POS messages at a reduced frequency.

Data Element:	Field Code:	Mandatory/ Optional	Remarks:
Internal Reference Number	IR	M	Vessel detail. Unique Party vessel number as Alfa-3 ISO flag country code followed by number
External Registration Number	XR	O	Vessel detail; the side number of the vessel
Date	DA	M	Position detail; UTC date of position (YYYYMMDD)
Time	TI	M	Position detail; UTC time of position (HHMM)
End of Record	ER	M	System detail; indicates end of the record

4) Format details

Each message in a data transmission is structured as follows:

- double slash (//) and the character 'SR' indicates the start of a message,
- a double slash (//) and field code indicates the start of a data element,
- a single slash (/) separates the field code and the data,
- pairs of data are separated by space
- the character ER and a double slash (//) indicate the end of the record.

All field codes in this Annex are in The North Atlantic Format as described in The NEAFC Scheme of Control and Enforcement.

Appendix 3

FLEXIBILITY SCHEME IN THE PELAGIC REDFISH FISHERY BETWEEN GREENLANDIC AND NEAFC WATERS

1. To be eligible to fish under the flexibility scheme in the redfish fishery between Greenlandic and NEAFC waters a vessel shall apply for a Greenlandic flexibility fishing authorisation. Subject to approval of the application, the vessel will receive a specific fishing authorisation for activities outside Greenlandic EEZ.
2. All measures concerning this fishery in the NEAFC regulatory area decided upon by NEAFC shall be observed.
3. A vessel may only fish its Greenlandic redfish quota once it has exhausted its share of the EU NEAFC redfish quota allocated by its Flag State.
4. A vessel may fish its Greenlandic quota within the same NEAFC area, where its NEAFC quota has been caught, subject to paragraph 5 below.
5. A vessel may fish its Greenlandic quota within the redfish conservation area (RCA) under the conditions as set out in the NEAFC recommendation on the management of redfish in the Irminger sea and adjacent waters, but excluding any part which lies within the EEZ of Iceland.
6. A vessel carrying out fishing activities in the NEAFC Regulatory Area shall transmit a VMS position report to NEAFC via its Flag State FMC in accordance with regulatory requirements. Whilst fishing on the Greenlandic quota within the NEAFC RCA the Flag State FMC shall specifically arrange for the results of hourly polling of the vessel's VMS position report to be transmitted to the Greenland FMC in near real time.
7. Master of the vessel shall ensure that when reporting to NEAFC and the Greenlandic authorities, redfish catches which have been caught in the NEAFC regulatory area under the Greenlandic flexibility fishing authorisation are clearly identified as counting against the Greenlandic quota by using the fishing authorisation allocated in the flexibility fishing authorisation.
 - (a) Before commencing to fish on its Greenlandic quota, a vessel shall transmit an ACTIVE 'CATCH ON ENTRY' message to the Greenlandic FMC through its Flag State FMC as follows:
 - (i) ACTIVE 'CATCH ON ENTRY'
 - (ii) Name of vessel
 - (iii) External registration ID
 - (iv) IRCS
 - (v) Name of master
 - (vi) Date and time of commencing fishing operations on Greenlandic quota
 - (vii) Position
 - (viii) Catch on board in species live weight equivalent and area of capture.
 - (b) DAILY CATCH REPORT

The fishing logbook data shall be transmitted daily by no later than 2359 UTC.
 - (c) On stopping of its fishing activities on the Greenlandic quota, a vessel shall transmit an PASSIVE 'CATCH ON EXIT' message to the Greenlandic FMC through its Flag State FMC as follows:
 - (i) PASSIVE 'CATCH ON EXIT'
 - (ii) Name of vessel
 - (iii) External registration ID
 - (iv) IRCS
 - (v) Name of master
 - (vi) Date and time of stopping of its fishing activities on the Greenlandic quota
 - (vii) Position
 - (viii) Catch on board in species live weight equivalent and area of capture.

Both ACTIVE and PASSIVE reports shall be transmitted without prejudice to the daily catch reporting obligation.

8. To enhance the protection of the areas of larval extrusion, fishing activities shall not commence prior to the date set out in the NEAFC recommendation on the management of redfish in the Irminger sea and adjacent waters.
 9. The Flag State shall report catches taken under the Greenlandic quota in Greenlandic waters and in the NEAFC regulatory area to the EU authorities. This shall include all catches taken under the flexibility scheme clearly identifying the catch and corresponding fishing authorisation.
 10. At the end of the fishing season each Flag State FMC shall transmit to the Greenlandic authorities catch statistics on the pelagic redfish fishery under this flexibility scheme.
-

REGULATIONS

COMMISSION REGULATION (EU) No 973/2012

of 22 October 2012

initiating an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 925/2009 on imports of certain aluminium foil originating in the People's Republic of China by imports of certain aluminium foil in rolls which are not annealed and of a width exceeding 650 mm originating in the People's Republic of China, 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 certain aluminium foil originating in the People's Republic of China and to make imports of certain aluminium foil in rolls which are not annealed and of a width exceeding 650 mm originating in the People's Republic of China subject to registration.
- (2) The request was lodged on 24 September 2012 by Symetal SA, Eurofoil Luxembourg SA, Alcomet and Hydro Aluminium Rolled Products GmbH, four Union producers of aluminium foil.

B. PRODUCT

- (3) The product concerned by the possible circumvention is aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls of a width not exceeding 650 mm and of a weight exceeding 10 kg and currently falling within CN code 7607 11 19 (TARIC code 7607 11 19 10), 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 presented at import in rolls which are not annealed and of a width exceeding 650 mm, currently falling within the same CN code as

the product concerned but falling within a different TARIC code (i.e. 7607 11 19 90 until the entry into force of this Regulation) and originating in the People's Republic of China (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 925/2009⁽²⁾ imposing a definitive anti-dumping duty on imports of certain aluminium foil originating, inter alia, in the People's Republic of China.

D. GROUNDS

- (6) The request contains sufficient prima facie evidence that the existing measures described in recital 5 are being circumvented by means of imports of the product under investigation and its subsequent conversion into the product concerned.
- (7) The prima facie evidence submitted is as follows:
- (8) The request shows that a significant change in the pattern of trade involving exports from the People's Republic of China to the Union has taken place following the imposition of the definitive anti-dumping duty on the product concerned imposed by Regulation (EC) No 925/2009, without sufficient due cause or justification for such a change other than the imposition of the duty.
- (9) This change appears to stem from the importation of the slightly modified product concerned which is then converted in the Union into the product concerned.
- (10) 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

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 262, 6.10.2009, p. 1.

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.

- (11) Finally, the request contains sufficient *prima facie* evidence that the prices of the product under investigation after conversion are dumped in relation to the normal value previously established for the product concerned.
- (12) Should circumvention practices covered by Article 13 of the basic Regulation, other than the one mentioned above, be identified in the course of the investigation, the investigation may also cover these practices.

E. PROCEDURE

- (13) 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 subject to registration, in accordance with Article 14(5) of the basic Regulation.

(a) Questionnaires

- (14) In order to obtain 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 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. Information, as appropriate, may also be sought from the Union industry.
- (15) 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.
- (16) The authorities of the People's Republic of China will be notified of the initiation of the investigation.

(b) Collection of information and holding of hearings

- (17) 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 from registration of imports or measures

- (18) 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.
- (19) While the extent to which the possible circumvention is taking place inside and/or outside the Union needs to be investigated, exemptions may be granted, in accordance with Article 13(4) of the basic Regulation, to importers and/or exporters of the product under investigation that can show that they are not related⁽¹⁾ to any producer subject to the measures⁽²⁾ and that they can show that they are not engaged in circumvention practices. Importers and exporters 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

- (20) Pursuant to Article 14(5) of the basic Regulation, imports of the product under investigation shall 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 was imposed.

G. TIME LIMITS

- (21) 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,
 - importers in the Union and exporters may request exemption from registration of imports or measures,
 - interested parties may make a written request to be heard by the Commission.

⁽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 recognised 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 importers 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.

- (22) 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 laid down in Article 3 of this Regulation.

H. NON-COOPERATION

- (23) 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.
- (24) 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.
- (25) 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

- (26) 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 Regulation in the *Official Journal of the European Union*.

J. PROCESSING OF PERSONAL DATA

- (27) 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

- (28) 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.
- (29) 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.

- (30) 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 aluminium foil of a thickness of not less than 0,008 mm and not more than 0,018 mm, not backed, not further worked than rolled, in rolls which are not annealed, of a width exceeding 650 mm and of a weight exceeding 10 kg and currently falling within CN code ex 7607 11 19 (TARIC code 7607 11 19 20), originating in the People's Republic of China, are circumventing the measures imposed by Regulation (EC) No 925/2009.

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 either manufactured by producers or imported by importers having applied for an exemption from registration and having been found to fulfil the conditions for an exemption to be granted.

Article 3

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

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.

Importers in the Union and producers requesting exemption from registration of imports or measures must submit a request duly supported by evidence within the same 37-day time limit.

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

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

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 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 08/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

Fax + 32 2 299 37 04

E-mail: TRADE-AC-AHF@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, 22 October 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 Regulation (EC) No 1225/2009, 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 974/2012**of 22 October 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, 22 October 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	MA	63,3
	MK	36,9
	ZZ	50,1
0707 00 05	MK	30,8
	TR	120,5
	ZZ	75,7
0709 93 10	TR	116,6
	ZZ	116,6
0805 50 10	AR	87,8
	CL	108,8
	TR	89,8
	ZA	84,3
	ZZ	92,7
0806 10 10	BR	279,8
	MK	80,9
	TR	145,1
	ZZ	168,6
0808 10 80	AR	216,2
	MK	29,8
	NZ	139,2
	US	143,5
	ZA	67,9
	ZZ	119,3
0808 30 90	CN	97,6
	TR	117,7
	ZZ	107,7

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 4 October 2012

on the European Union financial contribution to national programmes of six Member States (Germany, Lithuania, the Netherlands, Poland, Sweden and the United Kingdom) in 2012 for the collection, management and use of data in the fisheries sector

*(notified under document C(2012) 6838)***(Only the Dutch, English, German, Lithuanian, Polish and Swedish texts are authentic)**

(2012/654/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea ⁽¹⁾, and in particular Article 24(1) thereof,

Whereas:

- (1) Regulation (EC) No 861/2006 lays down the conditions whereby Member States may receive a contribution from the European Union for expenditure incurred in their national programmes of collection and management of data.
- (2) Those programmes are to be drawn up in accordance with Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽²⁾ and Commission Regulation (EC) No 665/2008 of 14 July 2008 laying down detailed rules for the application of Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽³⁾.
- (3) Belgium, Bulgaria, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Finland, Sweden and the United Kingdom submitted national programmes for the collection, management and use of data in the fisheries sector for the years 2011-2013 as provided for in Article 4(4) and

(5) of Regulation (EC) No 199/2008. Those programmes were approved in 2011 in accordance with Article 6(3) of Regulation (EC) No 199/2008.

- (4) Belgium, Bulgaria, Denmark, Estonia, Greece, Italy, Cyprus, Latvia, Romania, Slovenia and Finland have not amended their national programmes 2011-2013 for the year 2012. By Commission Implementing Decision 2012/276/EU ⁽⁴⁾, the Commission decided on the contribution to those national programmes for the year 2012, for these Member States, except Greece.

- (5) Germany, Ireland, Spain, France, Lithuania, Malta, the Netherlands, Poland, Portugal, Sweden and the United Kingdom submitted amendments to their national programmes for the year 2012, pursuant to Article 5(2) of Regulation (EC) No 199/2008. The amendments for Germany, Lithuania, the Netherlands, Poland, Sweden and the United Kingdom were adopted by the Commission in 2012 in accordance with Article 6(3) of Regulation (EC) No 199/2008.

- (6) Germany, Lithuania, the Netherlands, Poland, Sweden and the United Kingdom also submitted annual budget forecasts for the year 2012 according to Article 2 of Commission Regulation (EC) No 1078/2008 of 3 November 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States for the collection and management of the basic fisheries data ⁽⁵⁾. The Commission has evaluated Member States' annual budget forecasts, as laid down in Article 4 of Regulation (EC) No 1078/2008, by taking into account the approved amendments to the national programmes in accordance with Article 6(3) of Regulation (EC) No 199/2008.

- (7) Article 5 of Regulation (EC) No 1078/2008 establishes that the Commission is to approve the annual budget forecast and is to decide on the annual Union financial contribution to each national programme in accordance

⁽¹⁾ OJ L 160, 14.6.2006, p. 1.

⁽²⁾ OJ L 60, 5.3.2008, p. 1.

⁽³⁾ OJ L 186, 15.7.2008, p. 3.

⁽⁴⁾ OJ L 134, 24.5.2012, p. 27.

⁽⁵⁾ OJ L 295, 4.11.2008, p. 24.

with the procedure laid down in Article 24 of Regulation (EC) No 861/2006 and on the basis of the outcome of the evaluation of the annual budget forecasts as referred to in Article 4 of Regulation (EC) No 1078/2008.

- (8) Article 24(3)(b) of Regulation (EC) No 861/2006 establishes that a Commission Decision is to fix the rate of the financial contribution. Article 16 of that Regulation provides that Union financial measures in the area of basic data collection are not to exceed 50 % of the costs incurred by Member States in carrying out the programme of collection, management and use of data in the fisheries sector.
- (9) This Decision constitutes the financing decision within the meaning of Article 75(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

The maximum global amounts of the Union financial contribution to be granted to each Member State for the collection, management and use of data in the fisheries sector for 2012 and the rate of the Union financial contribution, are established in the Annex.

Article 2

This Decision is addressed to the Federal Republic of Germany, the Republic of Lithuania, the Kingdom of the Netherlands, the Republic of Poland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 4 October 2012.

For the Commission

Maria DAMANAKI

Member of the Commission

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

ANNEX

NATIONAL PROGRAMMES 2011-2013
ELIGIBLE EXPENDITURE AND MAXIMUM UNION CONTRIBUTION FOR 2012

(EUR)		
Member State	Eligible expenditure	Maximum Union contribution (Rate of 50 %)
Germany	6 942 364,00	3 471 182,00
Lithuania	215 902,00	107 951,00
Netherlands	4 427 312,00	2 213 656,00
Poland	967 705,00	483 852,50
Sweden	5 961 618,00	2 980 809,00
United Kingdom	8 544 243,00	4 272 121,50
Total	27 059 144,00	13 529 572,00

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2012 OF THE EU-LEBANON ASSOCIATION COUNCIL of 17 September 2012 establishing the Rules of Procedure of the Association Council (2012/655/EU)

THE EU-LEBANON ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part⁽¹⁾ (the Agreement'), and in particular Articles 74 to 81 thereof,

Whereas:

- (1) The Agreement entered into force on 1 April 2006.
- (2) Article 75 of the Agreement provides that the Association Council has to establish its rules of procedure.
- (3) The Rules of Procedure of the Association Council should therefore be adopted,

HAS ADOPTED THIS DECISION:

Article 1

Chairmanship

The Association Council shall be chaired, alternately, for a period of 12 months by a representative of the Presidency of the Council of the European Union, on behalf of the European Union and its Member States, and a representative of the Government of the Republic of Lebanon. The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Association Council shall meet regularly at ministerial level once a year. Special sessions of the Association Council may be held if the Parties so agree, at the request of either Party.

Unless otherwise agreed by the Parties, each session of the Association Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties.

The meetings of the Association Council shall be jointly convened by the secretaries of the Association Council in agreement with the Chairman of the Association Council.

Article 3

Representation

The members of the Association Council may be represented if unable to attend. If a member wishes to be so represented, he must notify the Chairman of the name of his representative before the meeting at which he is to be so represented.

The representative of a member of the Association Council shall exercise all the rights of that member.

Article 4

Delegations

The members of the Association Council may be accompanied by officials.

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank may attend the meetings of the Association Council as an observer when matters which concern the Bank appear on the agenda.

The Association Council may, by agreement between the Parties, invite non-members to attend its meetings in order to provide information on particular subjects.

Article 5

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the Embassy of the Republic of Lebanon in Brussels shall act jointly as secretaries of the Association Council.

Article 6

Correspondence

Correspondence addressed to the Association Council shall be sent to the Chairman of the Association Council at the address of the General Secretariat of the Council of the European Union.

The two secretaries shall ensure that correspondence is forwarded to the Chairman of the Association Council and, where appropriate, circulated to the other members of the Association Council. Correspondence circulated shall be sent to the General Secretariat of the European Commission, the Permanent Representations of the Member States, and the Embassy of the Republic of Lebanon in Brussels.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

Communications from the Chairman of the Association Council shall be sent to the addressees by the two secretaries and circulated, where appropriate, to the other members of the Association Council at the addresses indicated in the second paragraph.

Article 7

Publicity

Unless otherwise decided, the meetings of the Association Council shall not be public.

Article 8

Agendas for meetings

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the secretaries of the Association Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that such items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the secretaries not later than the date of dispatch of the agenda.

The agenda shall be adopted by the Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.

2. The Chairman may, in agreement with the Parties, shorten the periods specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 9

Minutes

Draft minutes of each meeting shall be drawn up by the two secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- (a) the documentation submitted to the Association Council;
- (b) statements which a member of the Association Council has asked to be entered;
- (c) the decisions taken, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Association Council for approval. They shall be approved within six months after each Association Council meeting. When approved, the minutes shall be signed by the Chairman and the two secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union; a certified true copy shall be forwarded to each of the addressees referred to in Article 6.

Article 10

Decisions and recommendations

1. The Association Council shall adopt its decisions and recommendations by mutual agreement of the Parties.

In the period between meetings, the Association Council may adopt decisions or recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Association Council within the meaning of Article 76 of the Agreement shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, the date of their adoption and a description of their subject. Each decision shall specify the date of its entry into force.

The decisions and recommendations of the Association Council shall be signed by the Chairman and authenticated by the two secretaries.

Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6.

The Association Council may decide to order publication of its decisions and recommendations in the *Official Journal of the European Union* and the *Official Journal of the Republic of Lebanon*.

Article 11

Languages

The official languages of the Association Council shall be the official languages of the two Parties.

Unless otherwise decided, the Association Council shall base its deliberations on documentation prepared in those languages.

Article 12

Expenses

The European Union and the Republic of Lebanon shall each defray its own expenses incurred by reason of its participation in the meetings of the Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from Arabic, which shall be borne by the Republic of Lebanon.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

Article 13

Association Committee

1. The Association Council shall be assisted in carrying out its duties by the Association Committee. The Committee shall be composed of representatives of the European Commission and of representatives of the members of the European Union, on the one hand, and of representatives of the Government of the Republic of Lebanon, on the other hand.

2. The Association Committee shall prepare the meetings and the deliberations of the Association Council, implement the decisions of the Association Council where appropriate and, in general, ensure continuity of the Association relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations to the Association Council for its approval.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Association Committee. The consultation may continue in the Association Council if the two Parties so agree.

4. The Rules of Procedure of the Association Committee are attached to this Decision.

Article 14

Entry into force

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

Done at Brussels, 17 September 2012.

For the EU-Lebanon Association Council

The Chairman

C. ASHTON

ANNEX

RULES OF PROCEDURE OF THE EU-LEBANON ASSOCIATION COMMITTEE*Article 1***Chairmanship**

The Association Committee shall be chaired, alternately, for periods of 12 months by a representative of the European Commission on behalf of the European Union and its Member States and a representative of the Government of the Republic of Lebanon.

The first period shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Association Committee shall meet when circumstances require, with the agreement of both Parties.

Each meeting of the Association Committee shall be held at a time and place agreed by both Parties.

The meetings of the Association Committee shall be convened by the Chairman.

*Article 3***Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

An official of the General Secretariat of the European Commission and an official of the Government of the Republic of Lebanon shall act jointly as secretaries of the Association Committee.

All communications to or from the Chairman of the Association Committee in the framework of these Rules of Procedure shall be addressed to the secretaries of the Association Committee and the secretaries and Chairman of the Association Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Association Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the secretaries of the Association Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion in the agenda not later than 21 days before the beginning of the meeting, save that such items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the secretaries not later than the date of dispatch of the agenda.

The Association Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Association Committee at the beginning of each meeting.

An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the periods specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing-up by the Chairman of the conclusions arrived at by the Association Committee.

When approved by the Association Committee, the minutes shall be signed by the Chairman and by the secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Deliberations**

In the specific cases where the Association Committee is empowered by the Association Council under the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part ⁽¹⁾ ('the Agreement') to adopt decisions/recommendations, those acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, the date of their adoption and a description of their subject.

Whenever the Association Committee takes a decision, Articles 10 and 11 of Decision No 1/2012 of the EU-Lebanon Association Council establishing the Rules of Procedure of the Association Council shall be applied *mutatis mutandis*.

Decisions and recommendations of the Association Committee shall be forwarded to the addressees referred to in Article 4.

*Article 9***Expenses**

Each Party shall defray the expenses related to its participation in the meetings of the Association Committee and of any working groups or bodies which might be set up in accordance with Article 80 of the Agreement, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting and/or translation into or from Arabic, which shall be borne by the Republic of Lebanon.

Other expenditure relating to the material organisation of meetings shall be borne by the Party which hosts the meetings.

⁽¹⁾ OJ L 143, 30.5.2006, p. 2.

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