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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 6 December 2012

on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, with regard to the adoption of provisions on the coordination of social security systems

(2012/773/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(b), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 48 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part⁽¹⁾ (the 'Agreement'), provides that the Stabilisation and Association Council is to put in place, by decision, the provisions to implement the principles set out in that Article.
- (2) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (3) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Stabilisation and Association

Council, with regard to the adoption of provisions on the coordination of social security systems.

- (5) The position of the Union within the Stabilisation and Association Council should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Stabilisation and Association Council set up by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part, with regard to the adoption of provisions on the coordination of social security systems, shall be based on the draft decision of the Stabilisation and Association Council attached to this Decision.

Minor changes to that draft decision may be agreed to by the representatives of the Union in the Stabilisation and Association Council without the need to adopt a further Council decision.

Article 2

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

Done at Brussels, 6 December 2012.

For the Council

The President

S. CHARALAMBOUS

⁽¹⁾ OJ L 107, 28.4.2009, p. 166.

DRAFT

DECISION No .../... OF THE EU-ALBANIA STABILISATION AND ASSOCIATION COUNCIL
of ...
with regard to the adoption of provisions on the coordination of social security systems

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part ⁽¹⁾, and in particular Article 48 thereof,

Whereas:

- (1) Article 48 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part (the 'Agreement'), provides for the coordination of the social security systems of Albania and the Member States and lays down the principles for such coordination.
- (2) Article 48 of the Agreement provides that the Stabilisation and Association Council is to adopt a Decision for the purposes of implementing the principles set out in that Article.
- (3) With regard to the application of the non-discrimination principle, this Decision should not give any additional rights arising from certain facts or events occurring on the territory of the other Contracting Party, where such facts or events are not taken into account under the legislation of the first Contracting Party, other than the right to export certain benefits.
- (4) In applying this Decision, the right of Albanian workers to family benefits should be subject to the condition that their family members legally reside with them in the Member State where they are employed. Where their family members legally reside in another Member State, Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality ⁽²⁾ applies. This Decision should not give any entitlement to family benefits with respect to the family members of a worker who reside in a country other than a Member State, for instance Albania.
- (5) Regulation (EU) No 1231/2010 extends the application of the provisions of Regulation (EC) No 883/2004 of the

European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾ and of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁴⁾ to nationals of third countries who are not already covered by those provisions solely on the grounds of their nationality. Regulation (EU) No 1231/2010 already covers the principle of aggregation of insurance periods acquired by Albanian workers in the various Member States regarding entitlement to certain benefits, as set out in the first indent of Article 48(1) of the Agreement.

- (6) It may be necessary to lay down special provisions which correspond to the specific characteristics of the legislation of Albania, in order to facilitate the application of the coordination rules.
- (7) In order to ensure the smooth functioning of the coordination of the social security systems of the Member States and of Albania, it is necessary to provide for specific provisions regarding cooperation between the Member States and Albania, as well as between the person concerned and the institution of the competent State.
- (8) Transitional provisions should be adopted in order to protect the persons covered by this Decision and to ensure that they do not lose any rights as a result of its entry into force,

HAS ADOPTED THIS DECISION:

PART I

GENERAL PROVISIONS*Article 1***Definitions**

1. For the purposes of this Decision:
 - (a) 'Agreement' means the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part;

⁽¹⁾ OJ L 107, 28.4.2009, p. 166.

⁽²⁾ OJ L 344, 29.12.2010, p. 1.

⁽³⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 284, 30.10.2009, p. 1.

- (b) 'Regulation' means Regulation (EC) No 883/2004, as applicable in the Member States of the European Union;
- (c) 'implementing Regulation' means Regulation (EC) No 987/2009;
- (d) 'Member State' means a Member State of the European Union;
- (e) 'worker' means:
- (i) for the purposes of the legislation of a Member State, a person pursuing an activity as an employed person within the meaning of Article 1(a) of the Regulation;
 - (ii) for the purposes of the legislation of Albania, a person pursuing an activity as an employed person within the meaning of that legislation;
- (f) 'member of the family' means:
- (i) for the purposes of the legislation of a Member State, a member of the family within the meaning of Article 1(i) of the Regulation;
 - (ii) for the purposes of the legislation of Albania, a member of the family within the meaning of that legislation;
- (g) 'legislation' means:
- (i) in relation to the Member States, legislation, within the meaning of Article 1(l) of the Regulation, as applicable to the benefits covered by this Decision;
 - (ii) in relation to Albania, the legislation, as applicable in Albania, relating to the benefits covered by this Decision;
- (h) 'benefits' means:
- old-age pensions,
 - survivors' pensions,
 - pensions in respect of accidents at work and occupational diseases,
 - invalidity pensions relating to accidents at work and occupational diseases,
 - family allowances;
- (i) 'exportable benefits' means:
- (i) in relation to the Member States:
 - pensions in respect of accidents at work and occupational diseases,
 - invalidity pensions relating to accidents at work and occupational diseases,
 - (ii) in relation to Albania, the corresponding benefits as provided for under the legislation of Albania, with the exception of special non-contributory cash benefits as set out in Annex I to this Decision.
2. Other terms used in this Decision shall have the meaning which is assigned to them:
- (a) in relation to the Member States, in the Regulation and the implementing Regulation;
 - (b) in relation to Albania, in the relevant legislation as applicable in Albania.

Article 2

Persons covered

This Decision shall apply to:

- (a) workers who are Albanian nationals and who are, or have been, legally employed in the territory of a Member State and who are, or have been, subject to the legislation of one or more Member States, and their survivors;
- (b) the members of the family of workers referred to in point (a) provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in a Member State;
- (c) workers who are nationals of a Member State who are, or have been, legally employed in the territory of Albania and who are, or have been, subject to the legislation of Albania, and their survivors; and
- (d) the members of the family of workers referred to in point (c) provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in Albania.

Article 3

Equality of Treatment

1. Workers who are Albanian nationals and are legally employed in a Member State and any members of their family legally residing with them shall enjoy, with regard to benefits within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to nationals of the Member States in which those workers are employed.

2. Workers who are nationals of a Member State and are legally employed in Albania and any members of their family legally residing with them shall enjoy, with regard to benefits within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to Albanian nationals.

PART II

RELATIONS BETWEEN THE MEMBER STATES AND ALBANIA

Article 4

Waiving of residence clauses

1. Exportable benefits, within the meaning of Article 1(1)(i), to which the persons referred to in Article 2(a) and (c) are entitled, shall not be subject to any reduction, modification, suspension, withdrawal or confiscation on the grounds that the beneficiary resides:

(i) for the purpose of benefits under the legislation of a Member State, within the territory of Albania; or

(ii) for the purpose of benefits under the legislation of Albania, within the territory of a Member State.

2. The members of the family of a worker referred to in Article 2(b) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(ii), in the same way as the family members of a worker who is a national of the Member State concerned when those family members reside within the territory of Albania.

3. The members of the family of a worker referred to in Article 2(d) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(ii), in the same way as the family members of a worker who is a national of Albania when those family members reside within the territory of a Member State.

PART III

MISCELLANEOUS PROVISIONS

Article 5

Cooperation

1. The Member States and Albania shall communicate to each other all information regarding changes in their legislation which may affect the implementation of this Decision.

2. For the purposes of this Decision, the authorities and institutions of the Member States and of Albania shall lend

one another their good offices and act as though implementing their own legislation. The administrative assistance given by those authorities and institutions shall, as a rule, be free of charge. However, the competent authorities of the Member States and of Albania may agree to certain expenses being reimbursed.

3. The authorities and institutions of the Member States and of Albania may, for the purposes of this Decision, communicate directly with one another and with the persons involved or their representatives.

4. The institutions and persons covered by this Decision shall have a duty of mutual information and cooperation to ensure the correct implementation of this Decision.

5. The persons covered by this Decision shall inform the institutions of the competent Member State or of Albania, where the latter is the competent State, and of the Member State of residence or of Albania, where the latter is the State of residence, as soon as possible of any change in their personal or family situation which affects their right to benefits under this Decision.

6. Failure to respect the obligation of information set out in paragraph 5 may result in the application of proportionate measures in accordance with national law. Nevertheless, those measures shall be equivalent to those applicable to similar situations under national law and they shall not make it impossible or excessively difficult in practice for claimants to exercise the rights conferred on them by this Decision.

7. The Member States and Albania may provide for national provisions that establish conditions for the verification of entitlement to benefits in order to take into account the fact that the beneficiaries stay or reside outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and shall be in accordance with the principles set out in this Decision. Such provisions shall be notified to the Stabilisation and Association Council.

Article 6

Administrative checks and medical examinations

1. This Article shall apply to the persons as referred to in Article 2 and in receipt of exportable benefits within the meaning of Article 1(1)(i), as well as to the institutions in charge of the implementation of this Decision.

2. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides within the territory of a Member State when the debtor institution is located in Albania, or stays or resides within the territory of Albania when the debtor institution is located in a Member State, the medical examination shall be carried out, at the request of the debtor institution, by the institution of the beneficiary's place of stay or residence, in accordance with the procedures laid down by the legislation applied by that institution.

The debtor institution shall inform the institution of the place of stay or residence of any special requirements, if necessary, to be followed and points to be covered by the medical examination.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the medical examination.

The debtor institution shall reserve the right to have the beneficiary examined by a doctor of its choice, either in the territory where the recipient or claimant of benefits stays or resides or in the country where the debtor institution is located. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

3. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides in the territory of a Member State when the debtor institution is located in Albania, or stays or resides in Albania when the debtor institution is located in a Member State, the administrative check shall, at the request of the debtor institution, be performed by the institution of the beneficiary's place of stay or residence.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the administrative check.

The debtor institution shall reserve the right to have the situation of the beneficiary examined by a professional of its choice. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

4. One or more Member States and Albania may agree on other administrative provisions, subject to their informing the Stabilisation and Association Council thereof.

5. As an exception to the principle of free-of-charge mutual administrative assistance set out in Article 5(2) of this Decision, the effective amount of the expenses of the checks referred to in paragraphs 2 and 3 of this Article shall be refunded to the institution which was requested to carry them out by the debtor institution which requested them.

Article 7

Application of Article 126 of the Agreement

Article 126 of the Agreement shall apply in case either Party considers that the other Party has not complied with the obligations laid down in Articles 5 and 6.

Article 8

Special provisions for the application of the legislation of Albania

The Stabilisation and Association Council may, if necessary, lay down special provisions for the application of the legislation of Albania in Annex II to this Decision.

Article 9

Administrative procedures contained in existing bilateral agreements

Administrative procedures contained in existing bilateral agreements between a Member State and Albania may continue to apply provided that those procedures do not adversely affect the rights or obligations of the persons concerned, as set out in this Decision.

Article 10

Agreements supplementing the administrative procedures for implementing this Decision

One or more Member States and Albania may conclude agreements designed to supplement the administrative procedures for implementing this Decision, especially with regard to preventing and combating fraud and error.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

Article 11

Transitional provisions

1. No rights shall be acquired pursuant to this Decision for the period before its date of entry into force.

2. Subject to paragraph 1, a right shall be acquired under this Decision even if it relates to a contingency arising before its date of entry into force.

3. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, at the request of that person, be provided or resumed with effect from the date of entry into force of this Decision, provided that the rights for which benefits were previously provided have not given rise to a lump-sum payment.

4. If a request, as referred to in paragraph 3, is submitted within two years of the date of entry into force of this Decision, the rights acquired in accordance with this Decision shall have effect from that date, and the legislation of any Member State or Albania concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.

5. If a request, as referred to in paragraph 3, is submitted after the expiry of the two-year period referred to in paragraph 4, rights not forfeited or not time-barred shall have effect from the date on which the request was submitted, subject to any more favourable provisions under the legislation of any Member State or of Albania.

Article 12

Annexes to this Decision

1. The Annexes to this Decision constitute an integral part thereof.

2. At the request of Albania or of the European Union, the Annexes may be amended by a decision of the Stabilisation and Association Council.

Article 13

Entry into force

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

Done at ..., ...

For the Stabilisation and Association Council
The President

ANNEX I

LIST OF ALBANIAN SPECIAL NON-CONTRIBUTORY CASH BENEFITS

ANNEX II

SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF ALBANIA

COUNCIL DECISION

of 6 December 2012

on the position to be taken on behalf of the European Union within the Stabilisation and Association Council set up by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, with regard to the adoption of provisions on the coordination of social security systems

(2012/774/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(b) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 51 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part ⁽¹⁾ (the 'Agreement'), provides that the Stabilisation and Association Council is to put in place, by decision, the provisions to implement the principles set out in that Article.
- (2) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (3) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the Stabilisation and

Association Council, with regard to the adoption of provisions on the coordination of social security systems.

- (5) The position of the Union within the Stabilisation and Association Council should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Stabilisation and Association Council set up by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (the 'Agreement'), with regard to the adoption of provisions on the coordination of social security systems, shall be based on the draft decision of the Stabilisation and Association Council attached to this Decision.

Minor changes to that draft decision may be agreed to by the representatives of the Union in the Stabilisation and Association Council without the need to adopt a further Council decision.

Article 2

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

Done at Brussels, 6 December 2012.

For the Council

The President

S. CHARALAMBOUS

⁽¹⁾ OJ L 108, 29.4.2010, p. 3.

DRAFT

DECISION No .../... OF THE EU—MONTENEGRO STABILISATION AND ASSOCIATION COUNCIL

of ...

with regard to the adoption of provisions on the coordination of social security systems

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part ⁽¹⁾, and in particular Article 51 thereof,

Whereas:

- (1) Article 51 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (the 'Agreement'), provides for the coordination of the social security systems of Montenegro and the Member States and lays down the principles for such coordination.
- (2) Article 51 of the Agreement provides that the Stabilisation and Association Council is to adopt a Decision for the purposes of implementing the principles set out in that Article.
- (3) With regard to the application of the non-discrimination principle, this Decision should not give any additional rights arising from certain facts or events occurring on the territory of the other Contracting Party, where such facts or events are not taken into account under the legislation of the first Contracting Party, other than the right to export certain benefits.
- (4) In applying this Decision, the right of Montenegrin workers to family benefits should be subject to the condition that their family members legally reside with these workers in the Member State where the workers are employed. Where their family members legally reside in another Member State, Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality ⁽²⁾ applies. This Decision should not give any entitlement to family benefits with respect to the family members of a worker who reside in a country other than a Member State, for instance Montenegro.
- (5) Regulation (EU) No 1231/2010 already extends the provisions of Regulation (EC) No 883/2004 of the

European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾ and of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁴⁾ to nationals of third countries who are not already covered by those provisions solely on the grounds of their nationality. Regulation (EU) No 1231/2010 already covers the principle of aggregation of insurance periods acquired by Montenegrin workers in the various Member States regarding entitlement to certain benefits, as set out in Article 51(1)(a) of the Agreement.

- (6) It may be necessary to lay down special provisions which correspond to the specific characteristics of the legislation of Montenegro, in order to facilitate the application of the coordination rules.
- (7) In order to ensure the smooth functioning of the coordination of the social security systems of the Member States and of Montenegro, it is necessary to provide for specific provisions regarding cooperation between the Member States and Montenegro, as well as between the person concerned and the institution of the competent State.
- (8) Transitional provisions should be adopted in order to protect the persons covered by this Decision and to ensure that they do not lose any rights as a result of its entry into force,

HAS ADOPTED THIS DECISION:

PART I

GENERAL PROVISIONS*Article 1***Definitions**

1. For the purposes of this Decision:
 - (a) 'Agreement' means the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part;

⁽¹⁾ OJ L 108, 29.4.2010, p. 3.

⁽²⁾ OJ L 344, 29.12.2010, p. 1.

⁽³⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 284, 30.10.2009, p. 1.

- (b) 'Regulation' means Regulation (EC) No 883/2004, as applicable in the Member States of the European Union;
- (c) 'implementing Regulation' means Regulation (EC) No 987/2009;
- (d) 'Member State' means a Member State of the European Union;
- (e) 'worker' means:
- (i) for the purposes of the legislation of a Member State, a person pursuing an activity as an employed person within the meaning of Article 1(a) of the Regulation;
 - (ii) for the purposes of the legislation of Montenegro, a person pursuing an activity as an employed person within the meaning of that legislation;
- (f) 'member of the family' means:
- (i) for the purposes of the legislation of a Member State, a member of the family within the meaning of Article 1(i) of the Regulation;
 - (ii) for the purposes of the legislation of Montenegro, a member of the family within the meaning of that legislation;
- (g) 'legislation' means:
- (i) in relation to the Member States, legislation, within the meaning of Article 1(l) of the Regulation as applicable to the benefits covered by this Decision;
 - (ii) in relation to Montenegro, the legislation, as applicable in Montenegro, relating to the benefits covered by this Decision;
- (h) 'benefits' means:
- old-age pensions,
 - survivors' pensions,
 - pensions in respect of accidents at work and occupational diseases,
 - invalidity pensions related to accidents at work and occupational diseases,
 - family allowances;
- (i) 'exportable benefits' means:
- (i) in relation to the Member States:
 - old-age pensions,
 - survivors' pensions,
 - (ii) in relation to Montenegro, the corresponding benefits as provided for under the legislation of Montenegro, with the exception of special non-contributory cash benefits as set out in Annex I to this Decision.
2. Other terms used in this Decision shall have the meaning which is assigned to them:
- (a) in relation to the Member States, in the Regulation and the implementing Regulation;
 - (b) in relation to Montenegro, in the relevant legislation as applicable in Montenegro.
- Article 2*
- Persons covered**
- This Decision shall apply to:
- (a) workers who are Montenegrin nationals and who, are or have been, legally employed in the territory of a Member State and who are, or have been, subject to the legislation of one or more Member States, and their survivors;
 - (b) the members of the family of workers referred to in point (a) provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in a Member State;
 - (c) workers who are nationals of a Member State who are, or have been, legally employed in the territory of Montenegro and who are, or have been, subject to the legislation of Montenegro, and their survivors; and
 - (d) the members of the family of workers referred to in point (c) provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in Montenegro.
- Article 3*
- Equality of Treatment**
1. Workers who are Montenegrin nationals and are legally employed in a Member State and any members of their family legally residing with them shall enjoy, with regard to benefits within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to nationals of the Member States in which those workers are employed.

2. Workers who are nationals of a Member State and are legally employed in Montenegro and any members of their family legally residing with them shall enjoy, with regard to benefits within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to Montenegrin nationals.

PART II

RELATIONS BETWEEN THE MEMBER STATES AND MONTENEGRO

Article 4

Waiving of residence clauses

1. Exportable benefits, within the meaning of Article 1(1)(i), to which the persons referred to in Article 2(a) and (c) are entitled, shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason on the grounds that the beneficiary resides:

(i) for the purpose of benefits under the legislation of a Member State, within the territory of Montenegro, or

(ii) for the purpose of benefits under the legislation of Montenegro, within the territory of a Member State.

2. The members of the family of a worker referred to in Article 2(b) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(i), in the same way as the family members of a worker who is a national of the Member State concerned when those family members reside within the territory of Montenegro.

3. The members of the family of a worker referred to in Article 2(d) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(ii), in the same way as the family members of a worker who is a national of Montenegro when those family members reside within the territory of a Member State.

PART III

MISCELLANEOUS PROVISIONS

Article 5

Cooperation

1. The Member States and Montenegro shall communicate to each other all information regarding changes in their legislation which may affect the implementation of this Decision.

2. For the purposes of this Decision, the authorities and institutions of the Member States and of Montenegro shall lend one another their good offices and act as though implementing their own legislation. The administrative assistance given by those authorities and institutions shall, as a rule, be free of charge. However, the competent authorities of the Member States and of Montenegro may agree to certain expenses being reimbursed.

3. The authorities and institutions of the Member States and of Montenegro may, for the purposes of this Decision, communicate directly with one another and with the persons involved or their representatives.

4. The institutions and persons covered by this Decision shall have a duty of mutual information and cooperation to ensure the correct implementation of this Decision.

5. The persons covered by this Decision shall inform the institutions of the competent Member State or of Montenegro, where the latter is the competent State, and of the Member State of residence or of Montenegro, where the latter is the State of residence, as soon as possible of any change in their personal or family situation which affects their right to benefits under this Decision.

6. Failure to respect the obligation of information set out in paragraph 5 may result in the application of proportionate measures in accordance with national law. Nevertheless, those measures shall be equivalent to those applicable to similar situations under national law and they shall not make it impossible or excessively difficult in practice for claimants to exercise the rights conferred on them by this Decision.

7. The Member States and Montenegro may provide for national provisions that establish conditions for the verification of entitlement to benefits in order to take into account the fact that the beneficiaries stay or reside outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and shall be in accordance with the principles set out in this Decision. Such provisions shall be notified to the Stabilisation and Association Council.

Article 6

Administrative checks and medical examinations

1. This Article shall apply to the persons referred to in Article 2, in receipt of exportable benefits, within the meaning of Article 1(1)(i), as well as to the institutions in charge of the implementation of this Decision.

2. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides within the territory of a Member State when the debtor institution is located in Montenegro, or stays or resides in Montenegro when the debtor institution is located in a Member State, the medical examination shall be carried out, at the request of the debtor institution, by the institution of the beneficiary's place of stay or residence in accordance with the procedures laid down by the legislation applied by that institution.

The debtor institution shall inform the institution of the place of stay or residence of any special requirements, if necessary, to be followed and points to be covered by the medical examination.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the medical examination.

The debtor institution shall reserve the right to have the beneficiary examined by a doctor of its choice, either in the territory where the recipient or claimant of benefits stays or resides or in the country where the debtor institution is located. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

3. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides in the territory of a Member State when the debtor institution is located in Montenegro, or stays or resides in Montenegro when the debtor institution is located in a Member State, the administrative check shall, at the request of the debtor institution, be performed by the institution of the beneficiary's place of stay or residence.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the administrative check.

The debtor institution shall reserve the right to have the situation of the beneficiary examined by a professional of its choice. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

4. One or more Member States and Montenegro may agree on other administrative provisions, subject to their informing the Stabilisation and Association Council thereof.

5. As an exception to the principle of free-of-charge mutual administrative assistance set out in Article 5(2) of this Decision,

the effective amount of the expenses of the checks referred to in paragraphs 2 and 3 of this Article shall be refunded to the institution which was requested to carry them out by the debtor institution which requested them.

Article 7

Application of Article 129 of the Agreement

Article 129 of the Agreement shall apply in case either Party considers that the other Party has not complied with the obligations laid down in Articles 5 and 6.

Article 8

Special provisions for the application of the legislation of Montenegro

The Stabilisation and Association Council may, if necessary, lay down special provisions for the application of the legislation of Montenegro in Annex II to this Decision.

Article 9

Administrative procedures contained in existing bilateral agreements

Administrative procedures contained in existing bilateral agreements between a Member State and Montenegro may continue to apply provided that those procedures do not adversely affect the rights or obligations of the persons concerned, as set out in this Decision.

Article 10

Agreements supplementing the administrative procedures for implementing this Decision

One or more Member States and Montenegro may conclude agreements designed to supplement the administrative procedures for implementing this Decision, especially with regard to preventing and combating fraud and error.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

Article 11

Transitional provisions

1. No rights shall be acquired pursuant to this Decision for the period before its date of entry into force.

2. Subject to paragraph 1, a right shall be acquired under this Decision even if it relates to a contingency arising before its date of entry into force.

3. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, at the request of that person, be provided or resumed with effect from the date of entry into force of this Decision, provided that the rights for which benefits were previously provided have not given rise to a lump-sum payment.

4. If a request, as referred to in paragraph 3, is submitted within two years of the date of entry into force of this Decision, the rights acquired in accordance with this Decision shall have effect from that date, and the legislation of any Member State or Montenegro concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.

5. If a request, as referred to in paragraph 3, is submitted after the expiry of the two-year period referred to in paragraph 4, rights not forfeited or not time-barred shall have effect from the date on which the request was submitted, subject to any more favourable provisions under the legislation of any Member State or of Montenegro.

Article 12

Annexes to this Decision

1. The Annexes to this Decision constitute an integral part thereof.

2. At the request of Montenegro or of the European Union, the Annexes may be amended by a decision of the Stabilisation and Association Council.

Article 13

Entry into force

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

Done at ..., ...

For the Stabilisation and Association Council
The President

ANNEX I

LIST OF MONTENEGRIN SPECIAL NON-CONTRIBUTORY CASH BENEFITS

ANNEX II

SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF MONTENEGRO

COUNCIL DECISION

of 6 December 2012

on the position to be taken by the European Union within the Cooperation Committee set up by the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, with regard to the adoption of provisions on the coordination of social security systems

(2012/775/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(b), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 22 of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part⁽¹⁾ (the 'Agreement'), provides that the Cooperation Committee is to adopt provisions to implement the principles on the coordination of social security systems as set out in Article 21 of the Agreement.
- (2) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (3) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application.

(4) It is appropriate to establish the position to be taken on the Union's behalf in the Cooperation Committee, with regard to the adoption of provisions on the coordination of social security systems.

(5) The position of the Union within the Cooperation Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union within the Cooperation Committee set up by the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, with regard to the adoption of provisions on the coordination of social security systems, shall be based on the draft decision of the Cooperation Committee attached to this Decision.

Minor changes to that draft decision may be agreed to by the representatives of the Union in the Cooperation Committee without the need to adopt a further Council decision.

Article 2

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

Done at Brussels, 6 December 2012.

For the Council

The President

S. CHARALAMBOUS

⁽¹⁾ OJ L 84, 28.3.2002, p. 43.

DRAFT

DECISION No .../... OF THE EU-SAN MARINO COOPERATION COMMITTEE

of ...

with regard to the adoption of provisions on the coordination of social security systems

THE COOPERATION COMMITTEE,

Having regard to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part ⁽¹⁾, and in particular Article 22 thereof,

Whereas:

- (1) Article 21 of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part (the 'Agreement') lays down the principles for the coordination of the social security systems of San Marino and the Member States.
- (2) Article 22 of the Agreement provides that the Cooperation Committee is to adopt provisions to implement those principles.
- (3) With regard to the application of the non-discrimination principle, this Decision should not give any additional rights arising from certain facts or events occurring on the territory of the other Contracting Party, where such facts or events are not taken into account under the legislation of the first Contracting Party, other than the right to export certain benefits.
- (4) In applying this Decision, the right of San Marino workers to family benefits should be subject to the condition that their family members legally reside with them in the Member State where they are employed. Where their family members legally reside in another Member State, Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality ⁽²⁾ applies. This Decision should not give any entitlement to family benefits with respect to the family members of a worker who reside in a country other than a Member State, for instance San Marino.
- (5) Regulation (EU) No 1231/2010 extends the application of the provisions of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾ and of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation

(EC) No 883/2004 on the coordination of social security systems ⁽⁴⁾ to nationals of third countries who are not already covered by those provisions solely on the grounds of their nationality. Regulation (EU) No 1231/2010 already covers the principle of aggregation of insurance periods acquired by workers of San Marino nationality in the various Member States regarding entitlement to certain benefits, as set out in Article 21(2) of the Agreement.

- (6) It may be necessary to lay down special provisions which correspond to the specific characteristics of the legislation of San Marino in order to facilitate the application of the coordination rules.
- (7) In order to ensure the smooth functioning of the coordination of the social security systems of the Member States and of San Marino, it is necessary to provide for specific provisions regarding cooperation between the Member States and San Marino, as well as between the person concerned and the institution of the competent State.
- (8) Transitional provisions should be adopted in order to protect the persons covered by this Decision and to ensure that they do not lose any rights as a result of its entry into force,

HAS ADOPTED THIS DECISION:

PART I

GENERAL PROVISIONS*Article 1***Definitions**

1. For the purposes of this Decision:
 - (a) 'Agreement' means the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part;
 - (b) 'Regulation' means Regulation (EC) No 883/2004, as applicable in the Member States of the European Union;
 - (c) 'implementing Regulation' means Regulation (EC) No 987/2009;
 - (d) 'Member State' means a Member State of the European Union;

⁽¹⁾ OJ L 84, 28.3.2002, p. 43.⁽²⁾ OJ L 344, 29.12.2010, p. 1.⁽³⁾ OJ L 166, 30.4.2004, p. 1.⁽⁴⁾ OJ L 284, 30.10.2009, p. 1.

(e) 'worker' means:

- (i) for the purposes of the legislation of a Member State, a person pursuing an activity as an employed person within the meaning of Article 1(a) of the Regulation;
- (ii) for the purposes of the legislation of San Marino, a person pursuing an activity as an employed person within the meaning of that legislation;

(f) 'member of the family' means:

- (i) for the purposes of the legislation of a Member State, a member of the family within the meaning of Article 1(i) of the Regulation;
- (ii) for the purposes of the legislation of San Marino, a member of the family within the meaning of that legislation;

(g) 'legislation' means:

- (i) in relation to the Member States, legislation, within the meaning of Article 1(l) of the Regulation, as applicable to the benefits covered by this Decision;
- (ii) in relation to San Marino, the legislation, as applicable in San Marino, relating to the benefits covered by this Decision;

(h) 'benefits' means:

- (i) in relation to the Member States, benefits within the meaning of Article 3 of the Regulation;
- (ii) in relation to San Marino, the corresponding benefits applying within San Marino;

(i) 'exportable benefits' means:

- (i) in relation to the Member States:
 - old-age pensions,
 - survivors' pensions,
 - pensions in respect of accidents at work and occupational diseases,
 - invalidity pensions relating to accidents at work and occupational diseases,

within the meaning of the Regulation, with the exception of special non-contributory cash benefits as listed in Annex X to the Regulation;

- (ii) in relation to San Marino, the corresponding benefits as provided for under the legislation of San Marino, with the exception of special non-contributory cash benefits as set out in Annex I to this Decision.

2. Other terms used in this Decision shall have the meaning which is assigned to them:

(a) in relation to the Member States, in the Regulation and the implementing Regulation;

(b) in relation to San Marino, in the relevant legislation as applicable in San Marino.

Article 2

Persons covered

This Decision shall apply to:

- (a) workers who are nationals of San Marino and who are, or have been, legally employed in the territory of a Member State and who are, or have been, subject to the legislation of one or more Member States, and their survivors;
- (b) the members of the family of workers referred to in point (a) provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in a Member State;
- (c) workers who are nationals of a Member State who are, or have been, legally employed in the territory of San Marino and who are, or have been, subject to the legislation of San Marino, and their survivors; and
- (d) the members of the family of workers referred to in point (c) provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in San Marino.

Article 3

Equality of Treatment

1. Workers who are nationals of San Marino and are legally employed in a Member State and any members of their family legally residing with them shall enjoy, with regard to benefits within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to nationals of the Member States in which those workers are employed.

2. Workers who are nationals of a Member State and are legally employed in San Marino and any members of their family legally residing with them shall enjoy, with regard to benefits within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to nationals of San Marino.

PART II

RELATIONS BETWEEN THE MEMBER STATES AND SAN MARINO

Article 4

Waiving of residence clauses

1. Exportable benefits, within the meaning of Article 1(1)(i), to which the persons referred to in Article 2(a) and (c) are entitled, shall not be subject to any reduction, modification, suspension, withdrawal or confiscation on the grounds that the beneficiary resides:

- (i) for the purpose of benefits under the legislation of a Member State, within the territory of San Marino; or
- (ii) for the purpose of benefits under the legislation of San Marino, within the territory of a Member State.

2. The members of the family of a worker referred to in Article 2(b) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(ii), in the same way as the family members of a worker who is a national of the Member State concerned when those family members reside within the territory of San Marino.

3. The members of the family of a worker referred to in Article 2(d) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(ii), in the same way as the family members of a worker who is a national of San Marino when those family members reside within the territory of a Member State.

PART III

MISCELLANEOUS PROVISIONS

Article 5

Cooperation

1. The Member States and San Marino shall communicate to each other all information regarding changes in their legislation which may affect the implementation of this Decision.
2. For the purposes of this Decision, the authorities and institutions of the Member States and of San Marino shall lend one another their good offices and act as though implementing their own legislation. The administrative assistance given by those authorities and institutions shall, as a rule, be free of charge. However, the competent authorities of the Member States and of San Marino may agree to certain expenses being reimbursed.
3. The authorities and institutions of the Member States and of San Marino may, for the purposes of this Decision, communicate directly with one another and with the persons involved or their representatives.
4. The institutions and persons covered by this Decision shall have a duty of mutual information and cooperation to ensure the correct implementation of this Decision.
5. The persons covered by this Decision shall inform the institutions of the competent Member State or of San Marino, where the latter is the competent State, and of the Member State of residence or of San Marino, where the latter is the State of residence, as soon as possible of any change in their personal or family situation which affects their right to benefits under this Decision.
6. Failure to respect the obligation of information set out in paragraph 5 may result in the application of proportionate measures in accordance with national law. Nevertheless, those measures shall be equivalent to those applicable to similar situations under national law and they shall not make it impossible or excessively difficult in practice for claimants to exercise the rights conferred on them by this Decision.

Article 6

Administrative checks and medical examinations

1. This Article shall apply to the persons referred to in Article 2, in receipt of exportable benefits, within the meaning of Article 1(1)(i), as well as to the institutions in charge of the implementation of this Decision.

2. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides within the territory of a Member State when the debtor institution is located in San Marino, or stays or resides within the territory of San Marino when the debtor institution is located in a Member State, the medical examination shall be carried out, at the request of the debtor institution, by the institution of the beneficiary's place of stay or residence, in accordance with the procedures laid down by the legislation applied by that institution.

The debtor institution shall inform the institution of the place of stay or residence of any special requirements, if necessary, to be followed and points to be covered by the medical examination.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the medical examination.

The debtor institution shall reserve the right to have the beneficiary examined by a doctor of its choice, either in the territory where the recipient or claimant of benefits stays or resides or in the country where the debtor institution is located. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

3. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides in the territory of a Member State when the debtor institution is located in San Marino, or stays or resides in San Marino when the debtor institution is located in a Member State, the administrative check shall, at the request of the debtor institution, be performed by the institution of the beneficiary's place of stay or residence.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the administrative check.

The debtor institution shall reserve the right to have the situation of the beneficiary examined by a professional of its choice. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

4. One or more Member States and San Marino may agree on other administrative provisions, subject to their informing the Cooperation Committee thereof.

5. As an exception to the principle of free-of-charge mutual administrative assistance set out in Article 5(2) of this Decision, the effective amount of the expenses of the checks referred to in paragraphs 2 and 3 of this Article shall be refunded to the institution which was requested to carry them out by the debtor institution which requested them.

Article 7

Application of Article 24 of the Agreement

Article 24 of the Agreement shall apply in case either Party considers that the other Party has not complied with the obligations laid down in Articles 5 and 6.

Article 8

Special provisions for the application of the legislation of San Marino

The Cooperation Committee may, if necessary, lay down special provisions for the application of the legislation of San Marino in Annex II to this Decision.

Article 9

Administrative procedures contained in existing bilateral agreements

Administrative procedures contained in existing bilateral agreements between a Member State and San Marino may continue to apply provided that those procedures do not adversely affect the rights or obligations of the persons concerned, as set out in this Decision.

Article 10

Agreements supplementing the administrative procedures for implementing this Decision

One or more Member States and San Marino may conclude agreements designed to supplement the administrative procedures for implementing this Decision, especially with regard to preventing and combating fraud and error.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

Article 11

Transitional provisions

1. No rights shall be acquired pursuant to this Decision for the period before its date of entry into force.
2. Subject to paragraph 1, a right shall be acquired under this Decision even if it relates to a contingency arising before its date of entry into force.
3. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, at the request of that person, be provided or resumed with effect from the date of entry into force of this Decision, provided that the rights for which benefits were previously provided have not given rise to a lump-sum payment.
4. If a request, as referred to in paragraph 3, is submitted within two years of the date of entry into force of this Decision, the rights acquired in accordance with this Decision shall have effect from that date, and the legislation of any Member State or San Marino concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.
5. If a request, as referred to in paragraph 3, is submitted after the expiry of the two-year period referred to in paragraph 4, rights not forfeited or not time-barred shall have effect from the date on which the request was submitted, subject to any more favourable provisions under the legislation of any Member State or of San Marino.

Article 12

Annexes to this Decision

1. The Annexes to this Decision constitute an integral part thereof.
2. At the request of San Marino or of the European Union, the Annexes may be amended by a decision of the Cooperation Committee.

Article 13

Entry into force

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

Done at,

For the Cooperation Committee
The President

ANNEX I

LIST OF SAN MARINO SPECIAL NON-CONTRIBUTORY CASH BENEFITS

ANNEX II

SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF SAN MARINO

COUNCIL DECISION

of 6 December 2012

on the position to be taken on behalf of the European Union within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey, with regard to the adoption of provisions on the coordination of social security systems

(2012/776/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement establishing an association between the European Economic Community and Turkey ⁽¹⁾ (the 'Agreement') and the Additional Protocol to the Agreement of 23 November 1970 ⁽²⁾ (the 'Additional Protocol') provide that the freedom of movement for workers between the Union and Turkey is to be secured by progressive stages.

(2) Article 9 of the Agreement provides that within the scope of the Agreement any discrimination on grounds of nationality is prohibited.

(3) Article 39 of the Additional Protocol provides that the Association Council is to adopt social security measures for workers of Turkish nationality moving within the Union and for their families residing in the Union.

(4) As a first step towards the implementation of Article 39 of the Additional Protocol and of Article 9 of the Agreement in the field of social security, Decision No 3/80 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families ⁽³⁾ ('Decision No 3/80') was adopted by the Association Council on 19 September 1980.

(5) It is necessary to ensure that in the field of social security, Article 9 of the Agreement and Article 39 of the Additional Protocol are fully implemented.

(6) There is a need to update the implementing provisions currently contained in Decision No 3/80 so that they reflect developments in the field of European Union social security coordination ⁽⁴⁾.

(7) Decision No 3/80 should therefore be repealed and replaced with a Decision of the Association Council that, in one single step, implements the relevant provisions of the Agreement and of the Additional Protocol regarding the coordination of social security systems.

(8) It is appropriate to establish the position to be taken on the Union's behalf in the Association Council, with regard to the adoption of provisions on the coordination of social security systems.

(9) The position of the Union within the Association Council should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the Association Council set up by the Agreement establishing an association between the European Economic Community and Turkey, with regard to the adoption of provisions on the coordination of social security systems, shall be based on the draft decision of the Association Council attached to this Decision.

Minor changes to that draft decision may be agreed to by the representatives of the Union in the Association Council without the need to adopt a further Council decision.

⁽¹⁾ OJ 217, 29.12.1964, p. 3687/64.

⁽²⁾ OJ L 293, 29.12.1972, p. 3.

⁽³⁾ OJ C 110, 25.4.1983, p. 60.

⁽⁴⁾ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, (OJ L 166, 30.4.2004, p. 1); Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1); Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality, (OJ L 344, 29.12.2010, p. 1).

Article 2

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

Done at Brussels, 6 December 2012.

For the Council
The President
S. CHARALAMBOUS

DRAFT

DECISION No .../... OF THE EU-TURKEY ASSOCIATION COUNCIL**of ...****with regard to the adoption of provisions on the coordination of social security systems**

THE ASSOCIATION COUNCIL,

Having regard to the Agreement establishing an association between the European Economic Community and Turkey ⁽¹⁾, and in particular Article 22(3) thereof,

Having regard to the Additional Protocol of 23 November 1970 ⁽²⁾, and in particular Article 39 thereof,

Whereas:

- (1) The Agreement establishing an association between the European Economic Community and Turkey (the 'Agreement') and the Additional Protocol to the Agreement of 23 November 1970 (the 'Additional Protocol') provide that freedom of movement for workers between the Union and Turkey is to be secured by progressive stages.
- (2) Article 9 of the Agreement provides that within the scope of the Agreement any discrimination on grounds of nationality is prohibited.
- (3) Article 39 of the Additional Protocol provides for the coordination of the social security systems of Turkey and the Member States, and lays down the principles for such coordination.
- (4) Article 39 of the Additional Protocol further provides that the Association Council is to adopt social security measures for workers of Turkish nationality moving within the Community and for their families residing in the Community.
- (5) As a first step towards the implementation of Article 39 of the Additional Protocol, Decision No 3/80 on the application of the social security schemes of the Member States of the European Communities to Turkish workers and members of their families ⁽³⁾ ('Decision No 3/80') was adopted by the Association Council on 19 September 1980.
- (6) It is necessary to ensure that in the field of social security Article 9 of the Agreement and Article 39 of the Additional Protocol are fully implemented.
- (7) It is necessary to update the implementing provisions currently contained in Decision No 3/80 so that they reflect developments in the field of European Union social security coordination.
- (8) Regulation (EU) No 1231/2010 ⁽⁴⁾ extends the application of the provisions of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of

social security systems ⁽⁵⁾ and of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁶⁾ to nationals of third countries who are not covered by those provisions on the grounds of their nationality. Regulation (EU) No 1231/2010 already covers the principle of aggregation of insurance periods acquired by Turkish workers in the various Member States regarding entitlement to certain benefits, as set out in Article 39(2) of the Additional Protocol.

- (9) Decision No 3/80 should therefore be repealed and replaced with a Decision of the Association Council that, in one single step, implements the relevant provisions of the Agreement relating to the coordination of social security systems contained in the Agreement and in the Additional Protocol.
- (10) With regard to the application of the non-discrimination principle, this Decision should not give any additional rights arising from certain facts or events occurring on the territory of the other Contracting Party, where such facts or events are not taken into account under the legislation of the first Contracting Party, other than the right to export certain benefits.
- (11) In applying this Decision, the right of Turkish workers to family benefits should be subject to the condition that their family members legally reside with them in the Member State where they are employed. Where their family members legally reside in another Member State, Regulation (EU) No 1231/2010 applies. This Decision should not give any entitlement to family benefits with respect to the family members of a worker who reside in a country other than a Member State, for instance Turkey.
- (12) It may be necessary to lay down special provisions which correspond to the specific characteristics of the legislation of Turkey in order to facilitate the application of the coordination rules.
- (13) In order to ensure the smooth functioning of the coordination of the social security systems of the Member States and of Turkey, it is necessary to provide for specific provisions regarding cooperation between the Member States and Turkey, as well as between the person concerned and the institution of the competent State.

⁽¹⁾ OJ 217, 29.12.1964, p. 3687.

⁽²⁾ OJ L 293, 29.12.1972, p. 3.

⁽³⁾ OJ C 110, 25.4.1983, p. 60.

⁽⁴⁾ OJ L 344, 29.12.2010, p. 1.

⁽⁵⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁶⁾ OJ L 284, 30.10.2009, p. 1.

- (14) Transitional provisions should be adopted in order to protect the persons covered by this Decision and to ensure that they do not lose any rights as a result of its entry into force,

HAS ADOPTED THIS DECISION:

PART I

GENERAL PROVISIONS

Article 1

Definitions

1. For the purposes of this Decision:

- (a) 'Agreement' means the Agreement establishing an association between the European Economic Community and Turkey;
- (b) 'Regulation' means Regulation (EC) No 883/2004, as applicable in the Member States of the European Union;
- (c) 'implementing Regulation' means Regulation (EC) No 987/2009;
- (d) 'Member State' means a Member State of the European Union;
- (e) 'worker' means:
- (i) for the purposes of the legislation of a Member State, a person pursuing an activity as an employed person within the meaning of Article 1(a) of the Regulation;
 - (ii) for the purposes of the legislation of Turkey, a person pursuing an activity as an employed person within the meaning of that legislation;
- (f) 'member of the family' means:
- (i) for the purposes of the legislation of a Member State, a member of the family within the meaning of Article 1(i) of the Regulation;
 - (ii) for the purposes of the legislation of Turkey, a member of the family within the meaning of that legislation;
- (g) 'legislation' means:
- (i) in relation to the Member States, legislation, within the meaning of Article 1(l) of the Regulation, as applicable to the benefits covered by this Decision;
 - (ii) in relation to Turkey, the legislation, as applicable in Turkey, relating to the benefits covered by this Decision;
- (h) 'benefits' means:
- (i) in relation to the Member States, benefits within the meaning of Article 3 of the Regulation;

- (ii) in relation to Turkey, the corresponding benefits applying within Turkey;

- (i) 'exportable benefits' means:

- (i) in relation to the Member States:

- old-age pensions,
- survivors' pensions,
- pensions in respect of accidents at work and occupational diseases,
- invalidity pensions,

within the meaning of the Regulation, with the exception of special non-contributory cash benefits as listed in Annex X to the Regulation;

- (ii) in relation to Turkey, the corresponding benefits as provided for under the legislation of Turkey, with the exception of special non-contributory cash benefits as set out in Annex I to this Decision.

2. Other terms used in this Decision shall have the meaning which is assigned to them:

- (a) in relation to the Member States, in the Regulation and the implementing Regulation;
- (b) in relation to Turkey, in the relevant legislation as applicable in Turkey.

Article 2

Persons covered

This Decision shall apply to:

- (a) Turkish workers who are, or have been, legally employed in the territory of a Member State and who are, or have been, subject to the legislation of one or more Member States, and their survivors;
- (b) the members of the family of workers referred to in point (a), provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in a Member State;
- (c) workers who are nationals of a Member State who are, or have been, legally employed in the territory of Turkey and who are, or have been, subject to the legislation of Turkey, and their survivors; and
- (d) the members of the family of workers referred to in point (c), provided that those family members are, or have been, legally resident with the worker concerned while the worker is employed in Turkey.

*Article 3***Equality of treatment**

1. Turkish workers who are legally employed in a Member State and any members of their family legally residing with them shall enjoy, with regard to benefits, within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to nationals of the Member States in which those workers are employed.

2. Workers who are nationals of a Member State and who are legally employed in Turkey and any members of their family legally residing with them shall enjoy, with regard to benefits, within the meaning of Article 1(1)(h), treatment free from any discrimination based on nationality relative to nationals of Turkey.

PART II

RELATIONS BETWEEN THE MEMBER STATES AND TURKEY*Article 4***Waiving of residence clauses**

1. Exportable benefits, within the meaning of Article 1(1)(i), to which the persons referred to in Article 2(a) and (c) are entitled, shall not be subject to any reduction, modification, suspension, withdrawal or confiscation on the grounds that the beneficiary resides:

- (i) for the purpose of benefits under the legislation of a Member State, within the territory of Turkey, or
- (ii) for the purpose of benefits under the legislation of Turkey, within the territory of a Member State.

2. The members of the family of a worker referred to in Article 2(b) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(i), in the same way as the family members of a worker who is a national of the Member State concerned when those family members reside within the territory of Turkey.

3. The members of the family of a worker referred to in Article 2(d) shall be entitled to exportable benefits, within the meaning of Article 1(1)(i)(ii), in the same way as the family members of a worker who is a national of Turkey when those family members reside within the territory of a Member State.

PART III

MISCELLANEOUS PROVISIONS*Article 5***Cooperation**

1. The Member States and Turkey shall communicate to each other all information regarding changes in their legislation which may affect the implementation of this Decision.

2. For the purposes of this Decision, the authorities and institutions of the Member States and of Turkey shall lend

one another their good offices and act as though implementing their own legislation. The administrative assistance given by those authorities and institutions shall, as a rule, be free of charge. However, the competent authorities of the Member States and of Turkey may agree to certain expenses being reimbursed.

3. The authorities and institutions of the Member States and of Turkey may, for the purposes of this Decision, communicate directly with one another and with the persons involved or their representatives.

4. The institutions and persons covered by this Decision shall have a duty of mutual information and cooperation to ensure the correct implementation of this Decision.

5. The persons covered by this Decision shall inform the institutions of the competent Member State or of Turkey, where the latter is the competent State, and of the Member State of residence or of Turkey, where the latter is the State of residence, as soon as possible of any change in their personal or family situation which affects their right to benefits under this Decision.

6. Failure to respect the obligation of information set out in paragraph 5 may result in the application of proportionate measures in accordance with national law. Nevertheless, those measures shall be equivalent to those applicable to similar situations under national law, and they shall not make it impossible or excessively difficult in practice for claimants to exercise the rights conferred on them by this Decision.

7. The Member States and Turkey may provide for national provisions that establish conditions for the verification of entitlement to benefits in order to take into account the fact that the beneficiaries stay or reside outside the territory of the State where the debtor institution is located. Such provisions shall be proportionate, free from any discrimination based on nationality and shall be in accordance with the principles set out in this Decision. Such provisions shall be notified to the Association Council.

*Article 6***Administrative checks and medical examinations**

1. This Article shall apply to the persons referred to in Article 2, in receipt of exportable benefits, as referred to in Article 1(1)(i), as well as to the institutions in charge of the implementation of this Decision.

2. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides within the territory of a Member State when the debtor institution is located in Turkey, or stays or resides within the territory of Turkey when the debtor institution is located in a Member State, the medical examination shall be carried out, at the request of the debtor institution, by the institution of the beneficiary's place of stay or residence, in accordance with the procedures laid down by the legislation applied by that institution.

The debtor institution shall inform the institution of the place of stay or residence of any special requirements, if necessary, to be followed and points to be covered by the medical examination.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the medical examination.

The debtor institution shall reserve the right to have the beneficiary examined by a doctor of its choice, either in the territory where the recipient or claimant of benefits stays or resides, or in the country where the debtor institution is located. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

3. Where a recipient or a claimant of benefits, or a member of that person's family, stays or resides in the territory of a Member State when the debtor institution is located in Turkey, or stays or resides in Turkey when the debtor institution is located in a Member State, the administrative check shall, at the request of the debtor institution, be performed by the institution of the beneficiary's place of stay or residence.

The institution of the place of stay or residence shall forward a report to the debtor institution that requested the administrative check.

The debtor institution shall reserve the right to have the situation of the beneficiary examined by a professional of its choice. However, the beneficiary may be asked to return to the State of the debtor institution only where he or she is able to make the journey without prejudice to his or her health and where the cost of travel and accommodation is paid for by the debtor institution.

4. One or more Member States and Turkey may agree on other administrative provisions, subject to their informing the Association Council thereof.

5. As an exception to the principle of free-of-charge mutual administrative assistance set out in Article 5(2) of this Decision, the effective amount of the expenses of the checks referred to in paragraphs 2 and 3 of this Article shall be refunded to the institution which was requested to carry them out by the debtor institution which requested them.

Article 7

Application of Article 25 of the Agreement

Article 25 of the Agreement shall apply in case either Party considers that the other Party has not complied with the obligations laid down in Articles 5 and 6.

Article 8

Special provisions for the application of the legislation of Turkey

The Association Council may, if necessary, lay down special provisions for the application of the legislation of Turkey in Annex II to this Decision.

Article 9

Administrative procedures contained in existing bilateral agreements

Administrative procedures contained in existing bilateral agreements between a Member State and Turkey may continue to apply provided that those procedures do not adversely affect the rights or obligations of the persons concerned, as set out in this Decision.

Article 10

Agreements supplementing the administrative procedures for implementing this Decision

One or more Member States and Turkey may conclude agreements designed to supplement the administrative procedures for implementing this Decision, especially with regard to preventing and combating fraud and error.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

Article 11

Transitional provisions

1. No rights shall be acquired pursuant to this Decision for the period before its date of entry into force.

2. Subject to paragraph 1, a right shall be acquired under this Decision even if it relates to a contingency arising before its date of entry into force.

3. Any benefit which has not been awarded or which has been suspended by reason of the nationality or place of residence of the person concerned shall, at the request of that person, be provided or resumed with effect from the date of entry into force of this Decision, provided that the rights for which benefits were previously provided have not given rise to a lump-sum payment.

4. If a request, as referred to in paragraph 3, is submitted within two years of the date of entry into force of this Decision, the rights acquired in accordance with this Decision shall have effect from that date, and the legislation of any Member State or Turkey concerning the forfeiture or limitation of rights may not be invoked against the persons concerned.

5. If a request, as referred to in paragraph 3, is submitted after the expiry of the two-year period referred to in paragraph 4, rights not forfeited or not time-barred shall have effect from the date on which the request was submitted, subject to any more favourable provisions under the legislation of any Member State or of Turkey.

6. The rights of a person to whom a pension or special non-contributory cash benefit is provided by a Member State prior to the date of entry into force of this Decision and as a result of the direct effect of Article 6(1) of Decision No 3/80, shall not be limited or forfeited as a result of this Decision.

Article 12

Annexes to this Decision

The Annexes to this Decision constitute an integral part thereof.

Article 13

Repeal

Decision No 3/80 shall be repealed as from the date of entry into force of this Decision.

Article 14

Entry into force

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

Done at ..., ...

*For the Association Council
The President*

ANNEX I

LIST OF TURKISH SPECIAL NON-CONTRIBUTORY CASH BENEFITS

ANNEX II

SPECIAL PROVISIONS FOR THE APPLICATION OF THE LEGISLATION OF TURKEY

COUNCIL DECISION

of 10 December 2012

on the signing, on behalf of the European Union, of a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes

(2012/777/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 114, 168, 169 and 172, Article 173(3), and Articles 188 and 192, in conjunction with Article 218(5) thereof,

The signing, on behalf of the Union, of the Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes is hereby authorised, subject to its conclusion ⁽²⁾.

Having regard to the proposal from the European Commission,

Whereas:

Article 2

- (1) On 18 June 2007, the Council authorised the Commission to negotiate a Protocol to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Armenia, of the other part ⁽¹⁾, on a Framework Agreement between the European Union and the Republic of Armenia on the general principles for the participation of the Republic of Armenia in Union programmes ('the Protocol').

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

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

Done at Brussels, 10 December 2012.

- (2) The negotiations have been concluded.
- (3) The Protocol should be signed on behalf of the Union, subject to its conclusion,

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 239, 9.9.1999, p. 3.

⁽²⁾ The text of the Protocol will be published together with the decision on its conclusion.

REGULATIONS

COMMISSION REGULATION (EU) No 1189/2012

of 10 December 2012

establishing a prohibition of fishing for herring in EU, Norwegian and international waters of I and II by vessels flying the flag of Germany

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2012.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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, 10 December 2012.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 25, 27.1.2012, p. 55.

ANNEX

No	76/TQ44
Member State	Germany
Stock	HER/1/2-
Species	Herring (<i>Clupea harengus</i>)
Zone	EU, Norwegian and international waters of I and II
Date	21.11.2012

COMMISSION REGULATION (EU) No 1190/2012

of 12 December 2012

concerning a Union target for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in flocks of turkeys, as provided for in Regulation (EC) No 2160/2003 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 2160/2003 of the European Parliament and of the Council of 17 November 2003 on the control of salmonella and other specified food-borne zoonotic agents⁽¹⁾ and, in particular the second subparagraph of Article 4(1),

Whereas:

- (1) The purpose of Regulation (EC) No 2160/2003 is to ensure that proper and effective measures are taken to detect and control *Salmonella* and other zoonotic agents at all relevant stages of production, processing and distribution, particularly at the level of primary production, in order to reduce their prevalence and the risk they pose to public health.
- (2) Regulation (EC) No 2160/2003 provides for a Union target to be established for the reduction of the prevalence of all *Salmonella* serotypes with public health significance in turkeys at the level of primary production. That reduction is key to ensuring that the criteria for *Salmonella* in fresh meat of turkeys set out in Part E of Annex II to that Regulation and in Chapter 1 of Annex I to Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for food-stuffs⁽²⁾ can be met.
- (3) Regulation (EC) No 2160/2003 provides that the Union target is to include a numerical expression of the maximum percentage of epidemiological units remaining positive and/or the minimum percentage of reduction in the number of epidemiological units remaining positive, the maximum time limit within which the target must be achieved and the definition of the testing schemes necessary to verify achievement of the target. It is also to include a definition, where relevant, of serotypes with public health significance.
- (4) Regulation (EC) No 2160/2003 provides that experience gained under existing national measures and information forwarded to the Commission or to the European Food Safety Authority ('EFSA') under existing Union require-

ments, in particular in the framework of information provided for in Directive 2003/99/EC of the European Parliament and of the Council of 17 November 2003 on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC⁽³⁾, and in particular Article 5 thereof, is to be taken into account when setting the Union target.

- (5) Commission Regulation (EC) No 584/2008 of 20 June 2008 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of *Salmonella* Enteritidis and *Salmonella* Typhimurium in turkeys⁽⁴⁾ sets the target for the maximum percentage of flocks of turkeys remaining positive for those two *Salmonella* serotypes to 1 % or less by 31 December 2012, both for fattening and adult breeding flocks of turkeys.
- (6) The European Union Summary Report on Trends and Sources of Zoonoses, Zoonotic Agents and Food-borne Outbreaks in 2010⁽⁵⁾ showed that *Salmonella* Enteritidis and *Salmonella* Typhimurium are the serotypes most frequently associated with human illness. In particular human cases caused by *Salmonella* Enteritidis further decreased markedly in 2010.
- (7) In March 2012, EFSA adopted a Scientific Opinion on an estimation of the public health impact of setting a new target for the reduction of *Salmonella* in turkeys⁽⁶⁾. It concluded that *Salmonella* Enteritidis is the most successfully transmitted zoonotic *Salmonella* serotype from parent to offspring in poultry. EFSA also observed that Union control measures in turkeys have contributed to a considerable reduction in the number of turkey-associated human salmonellosis cases compared to the situation in 2007. The target should therefore be confirmed.
- (8) Monophasic strains of *Salmonella* Typhimurium have developed to be among the most frequently detected *Salmonella* serotypes in several species of animals and in clinical isolates from humans in recent years as pointed out in the European Union Summary Report on Trends and Sources of Zoonoses, Zoonotic Agents and Food-borne Outbreaks in 2010. EFSA's 2010 Scientific Opinion on monitoring and assessment of

⁽¹⁾ OJ L 325, 12.12.2003, p. 1.

⁽²⁾ OJ L 338, 22.12.2005, p. 1.

⁽³⁾ OJ L 325, 12.12.2003, p. 31.

⁽⁴⁾ OJ L 162, 21.6.2008, p. 3.

⁽⁵⁾ EFSA Journal 2012; 10(3):2597.

⁽⁶⁾ EFSA Journal 2012; 10(4):2616.

the public health risk of 'Salmonella Typhimurium-like strains' adopted on 22 September 2010 ⁽¹⁾ also stated that monophasic *Salmonella* Typhimurium strains with the antigenic formula 1,4,[5],12:i:-, which includes strains with and without the O5 antigen, have to be considered to be variants of *Salmonella* Typhimurium and to pose a public health risk comparable to that of other *Salmonella* Typhimurium strains. *Salmonella* Typhimurium strains with the antigenic formula 1,4,[5],12:i:- should therefore be included in the target.

- (9) To verify whether the Union target has been met, it is necessary to sample flocks of turkeys repeatedly. To evaluate and compare the results, it is necessary to describe a common testing scheme.
- (10) National control programmes for the achievement of the Union target for 2013 for flocks of turkeys have been submitted for Union co-financing in accordance with Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽²⁾. The technical amendments introduced in the Annex to this Regulation are directly applicable. As a result the Commission does not need to re-approve national control programmes implementing this Regulation. A transitional period is therefore not needed.
- (11) In the interest of clarity, Regulation (EC) No 584/2008 should be repealed.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Union target

1. The Union target, as referred to in Article 4(1) of Regulation (EC) No 2160/2003, for the reduction of *Salmonella* Enteritidis and *Salmonella* Typhimurium in turkeys ('Union target') shall be:

- (a) a reduction of the maximum annual percentage of fattening turkey flocks remaining positive of *Salmonella* Enteritidis and *Salmonella* Typhimurium to 1 % or less; and
- (b) a reduction of the maximum annual percentage of adult breeding turkey flocks remaining positive of *Salmonella* Enteritidis and *Salmonella* Typhimurium to 1 % or less.

However, for Member States with less than 100 flocks of adult breeding or fattening turkeys, the Union target shall be that annually no more than one flock of adult breeding or fattening turkeys may remain positive.

As regards monophasic *Salmonella* Typhimurium, serotypes with the antigenic formula 1,4,[5],12:i:- shall be included in the Union target.

2. The testing scheme necessary to verify progress in the achievement of the Union target is set out in the Annex ('testing scheme').

Article 2

Review of the Union target

The Union target shall be reviewed by the Commission taking into account the information collected in accordance with the testing scheme and the criteria laid down in Article 4(6)(c) of Regulation (EC) No 2160/2003.

Article 3

Repeal of Regulation (EC) No 584/2008

Regulation (EC) No 584/2008 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation.

Article 4

Entry into force

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

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

Done at Brussels, 12 December 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ EFSA Journal 2010; 8(10):1826.

⁽²⁾ OJ L 155, 18.6.2009, p. 30.

ANNEX

Testing scheme necessary to verify the achievement of the Union target as referred to in Article 1(2)**1. SAMPLING FRAME**

The sampling frame shall comprise all flocks of fattening and breeding turkeys within the framework of the national control programmes provided for in Article 5 of Regulation (EC) No 2160/2003.

2. MONITORING IN TURKEYS**2.1. Frequency of sampling**

(a) Food business operators shall sample all flocks of fattening and breeding turkeys in the following way:

(i) sampling of flocks of fattening and breeding turkeys shall take place within three weeks before slaughter. The competent authority may authorise sampling in the last six weeks prior to the date of slaughter in case the turkeys are either kept more than 100 days or fall under organic turkey production according to Commission Regulation (EC) No 889/2008 ⁽¹⁾;

(ii) sampling of flocks of breeding turkeys shall take place:

- in rearing flocks: at day-old, at four weeks of age and two weeks before moving to the laying phase or laying unit,
- in adult flocks: at least every third week during the laying period at the holding or at the hatchery,
- on the holding in the case of flocks of breeding turkeys laying hatching eggs intended for the trade within the Union.

(iii) The competent authority may decide to implement one of the options referred to in the second indent of point (ii) to the whole testing scheme for all flocks. However, sampling of breeding flocks laying hatching eggs intended for the trade within the Union must take place on the holding.

(iv) By way of derogation from the second indent of point (ii), if the Union target has been achieved for at least two consecutive calendar years in the whole Member State, sampling at the holding may be extended to take place every four weeks, at the discretion of the competent authority. However, the competent authority may decide to keep or revert to a three-week testing interval in the case of detection of the presence of the relevant *Salmonella* serotypes in a breeding flock on the holding and/or in any other case deemed appropriate by the competent authority.

(b) The sampling by the competent authority shall at least provide for:

(i) sampling of flocks of breeding turkeys:

- once a year, all flocks with at least 250 adult breeding turkeys between 30 and 45 weeks of age and all holdings with elite, great grand parents and grand parent breeding turkeys; the competent authority may decide that this sampling may also take place at the hatchery; and
- all flocks on holdings in case of detection of *Salmonella* Enteritidis or *Salmonella* Typhimurium from samples taken at the hatchery by food business operators or within the frame of official controls, to investigate the origin of infection;

(ii) sampling of flocks of fattening turkeys shall be done once a year, at least in one flock on 10 % of the holdings with at least 500 fattening turkeys;

(iii) sampling may be done on a risk basis and additionally each time the competent authority considers it necessary;

(iv) a sampling carried out by the competent authority may replace the sampling by the food business operator as referred to in point (a).

2.2. Sampling protocol**2.2.1. General instructions for sampling**

The competent authority or the food business operator shall ensure that samples are taken by persons trained for that purpose.

⁽¹⁾ OJ L 250, 18.9.2008, p. 1.

Sampling of flocks of breeding turkeys shall be done in accordance with point 2.2 of the Annex to Commission Regulation (EU) No 200/2010 ⁽¹⁾.

For sampling of flocks of fattening turkeys at least two pairs of boot swabs shall be taken per flock. Boot swabs are put on the boots and the sample is taken by walking around in the poultry house. Swabs from one flock of turkeys may be pooled into one sample.

Before putting on the boot swabs, their surface shall be moistened by:

- (a) the application of maximum recovery diluents (MRD: 0,8 % sodium chloride, 0,1 % peptone in sterile deionised water); or
- (b) the application of sterile water; or
- (c) the application of any other diluents approved by the national reference laboratory referred to in Article 11(3) of Regulation (EC) No 2160/2003; or
- (d) being autoclaved in a container together with diluents.

The way to moisten boot swabs shall be to pour the liquid inside before putting them on or to shake them in a container of diluent.

It shall be ensured that all sections in a house are represented in the sampling in a proportionate way. Each pair of boot swabs must cover about 50 % of the area of the house.

On completion of sampling, the swabs shall be carefully removed from the boots so as not to dislodge adherent material. Boot swabs may be inverted to retain material. They shall be placed in a bag or pot and labelled.

The competent authority may decide to increase the minimum number of samples in order to ensure representative sampling on a case-by-case evaluation of epidemiological parameters, such as biosecurity conditions, the distribution or size of the flock.

If the competent authority approves one pair of boot swabs may be replaced by a dust sample of 100 g collected from multiple places throughout the house from surfaces with visible presence of dust. As an alternative, one or several moistened fabric swab(s) of a combined surface of at least 900 cm² may be used to gather dust from multiple surfaces throughout the house. Each swab shall be well coated with dust on both sides.

2.2.2. *Specific instructions for certain types of holdings*

- (a) For free range flocks of turkeys, samples shall only be collected inside the house.
- (b) Where access to the houses is not possible due to limited space in flocks with less than 100 turkeys, and it is therefore not possible to use boot swabs when walking around, they may be replaced by the same kind of hand fabric swabs that are used for dust, where the swabs are rubbed over surfaces contaminated with fresh faeces, or if this is not feasible, by other sampling techniques for faeces fit for the intended purpose.

2.2.3. *Sampling by the competent authority*

The competent authority shall satisfy itself by conducting further tests and/or documentary checks as appropriate to verify that results are not altered through the presence of antimicrobials or other substances inhibiting the growth of bacteria.

Where the presence of *Salmonella* Enteritidis and *Salmonella* Typhimurium is not detected but antimicrobials or bacterial growth inhibitory effects are detected, the flock shall be considered to be an infected flock of turkeys for the purpose of the Union target referred to in Article 1(2).

2.2.4. *Transport*

Samples shall be sent without undue delay either by via express mail or courier, to the laboratories referred to in Articles 11 and 12 of Regulation (EC) No 2160/2003. During transport they shall be protected from heat over 25 °C and exposure to sunlight.

Where it is not possible to send the samples within 24 hours from the time of sampling they shall be stored refrigerated.

3. LABORATORY ANALYSES

3.1. **Preparation of the samples**

At the laboratory samples shall be kept refrigerated until examination, which shall be started within 48 hours following receipt and within 96 hours after sampling.

⁽¹⁾ OJ L 61, 11.3.2010, p. 1.

The pair(s) of boot/sock swabs shall be carefully unpacked to avoid dislodging adherent faecal material, pooled and placed in 225 ml buffered peptone water (BPW) which has been pre-warmed to room temperature. The boot/sock swabs shall be fully immersed in BPW and therefore more BPW may be added if necessary.

The dust sample shall preferably be analysed separately. However for fattening flocks, the competent authority may decide to allow it to be pooled with the pair of boot/sock swabs for analysis.

The sample shall be swirled to fully saturate it and culture shall be continued by using the detection method set out in point 3.2.

Other samples (e.g. from breeding flocks or hatcheries) shall be prepared in accordance with point 2.2.2 of the Annex to Regulation (EU) No 200/2010.

If standards of European Committee for Standardisation ('CEN') or the International Organisation for Standardisation ('ISO') on the preparation of faeces for the detection of *Salmonella* are agreed on, they shall be applied and replace the provisions on the preparation of samples set out in this point.

3.2. Detection method

The detection method recommended by the EU reference laboratory for *Salmonella* in Bilthoven, the Netherlands, shall be used.

That method is described in the Annex D to EN/ISO 6579 (2002): 'Detection of *Salmonella* spp. in animal faeces and in samples of the primary production stage'.

In that detection method, a semi-solid medium (modified semi-solid Rappaport-Vassiliadis medium, MSRV) is used as the single selective enrichment medium.

3.3. Serotyping

For breeding flocks of turkeys, at least one isolate from each positive sample shall be serotyped, following the White-Kauffmann-Le Minor scheme.

For fattening flocks of turkeys, at least one isolate from each positive sample taken by the competent authority shall be serotyped, following the White-Kauffmann-Le Minor scheme.

Food business operators shall at least ensure that for all isolates none of them belong to the serotypes *Salmonella* Enteritidis or *Salmonella* Typhimurium including monophasic strains with the antigenic formula 1,4,[5],12:i:-.

3.4. Alternative methods

With regard to samples taken on the initiative of the food business operator, the methods of analysis provided for in Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council ⁽¹⁾, may be used instead of the methods for the preparation of samples, detection method and serotyping provided for in points 3.1, 3.2 and 3.3 of this Annex, if validated in accordance with EN/ISO 16140.

3.5. Storage of strains

Laboratories shall ensure that at least one isolated strain of *Salmonella* spp. per flock and per year can be collected by the competent authority and stored for possible future phage typing or anti-microbial susceptibility testing, using the normal methods for culture collection, which must ensure integrity of the strains for a minimum of two years from the date of analysis.

The competent authority may decide that isolates of *Salmonella* spp. from sampling by food business operators shall also be stored for future phage typing or antimicrobial susceptibility testing to provide for isolates to be tested in accordance with Article 2 of Commission Decision 2007/407/EC ⁽²⁾.

4. RESULTS AND REPORTING

4.1. Calculation of prevalence for the verification of the Union target

A flock of turkeys shall be considered positive for the purpose of verifying the achievement of the Union target, where the presence of *Salmonella* Enteritidis and/or *Salmonella* Typhimurium (other than vaccine strains, but including monophasic strains with the antigenic formula 1,4,[5],12:i:-) was detected in the flock.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 153, 14.6.2007, p. 26.

Positive flocks of turkeys shall be counted only once per round, irrespective of the number of sampling and testing operations and only be reported in the year of the first positive sampling. The prevalence shall be calculated separately for flocks of fattening turkeys and flocks of adult breeding turkeys.

4.2. Reporting

4.2.1. Reporting shall include:

- (a) the total number of flocks of fattening and adult breeding turkeys which were tested at least once during the year of reporting;
- (b) the total number of fattening and adult breeding flocks positive with any *Salmonella* serotype in the Member State;
- (c) the number of flocks of fattening and adult breeding turkeys tested positive at least once for *Salmonella* Enteritidis and *Salmonella* Typhimurium including monophasic strains with the antigenic formula 1,4,[5],12:i:-;
- (d) the number of fattening and adult breeding turkey flocks positive for each *Salmonella* serotype or for *Salmonella* unspecified (isolates that are untypable or not serotyped).

4.2.2. The information referred to in (a) to (d) of point 4.2.1 shall be provided separately for the sampling within the overall national *Salmonella* control programme for:

- (a) the food business operators sampling as provided for in point 2.1(a); and
- (b) the competent authorities sampling as provided for in point 2.1(b).

4.2.3. The results of the tests shall be considered relevant food chain information as provided for in Section III of Annex II to Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽¹⁾.

At least the following information shall be made available to the competent authority from each flock of turkeys tested:

- (a) holding reference, remaining unique in time;
- (b) flock reference, remaining unique in time;
- (c) month of sampling;
- (d) number of birds per flocks.

The results and any additional relevant information shall be reported as part of the report on trends and sources provided for in Article 9(1) of Directive 2003/99/EC of the European Parliament and of the Council ⁽²⁾.

The food business operator shall notify the competent authority of the detection of *Salmonella* Enteritidis and *Salmonella* Typhimurium including monophasic strains with the antigenic formula 1,4,[5],12:i:- without undue delay. The food business operator shall instruct the analysing laboratory to act accordingly.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 325, 12.12.2003, p. 31.

COMMISSION IMPLEMENTING REGULATION (EU) No 1191/2012**of 12 December 2012****amending the Annex to Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance sodium salicylate****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council⁽¹⁾, and in particular Article 14 in conjunction with Article 17 thereof,

Having regard to the opinion of the European Medicines Agency formulated by the Committee for Medicinal Products for Veterinary Use,

Whereas:

- (1) The maximum residue limit ('MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry should be established in accordance with Regulation (EC) No 470/2009.
- (2) Pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin are set out in the Annex to Commission Regulation (EU) No 37/2010 of 22 December 2009 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin⁽²⁾.

- (3) Sodium salicylate is currently included in Table 1 of the Annex to Regulation (EU) No 37/2010 as an allowed substance for bovine and porcine species, excluding animals producing milk for human consumption, for all food-producing species except fin fish species, for topical use only, and for turkey, applicable to muscle, skin and fat, liver and kidney, excluding animals producing eggs for human consumption. The provisional MRL for that substance set out for turkey expires on 1 July 2015.
- (4) Additional data were provided and assessed leading the Committee for Medicinal Products for Veterinary Use to recommend that the provisional MRLs for sodium salicylate for turkey should be set as definitive.
- (5) The entry for sodium salicylate in Table 1 of the Annex to Regulation (EU) No 37/2010 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 37/2010 is amended as set out in the Annex to this Regulation.

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*.

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

Done at Brussels, 12 December 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ OJ L 15, 20.1.2010, p. 1.

ANNEX

The entry corresponding to sodium salicylate in Table 1 of the Annex to Regulation (EU) No 37/2010 is replaced by the following:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Sodium salicylate	NOT APPLICABLE	Bovine, porcine	No MRL required	NOT APPLICABLE	For oral use. Not for use in animals from which milk is produced for human consumption.	NO ENTRY
		All food-producing species except fin fish	No MRL required	NOT APPLICABLE	For topical use only.	
	Salicylic acid	Turkey	400 µg/kg 2 500 µg/kg 200 µg/kg 150 µg/kg	Muscle Skin and fat in natural proportions Liver Kidney	Not for use in animals producing eggs for human consumption.	Anti-inflammatory agents/ Non-steroidal anti-inflammatory agents'

COMMISSION REGULATION (EU) No 1192/2012**of 12 December 2012****terminating the registration of imports of gas fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not imposed by Regulation (EU) No 548/2012**

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 Article 14 thereof,

After consulting the Advisory Committee,

Whereas:

1. The anti-circumvention investigation and registration of imports

- (1) On 26 June 2012 by Regulation (EU) No 548/2012 ⁽²⁾ the Commission initiated an investigation concerning the possible circumvention of anti-dumping measures imposed by Council Regulation (EC) No 1458/2007 ⁽³⁾ on imports of gas fuelled, non-refillable pocket flint lighters originating in the People's Republic of China by imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not. This Regulation also subjected the above-mentioned imports to registration.

- (2) This regulation does not prejudice the conclusions of the investigation initiated by Regulation (EU) No 548/2012.

2. Termination of the registration

- (3) Given the expiry of the anti-dumping measures on imports of gas fuelled, non-refillable pocket flint lighters originating in the People's Republic of China ⁽⁴⁾, the registration of imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not should therefore be discontinued.

HAS ADOPTED THIS REGULATION:

Article 1

Customs authorities are hereby directed to cease the registration of imports carried out pursuant to Article 2 of Regulation (EU) No 548/2012.

Article 2

This Regulation shall enter into force on 14 December 2012.

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

Done at Brussels, 12 December 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 165, 26.6.2012, p. 37.

⁽³⁾ OJ L 326, 12.12.2007, p. 1.

⁽⁴⁾ OJ C 382, 12.12.2012, p. 12.

COMMISSION IMPLEMENTING REGULATION (EU) No 1193/2012**of 12 December 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, 12 December 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	48,7
	MA	86,8
	TN	97,7
	TR	90,3
	ZZ	80,9
0707 00 05	AL	88,1
	JO	174,9
	MA	133,1
	TR	137,0
	ZZ	133,3
0709 93 10	MA	159,4
	TR	121,2
	ZZ	140,3
0805 10 20	TR	73,8
	ZA	50,9
	ZW	43,2
	ZZ	56,0
0805 20 10	MA	65,9
	ZZ	65,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	JM	129,1
	MA	106,4
	TR	81,3
	ZZ	105,6
0805 50 10	TR	82,7
	ZZ	82,7
0808 10 80	CA	157,2
	MK	37,9
	US	153,3
	ZA	138,0
	ZZ	121,6
0808 30 90	CN	61,4
	US	160,6
	ZZ	111,0

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

CORRIGENDA**Corrigendum to Decision of the EEA Joint Committee No 103/2012 of 15 June 2012 amending Annex I
(Veterinary and phytosanitary matters) to the EEA Agreement**

(Official Journal of the European Union L 270 of 4 October 2012)

On page 2, Article 1(2), in the first paragraph of new point 149, the words 'supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs' shall be added after the words 'Commission Delegated Regulation (EU) No 1152/2011 of 14 July 2011'.

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