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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1108/2012

of 23 November 2012

concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 23 November 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A galvanised article consisting of a steel U-shaped bolt threaded at both ends, two hexagon nuts and a cast steel clamp with two holes for the passage of the bolt. The article is used for holding, for example, two or more wires together by placing the wires in the U-bolt, fitting the clamp over the wires and tightening the nuts. (*) See image.	7326 90 98	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7326, 7326 90 and 7326 90 98. As the function of the article consisting of a bolt, two nuts and a clamp is different from that of a bolt, that is, it does not tighten and loosen together directly different elements, classification under heading 7318 as a bolt or similar article is excluded (see also the HS Explanatory Notes to heading 7326, point (1)). The article is therefore to be classified under CN code 7326 90 98 as other articles of steel.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 1109/2012
of 23 November 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder,

under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 23 November 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An electronic device (so-called 'CCD area image sensor') in a 60-pin ceramic package consisting of: — 3 charge coupled device (CCD) chips linearly arranged with an X-ray sensitive active area of approximately 220×6 mm. Each CCD chip has $1\,536 \times 128$ pixels with a pixel size of 48×48 μm, — 3 fibre optic plates with scintillators mounted on each CCD chip. The device has an output of integrated circuits. The device is installed in X-ray cameras to generate images. The fibre optic plates with scintillators convert the X-rays into visible light which is projected onto the CCD sensor. The CCD sensor converts the light into an electrical signal which is processed into an analogue or digital image. The device is designed for X-ray imaging.	8529 90 92	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 2(b) to Section XVI and by the wording of CN codes 8529, 8529 90 and 8529 90 92. As the device is composed of several components, such as light sensitive cells, integrated circuits and fibre optic plates with scintillators, classification under heading 8541 as a photosensitive semiconductor device is excluded. As the device is suitable for use solely or principally with a digital X-ray camera, it is therefore to be classified under CN code 8529 90 92 as a part of television cameras of subheading 8525 80 19.

COMMISSION IMPLEMENTING REGULATION (EU) No 1110/2012
of 23 November 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 23 November 2012.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A charger of the direct current converter type (so-called 'Universal dual-port car charger') comprising a car cigarette adapter, two USB interfaces and a light indicator. The charger has a voltage input of 12 V DC, a voltage output of 5 V DC and a current output of 500 mA or 2 × 250 mA. The charger is used for supplying power to charge various apparatus, such as mobile phones, PDA, GPS, cameras, MP3 and MP4 players.	8504 40 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8504, 8504 40 and 8504 40 90. The product is a static converter of the direct current converter type (see also the HS Explanatory Notes to heading 8504, (II), point (D)). The charger can be used for charging a variety of apparatus, for example, telecommunication apparatus, automatic data-processing machines, audio/video recording or reproducing apparatus and radio navigational aid apparatus. Classification under CN code 8504 40 30 as static converters of a kind used with telecommunication apparatus, automatic data-processing machines and units thereof is therefore excluded. The charger is therefore to be classified under CN code 8504 40 90 as other static converters.

COMMISSION IMPLEMENTING REGULATION (EU) No 1111/2012
of 23 November 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 23 November 2012.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An article in the form of nine cut-out printed stickers of paperboard, featuring various insects and other small creatures and decorated with artificial stones and glitter, on a sheet of plastic measuring approximately 30 × 30 cm. Each sticker is fitted with a self-adhesive strip and can be fixed to a chosen surface. It is possible subsequently to move the sticker to another surface. The stickers are used for decoration. (*) See image.	4911 91 00	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 12 to Chapter 48 and by the wording of CN codes 4911 and 4911 91 00. By virtue of Note 12 to Chapter 48, paperboard printed with motifs, characters or pictorial representations where those are not merely incidental to the primary use of the goods, fall under Chapter 49. The article is printed matter exclusively representing pictures, and it is used for decoration purposes. Classification under heading 4823 as other paperboard is therefore excluded. Self-adhesive printed stickers designed to be used for decoration are covered by heading 4911 (see also the HS Explanatory Notes to heading 4911, point (10)). The article is therefore to be classified under CN code 4911 91 00 as other printed pictures.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 1112/2012
of 23 November 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 23 November 2012.

For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
An insulated cable (so-called 'USB cable') with a length of 1 m which consists of insulated twisted wires and is fitted with USB connectors at both ends. The cable makes it possible to transfer data between different types of apparatus. It also makes it possible to supply electrical power to those apparatus or to charge them.	8544 42 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8544, 8544 42 and 8544 42 90. Data transfer between two apparatuses where no telecommunication technology, such as Ethernet, is used is not considered telecommunication for the purpose of subheading 8544 42 10. Consequently, classification under subheading 8544 42 10 as a cable fitted with connectors of a kind used for telecommunications is excluded (see also the CN Explanatory Notes to subheading 8544 42 10). The cable is therefore to be classified under CN code 8544 42 90 as other electric conductors for a voltage not exceeding 1 000 V fitted with connectors.

COMMISSION IMPLEMENTING REGULATION (EU) No 1113/2012**of 23 November 2012****amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In the interest of legal certainty, it is necessary to clarify the scope of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, as regards subheading 2710 20 Petroleum oils and oils obtained from bituminous minerals (other than crude) and preparations not elsewhere specified or included containing by weight 70 % or more of petroleum oils or oils obtained from bituminous minerals, these oils being the basic constituents of the preparations, containing biodiesel, other than waste oils.
- (2) According to Subheading Note 5 to Chapter 27, the term 'biodiesel' means mono-alkyl esters of fatty acids (FAMAE) of a kind used as a fuel, derived from animal or vegetable fats or oils whether or not used.
- (3) In order to permit classification of products under subheading 2710 20 it is necessary to define the value of the minimum content of biodiesel provided for in that subheading.
- (4) It is therefore appropriate to add a new paragraph to Additional Note 2 to Chapter 27 of the Combined Nomenclature which establishes the value of the minimum content of biodiesel at 0,5 % by volume (determination by EN 14078 method).
- (5) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (6) The Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

In Part Two, Section V, Chapter 27, Additional Notes, of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following point (g) is inserted between 'Such products fall in subheadings 2710 19 71 to 2710 19 99 or 2710 20 90' and Additional Note 3:

'(g) "containing biodiesel" means that the products of subheading 2710 20 have a minimum content of biodiesel, i.e. mono-alkyl esters of fatty acids (FAMAE) of a kind used as a fuel, of 0,5 % by volume (determination by EN 14078 method).'

Article 2

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

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

Done at Brussels, 23 November 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 1114/2012
of 26 November 2012
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, and in particular Article 9(1)(a) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Regulation (EEC) No 2658/87, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.

(4) It is appropriate to provide that binding tariff information which has been issued by the customs authorities of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information issued by the customs authorities of Member States, which is not in accordance with this Regulation, can continue to be invoked for a period of three months under Article 12(6) of Regulation (EEC) No 2913/92.

Article 3

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

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

Done at Brussels, 26 November 2012.

*For the Commission,
On behalf of the President,
Algirdas ŠEMETA
Member of the Commission*

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A track-laying vehicle for the transport of goods (so-called 'minitrac'), with a compression-ignition internal combustion piston engine of a cylinder capacity of 479 cm³, a gross vehicle weight of 2 085 kg and measuring approximately 265 × 95 × 202 cm. The vehicle consists of a chassis with a tippable flat bed with three sides that open, and an open cab with a seat for the driver. The unladen weight of the vehicle is 840 kg, its maximum load capacity is 1 200 kg. The maximum speed of the vehicle is approximately 6 km/h. The vehicle, which is intended for the transport and dumping of excavated or other materials over short distances on rough terrain, is not intended for use on the public highway. (*) See image.	8704 10 10	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8704, 8704 10 and 8704 10 10. The vehicle is intended for off-highway use on rough terrain, for transport and dumping of excavated or other materials. Furthermore, lightweight vehicles of the type used on construction sites are classified as dumpers (see also the HS Explanatory Notes to heading 8704 and the CN Explanatory Notes to CN codes 8704 10 10 and 8704 10 90). The fact that the vehicle is equipped with a tippable flat bed and continuous tracks instead of wheels does not preclude classification as a dumper (see also judgment of the Court of Justice of the European Union in case C-396/02). The vehicle is therefore to be classified under CN code 8704 10 10 as a dumper designed for off-highway use.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 1115/2012**of 28 November 2012****temporarily suspending customs duties on imports of certain cereals for the 2012/13 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ('Single CMO' Regulation) ⁽¹⁾, and in particular Article 187 in conjunction with Article 4 thereof,

Whereas:

(1) In order to promote the supply of cereals on the Community market during the first few months of the 2012/13 marketing year, Commission Implementing Regulation (EU) No 569/2012 ⁽²⁾ suspended until 31 December 2012 customs duties for the import tariff quota for common wheat of low and medium quality opened by Commission Regulation (EC) No 1067/2008 ⁽³⁾.

(2) The outlook for the cereals market of the European Union for the end of the 2012/13 marketing year would suggest that prices will remain buoyant, given the low stock levels and the Commission's current estimates regarding the quantities which will actually be available from the 2012 harvest. In order to make it easier to maintain a flow of imports conducive to EU market equilibrium, there is a need to ensure continuity in cereal imports policy by keeping the temporary suspension of customs duties on imports during the 2012/13 marketing year until 30 June 2013 for the import tariff quota to which this measure currently applies. For the same reasons, the measure should be extended to cover the import tariff quota for feed barley opened by Commission Regulation (EC) No 2305/2003 ⁽⁴⁾.

(3) Moreover, traders should not be penalised in cases where cereals are en route for importation into the Union. Therefore, the time required for transport should be taken into account and traders allowed to release cereals for free circulation under the customs-duty

suspension arrangements provided for in this Regulation, for all products whose direct transport to the Union has started at the latest on 30 June 2013. The evidence to be provided showing direct transport to the Union and the date on which the transport commenced should also be established.

(4) In order to ensure sound management of the procedure for issuing import licences as from 1 January 2013, this Regulation should enter into force on the day after its publication in the *Official Journal of the European Union*.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The application of customs duties to imports of common wheat falling within CN code 1001 99 00, of a quality other than high quality as defined in Annex II to Commission Regulation (EU) No 642/2010 ⁽⁵⁾, and of barley falling within CN code 1003 shall be suspended for the 2012/13 marketing year for all imports under the reduced-duty tariff quotas opened by Regulations (EC) No 1067/2008 and (EC) No 2305/2003.

2. Where the cereals referred to in paragraph 1 undergo direct transport to the Union and such transport began at the latest on 30 June 2013, the suspension of customs duties under this Regulation shall continue to apply for the purposes of the release into free circulation of the products concerned.

Proof of direct transport to the Union and of the date on which the transport commenced shall be provided, to the satisfaction of the relevant authorities, by the original transport document.

Article 2

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

It shall apply from 1 January to 30 June 2013.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 169, 29.6.2012, p. 41.

⁽³⁾ OJ L 290, 31.10.2008, p. 3.

⁽⁴⁾ OJ L 342, 30.12.2003, p. 7.

⁽⁵⁾ OJ L 187, 21.7.2010, p. 5.

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

Done at Brussels, 28 November 2012.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1116/2012**of 28 November 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, 28 November 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	AL	50,7
	MA	53,2
	MK	37,4
	TN	74,5
	TR	64,0
	ZZ	56,0
0707 00 05	AL	70,7
	MA	141,4
	MK	58,4
	TR	93,7
	ZZ	91,1
0709 93 10	MA	90,7
	TR	88,8
	ZZ	89,8
0805 20 10	MA	78,6
	ZZ	78,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	70,9
	HR	45,0
	TR	84,5
	ZZ	66,8
0805 50 10	AR	68,7
	TR	78,4
	ZZ	73,6
0808 10 80	MK	38,5
	NZ	138,3
	US	182,4
	ZA	88,7
	ZZ	112,0
0808 30 90	CN	66,2
	TR	116,3
	ZZ	91,3

⁽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

COUNCIL DECISION

of 26 November 2012

appointing a Belgian member and a Belgian alternate member of the Committee of the Regions

(2012/736/EU)

THE COUNCIL OF THE EUROPEAN UNION,

(a) as member:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

— Mr Alain HUTCHINSON, *Membre du Parlement de la Région de Bruxelles-Capitale*,

Having regard to the proposal of the Belgian Government,

Whereas:

and

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(b) as alternate member:

— Mr Charles PICQUÉ, *Ministre-Président du Gouvernement de la Région de Bruxelles-Capitale*.

(2) A member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Charles PICQUÉ.

Article 2

(3) An alternate member's seat will become vacant following the appointment of Mr Alain HUTCHINSON as member of the Committee of the Regions,

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

HAS ADOPTED THIS DECISION:

Done at Brussels, 26 November 2012.

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

For the Council
The President
G. DEMOSTHENOUS

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COMMISSION IMPLEMENTING DECISION**of 27 November 2012****amending Annexes I and II to Council Directive 82/894/EEC on the notification of animal diseases within the Community***(notified under document C(2012) 8518)***(Text with EEA relevance)****(2012/737/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community⁽¹⁾, and in particular the first and second indent of Article 5(2) thereof,

Whereas:

(1) Directive 82/894/EEC on the notification of animal diseases within the Union lays down the criteria for the notification of those animal diseases, the occurrence of which must be notified by the affected Member State to the Commission and to the other Member States.

(2) Annex I to Directive 82/894/EEC listing the diseases of which the occurrence must be notified to the Commission and the other Member States, includes equine encephalomyelitis, among the diseases affecting terrestrial animals, without distinguishing its different types. For the sake of clarity and to provide valuable information of animal or public health importance about the causal pathogen agent the different types of equine encephalomyelitis should be explicitly listed in this Annex.

(3) In addition, the diseases rabies, anthrax, bovine tuberculosis, bovine brucellosis, enzootic bovine leukosis and ovine and caprine brucellosis have been widely eradicated by most Member States. As a result, outbreaks thereof have become less frequent in large areas of the Union. From now on, outbreaks should be notified to the Commission and to the other Member States. It is therefore necessary to add these diseases to Annex I.

(4) To avoid administrative burden, under certain circumstances it is appropriate to require weekly notifications of primary outbreaks and monthly notifications of secondary outbreaks of the abovementioned diseases.

(5) Certain Member States and regions thereof have not yet achieved the officially free status for non-exotic diseases such as bovine tuberculosis, bovine brucellosis, enzootic bovine leukosis or ovine and caprine brucellosis, as regulated by Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine⁽²⁾ and Council Directive 91/68/EEC of 28 January 1991 on animal health conditions governing intra-Community trade in ovine and caprine animals⁽³⁾. To avoid a disproportionate quantity of notifications, it should not be required to notify outbreaks of the abovementioned diseases in non-free Member States or regions thereof.

(6) In the future, notifications to the Commission and to the World Animal Health Information System of the World Organisation for Animal Health (hereinafter 'OIE') concerning animal diseases will be entered in one system (the Animal Disease Information System — ADIS). It is thus appropriate, where possible, to use in Annex I to Directive 82/894/EEC the same terminology as used by the OIE.

(7) An online reporting system is already in place for the occurrence of low pathogenic avian influenza in wild birds. It is therefore appropriate to explicitly indicate that as regards avian influenza, highly pathogenic avian influenza outbreaks should be notifiable in poultry, captive birds and wild birds, while low pathogenic avian influenza outbreaks should only be notifiable in poultry and captive birds.

(8) Epizootic ulcerative syndrome was removed from the list of exotic diseases set out in Part II of Annex IV to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽⁴⁾ by Commission Implementing Directive 2012/31/EU of 25 October 2012 amending Annex IV to Council Directive 2006/88/EC as regards the list of fish species susceptible to Viral haemorrhagic septicaemia and the deletion of the entry for Epizootic ulcerative syndrome⁽⁵⁾. Consequently, the disease should also be removed from Annex I to Directive 82/894/EEC.

⁽²⁾ OJ L 121, 29.7.1964, p. 1977/64.

⁽³⁾ OJ L 46, 19.2.1991, p. 19.

⁽⁴⁾ OJ L 328, 24.11.2006, p. 14.

⁽⁵⁾ OJ L 297, 26.10.2012, p. 26.

⁽¹⁾ OJ L 378, 31.12.1982, p. 58.

- (9) Annexes I and II to Directive 82/894/EEC should therefore be amended accordingly.

Article 2

This Decision shall apply from 1 January 2013.

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

Article 3

This Decision is addressed to the Member States.

HAS ADOPTED THIS DECISION:

Done at Brussels, 27 November 2012.

Article 1

Annexes I and II to Directive 82/894/EEC are amended in accordance with the Annex to this Decision.

For the Commission

Maroš ŠEFČOVIČ

Vice-President

ANNEX

Annexes I and II to Directive 82/894/EEC are amended as follows:

(1) Annex I is replaced by the following:

'ANNEX I

Diseases which are subject to notification*A. Diseases of terrestrial animals*

List A.1:

- African horse sickness
- African swine fever
- Anthrax
- Avian influenza (HPAI in poultry, captive birds and wild birds and LPAI in poultry and captive birds)
- Bluetongue
- Bovine spongiform encephalopathy
- Classical swine fever
- Contagious bovine pleuropneumonia
- Dourine
- Equine encephalomyelitis of the following types:
 - Eastern equine encephalomyelitis
 - Japanese encephalitis
 - Venezuelan equine encephalomyelitis
 - West Nile fever
 - Western equine encephalomyelitis
- Equine infectious anaemia
- Foot-and-mouth disease
- Glanders
- Lumpy skin disease
- Newcastle disease
- Peste des petits ruminants
- Infection with rabies virus
- Rift Valley fever
- Rinderpest
- Sheep pox and goat pox
- Small hive beetle infestation (*Aethina tumida*)
- Swine vesicular disease
- *Tropilaelaps* infestation of honey bees
- Vesicular stomatitis

List A.2:

- Bovine brucellosis
- Bovine tuberculosis
- Enzootic bovine leukosis
- Caprine and ovine brucellosis (excluding *Brucella ovis*)

B. *Diseases of aquaculture animals*

- Epizootic haematopoietic necrosis
- Infectious haematopoietic necrosis
- Infectious salmon anaemia
- Infection with *Perkinsus marinus*
- Infection with *Mikrocytos mackini*
- Infection with *Marteilia refringens*
- Infection with *Bonamia ostreae*
- Infection with *Bonamia exitiosa*
- Koi herpes virus disease
- Taura syndrome
- Viral haemorrhagic septicaemia
- White spot disease
- Yellowhead disease^{*}.

(2) Annex II is amended as follows:

(a) point C is replaced by the following:

‘C. In the case of diseases of terrestrial animals referred to in list A.2 of Annex I:

- The confirmation of any outbreak, infection or presence of the disease agent in a herd as laid down in Annexes A and D to Directive 64/432/EEC or in a holding as laid down in Annex A to Council Directive 91/68/EEC (*), or the withdrawal of the officially free status to any such herd or holding due to the laboratory or epidemiological investigation as laid down in Annexes A and D to Directive 64/432/EEC or in Annex A to Directive 91/68/EEC in a Member State or region thereof officially free from the diseases in accordance with those Directives and not epidemiologically linked with a previous outbreak shall be notified as a primary outbreak as defined in Article 2(d) and shall be notified to the Commission and Member States within one week.
- Any other confirmation of an outbreak, infection or presence of the disease agent or withdrawal of the officially free status to any herd or holding due to the laboratory or epidemiological investigation as laid down in Annexes A and D to Directive 64/432/EEC or in Annex A to Directive 91/68/EEC in a Member State or region thereof officially free from the diseases in accordance with those Directives shall be notified as secondary outbreaks, in accordance with Article 4(1) of this Directive.
- Secondary outbreaks shall be notified to the Commission and the Member States on a monthly basis.
- In the case of bovine tuberculosis, bovine brucellosis and ovine and caprine brucellosis the name of the pathogen species shall also be included in the notification when known.

(*) OJ L 46, 19.2.1991, p. 19.;

(b) the following point is added:

‘D. In the case of diseases of aquaculture animals referred to in point B of Annex I:

- The confirmation of any outbreak of an exotic disease and of outbreaks of non-exotic diseases in previously disease-free Member States, zones or compartments as defined in Council Directive 2006/88/EC (*) shall be notified as primary outbreaks.
- Other outbreaks than those mentioned in the first indent shall be notified as secondary outbreaks in accordance with Article 4(1) of this Directive.
- Secondary outbreaks shall be notified to the Commission and the Member States on monthly basis. The name and description of the zone or compartment shall also be included in the notification.

(*) OJ L 328, 24.11.2006, p. 14.’

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