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(Continued overleaf)

(¹) Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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DECISIONS

2013/113/EU:

★ **Commission Implementing Decision of 1 March 2013 extending the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters** (*notified under document C(2013) 1089*) ⁽¹⁾ 11

⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs

The Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs ⁽¹⁾, signed in Brussels on 26 June 2012, will enter into force on 1 April 2013.

⁽¹⁾ OJ L 10, 15.1.2013, p. 3.

REGULATIONS

COMMISSION REGULATION (EU) No 182/2013

of 1 March 2013

making imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in or consigned from the People's Republic of China subject to registration

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic anti-dumping Regulation'), and in particular Articles 10(4) and 14(5) thereof,

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽²⁾ ('the basic anti-subsidy Regulation'), and in particular Articles 16(4) and 24(5) thereof,

After consulting the Advisory Committee,

Whereas:

- (1) On 6 September 2012, the European Commission ('the Commission') announced by a notice published in the *Official Journal of the European Union* ⁽³⁾, the initiation of an anti-dumping proceeding concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in the People's Republic of China ('China' or 'the country concerned') following a complaint lodged on 25 July 2012 by EU ProSun ('the complainant') on behalf of producers representing more than 25 % of the total Union production of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers).
- (2) On 8 November 2012, the Commission announced by a notice published in the *Official Journal of the European Union* ⁽⁴⁾ the initiation of an anti-subsidy proceeding concerning imports of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers) originating in China following a complaint lodged on 25 September 2012 by EU ProSun on behalf of producers representing more than 25 % of the total Union production of crystalline silicon photovoltaic modules and key components (i.e. cells and wafers).

A. PRODUCT CONCERNED

- (3) The product subject to the registration is crystalline silicon photovoltaic modules or panels and cells and wafers of the type used in crystalline silicon photovoltaic modules or panels, currently falling within CN codes ex 3818 00 10, ex 8501 31 00, ex 8501 32 00, ex 8501 33 00, ex 8501 34 00, ex 8501 61 20, ex 8501 61 80, ex 8501 62 00, ex 8501 63 00, ex 8501 64 00 and ex 8541 40 90, and originating in or consigned from the country concerned. The cells and wafers have a thickness not exceeding 400 µm.
- (4) From the product under registration the following product types are excluded:
 - solar chargers that consist of less than six cells, are portable and supply electricity to devices or charge batteries,
 - thin film photovoltaic products,
 - crystalline silicon photovoltaic products that are permanently integrated into electrical goods, where the function of the electrical goods is other than power generation, and where these electrical goods consume the electricity generated by the integrated crystalline silicon photovoltaic cell(s).

B. REQUEST

- (5) The registration requests pursuant to Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation were made by the complainant in the complaints at the origin of the proceedings initiated by the notices mentioned in recitals 1 and 2 and were reiterated and supplemented in the subsequent submissions. The complainant requested that imports of the product concerned are made subject to registration so that measures may subsequently be applied against those imports from the date of such registration.

C. GROUNDS FOR THE REGISTRATION

- (6) According to Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation, the Commission may, after consultation of the Advisory Committee, direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports. Imports may be made subject to registration following a request from the Union industry which contains sufficient evidence to justify such action.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 188, 18.7.2009, p. 93.

⁽³⁾ OJ C 269, 6.9.2012, p. 5.

⁽⁴⁾ OJ C 340, 8.11.2012, p. 13.

- (7) The complainant claimed that registration is justified as the product concerned was being dumped and subsidised and significant injury to the Union industry, which is difficult to repair, was being caused by the low-priced imports.
- (8) As regards dumping, the Commission has at its disposal sufficient *prima facie* evidence that imports of the product concerned from China are being dumped. The complainant provided evidence on the normal value based on total cost of production plus a reasonable amount for selling, general and administrative expenses and for profits, based on the choice of the US as analogue country. The evidence on dumping is based on the comparison of the normal value thus established with the export price (at ex-works level) of the product concerned when sold for export to the Union. As a whole, and given the extent of the dumping margin alleged, this evidence provides sufficient support at this stage that the exporters in question practice dumping.
- (9) In relation to subsidisation, the Commission has at its disposal sufficient *prima facie* evidence that imports of the product concerned from the country concerned are being subsidised. The alleged subsidies consist, *inter alia*, of preferential lending to the solar panel industry (e.g. credit lines and low-interest policy loans granted by State-Owned Commercial Banks and Government Policy Banks, export credit subsidy programmes, export guarantees, insurances for green technologies, granting access to offshore holding companies, loan repayments by Government), grant programmes (e.g. Export Product Research and Development Fund, 'Famous Brands' and 'China World Top Brands' subsidies, Funds for Outward Expansion of Industries in Guangdong Province, Golden Sun Demonstration Programme), government provision of goods for less than adequate remuneration (e.g. provision of polysilicon, aluminium extrusions, glass, power and land), direct tax exemption and reduction programmes (e.g. income tax exemptions or reductions under the Two Free/Three Half Programme, income tax exemptions for export-oriented Foreign Invested Enterprises (FIEs), income tax reductions for FIEs based on geographic location, income tax reductions for FIEs purchasing Chinese-made equipment, tax offset for R & D at FIEs, tax refunds for reinvestment of FIEs' profits in export-oriented enterprises, preferential corporate income tax for FIEs recognised as High and New Technology Industries, tax reductions for High and New Technology Enterprises involved in designated projects, preferential income tax policy for enterprises in the North-East Region, Guangdong Province tax programmes) and indirect tax and import tariff programmes (e.g. VAT exemptions for use of imported equipment, VAT rebates on FIEs' purchases of Chinese-made equipment, VAT and tariff exemptions for purchases of fixed assets under the Foreign Trade Development Programme). It is alleged that the above schemes are subsidies since they involve a financial contribution from the Government of China or other regional governments (including public bodies) and confer a benefit to the recipients. They are alleged to be contingent upon export performance and/or the use of domestic over imported goods and/or are limited to certain sectors and/or types of enterprises and/or locations, and are therefore specific and countervailable. In the anti-subsidy complaint and the subsequent submissions related to the request for registration, the evidence regarding the price and volume of imports shows a massive increase of imports in absolute terms and in terms of market share in the period between 2009 and 2011. Given the above, the evidence provides sufficient support at this stage that the exports of the product in question are benefiting from countervailable subsidies.
- (10) As regards injury, the Commission has at its disposal sufficient *prima facie* evidence that the exporters' dumping and subsidy practices are causing material injury to the Union industry, which is difficult to repair. In the complaints and the subsequent submissions related to the requests for registration, the evidence regarding the price and volume of imports shows a massive increase of imports in absolute terms and in terms of market share in the period between 2009 and 2011. Despite the decrease in imports in absolute terms in 2012, the market share of the imports of the product concerned from the country concerned further increased. The volume and prices of the imported product concerned have had a negative impact on the quantities sold and level of the prices charged in the Union market and the market share held by the Union industry resulting in substantial adverse effects on the overall performance and the financial situation of the Union industry. This evidence consists of data, contained in the complaints and the subsequent submissions regarding registration but is also supported by information from the Union industry and public sources, concerning the key injury factors set out in Article 3(5) of the basic anti-dumping Regulation and Article 8(4) of the basic anti-subsidy Regulation.
- (11) The Commission also has at its disposal sufficient *prima facie* evidence, contained in the anti-dumping complaint and the subsequent correspondence, that the importers were aware, or should have been aware, that the exporters' dumping practices are injurious or are likely to be injurious to the Union industry. A number of articles in the press over an extended period of time suggested that the Union industry may have been suffering injury as a result of dumped imports from the country concerned. Finally, given the extent of the

dumping that may be occurring, it is reasonable to assume that the importers would be aware, or should be aware, of the situation.

- (12) In relation to subsidisation, the request provides sufficient evidence of critical circumstances where for the subsidised product in question injury, which is difficult to repair, is caused by massive imports benefiting from countervailable subsidies in a relatively short period of time. Evidence of such circumstances includes the rapid nature of the deterioration of the situation of the Union industry.
- (13) As regards dumping, the Commission has at its disposal sufficient prima facie evidence that such injury is being caused or would be caused by a further substantial rise in these imports, which in light of the timing and the volume of the dumped imports and other circumstances (such as the growing level of stocks or reduced capacity utilisation) would be likely to seriously undermine the remedial effect of any definitive duties, unless such duties would be applied retroactively. In addition, in view of the initiation of the current proceedings, it is reasonable to assume that the imports of the product concerned may further increase prior to the adoption of provisional measures, if any, and inventories may be rapidly built up by the importers.

D. PROCEDURE

- (14) In view of the above, the Commission has concluded that the complainant provided sufficient prima facie evidence to justify making imports of the product concerned subject to registration in accordance with Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation.
- (15) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

E. REGISTRATION

- (16) Pursuant to Article 14(5) of the basic anti-dumping Regulation and Article 24(5) of the basic anti-subsidy Regulation imports of the product concerned should be made subject to registration in order to ensure that, should the investigations result in findings leading to the imposition of anti-dumping and/or countervailing duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively in accordance with applicable legal provisions on the registered imports.
- (17) Any future liability would emanate from the findings of the anti-dumping and the anti-subsidy investigations respectively.

- (18) The allegations in the complaint requesting the initiation of an anti-dumping investigation estimate an average dumping margin of around 60-70 % and an underselling margin of up to 125 % for the product concerned. The estimated amount of possible future liability is set at the level of dumping estimated on the basis of the anti-dumping complaint, i.e. 60-70 % *ad valorem* on the CIF import value of the product concerned.
- (19) The allegations in the complaint requesting the initiation of an anti-subsidy investigation estimate the subsidisation margin of around 10-15 % and an underselling to represent of up to 125 % for the product concerned. The estimated amount of possible future liability is set at the level of subsidisation estimated on the basis of the anti-subsidy complaint, i.e. 10-15 % *ad valorem* on the CIF import value of the product concerned.
- (20) As mentioned under Section 5 of the notices mentioned in recitals 1 and 2, the Commission is in the process of determining whether imports of the product concerned can be considered as originating in China. Pursuant to Article 2(a) of the basic anti-subsidy Regulation and Article 1(3) of the basic anti-dumping Regulation respectively, subsidies granted by the government of an intermediate country are countervailable and the exporting country of a dumped product may be an intermediate country, respectively. It should also be noted that the complaints and the requests for registration relate to imports from China without specifying the origin thereof. Lastly, the anti-dumping and countervailing investigations conducted by the USA involving the same product imported from China highlighted the complexity of the production and assembly operations which might or might not confer origin ⁽¹⁾. In the light of these considerations and without prejudice to the conclusion that will be reached on these matters, it is considered appropriate that registration should cover the product concerned originating in or consigned from China.

F. PROCESSING OF PERSONAL DATA

- (21) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾.

⁽¹⁾ See Issues and Decision Memorandum for the Final Determination in the Antidumping Duty Investigation of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China, 9 October 2012, at <http://ia.ita.doc.gov/frn/summary/prc/2012-25580-1.pdf>

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

1. The Customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EC) No 1225/2009 and Article 24(5) Regulation (EC) No 597/2009 to take the appropriate steps to register the imports into the Union of:

- crystalline silicon photovoltaic modules or panels currently falling within CN codes ex 8501 31 00 (TARIC codes 8501 31 00 81 and 8501 31 00 89), ex 8501 32 00 (TARIC codes 8501 32 00 41 and 8501 32 00 49), ex 8501 33 00 (TARIC codes 8501 33 00 61 and 8501 33 00 69), ex 8501 34 00 (TARIC codes 8501 34 00 41 and 8501 34 00 49), ex 8501 61 20 (TARIC codes 8501 61 20 41 and 8501 61 20 49), ex 8501 61 80 (TARIC codes 8501 61 80 41 and 8501 61 80 49), ex 8501 62 00 (TARIC codes 8501 62 00 61 and 8501 62 00 69), ex 8501 63 00 (TARIC codes 8501 63 00 41 and 8501 63 00 49), ex 8501 64 00 (TARIC codes 8501 64 00 41 and 8501 64 00 49) and ex 8541 40 90 (TARIC codes 8541 40 90 21 and 8541 40 90 29),
- cells of the type used in crystalline silicon photovoltaic modules or panels currently falling within CN code ex 8541 40 90 (TARIC codes 8541 40 90 31 and 8541 40 90 39), and
- wafers of the type used in crystalline silicon photovoltaic modules or panels currently falling within CN code ex 3818 00 10 (TARIC codes 3818 00 10 11 and 3818 00 10 19),

originating in or consigned from the People's Republic of China. The cells and wafers have a thickness not exceeding 400 µm.

From the product under registration the following product types are excluded:

- solar chargers that consist of less than six cells, are portable and supply electricity to devices or charge batteries,
- thin film photovoltaic products,
- crystalline silicon photovoltaic products that are permanently integrated into electrical goods, where the function of the electrical goods is other than power generation, and where these electrical goods consume the electricity generated by the integrated crystalline silicon photovoltaic cell(s).

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

2. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 20 days from the date of publication of this Regulation.

Article 2

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, 1 March 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 183/2013

of 4 March 2013

amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard 1

(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 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 13 March 2012, the International Accounting Standards Board published amendments to International Financial Reporting Standard (IFRS) 1 *First-time Adoption of International Financial Reporting Standards – Government Loans* (the amendments to IFRS 1). The amendments to IFRS 1 deal with loans received from governments at a below market rate of interest and their objective is to give first-time adopters of IFRSs relief from full retrospective application on transition to IFRSs. Thus, the amendments to IFRS 1 add an exception to the retrospective application of IFRSs to require that first-time adopters apply the requirements set out in International Accounting Standard (IAS) 39 *Financial Instruments: Recognition and Measurement* and IAS 20 *Accounting for Government Grants and Disclosure of Government Assistance* prospectively to government loans existing at the date of transition to IFRSs.
- (3) This Regulation endorses the amendments to IFRS 1. This standard contains some references to IFRS 9 that at present cannot be applied as IFRS 9 has not been adopted by the Union yet. Therefore, any reference to IFRS 9 as laid down in the Annex to this Regulation

should be read as a reference to IAS 39 *Financial Instruments: Recognition and Measurement*.

- (4) The consultation with the Technical Expert Group (TEG) of the European Financial Reporting Advisory Group (EFRAG) confirms that the amendments to IFRS 1 meet the technical criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the Annex to Regulation (EC) No 1126/2008, International Financial Reporting Standard (IFRS) 1 *First-time Adoption of International Financial Reporting Standards* is amended as set out in the Annex to this Regulation.

2. Any reference to IFRS 9 as laid down in the Annex to this Regulation shall be read as a reference to IAS 39 *Financial Instruments: Recognition and Measurement*.

Article 2

Each company shall apply the amendments referred to in Article 1(1), at the latest, as from the commencement date of its first financial year starting on or after 1 January 2013.

Article 3

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, 4 March 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 243, 11.9.2002, p. 1.

⁽²⁾ OJ L 320, 29.11.2008, p. 1.

ANNEX

INTERNATIONAL ACCOUNTING STANDARDS

IFRS 1	IFRS 1 First-time Adoption of International Financial Reporting Standards- <i>Government Loans</i>
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Amendments to IFRS 1 *First-time Adoption of International Financial Reporting Standards***Government Loans**

Paragraphs 39N and 39O are added and B1 is amended.

39N *Government Loans* (Amendments to IFRS 1), issued in March 2012, added paragraphs B1(f) and B10–B12. An entity shall apply those paragraphs for annual periods beginning on or after 1 January 2013. Earlier application is permitted.

39O Paragraphs B10 and B11 refer to IFRS 9. If an entity applies this IFRS but does not yet apply IFRS 9, the references in paragraphs B10 and B11 to IFRS 9 shall be read as references to IAS 39 *Financial Instruments: Recognition and Measurement*.

B1 An entity shall apply the following exceptions:

- (a) derecognition of financial assets and financial liabilities (paragraphs B2 and B3);
- (b) hedge accounting (paragraphs B4–B6);
- (c) non-controlling interests (paragraph B7);
- (d) classification and measurement of financial assets (paragraph B8);
- (e) embedded derivatives (paragraph B9) and
- (f) government loans (paragraphs B10–B12).

After paragraph B9 a heading and paragraphs B10–B12 are added.

Government loans

B10 A first-time adopter shall classify all government loans received as a financial liability or an equity instrument in accordance with IAS 32 *Financial Instruments: Presentation*. Except as permitted by paragraph B11, a first-time adopter shall apply the requirements in IFRS 9 *Financial Instruments* and IAS 20 *Accounting for Government Grants and Disclosure of Government Assistance* prospectively to government loans existing at the date of transition to IFRSs and shall not recognise the corresponding benefit of the government loan at a below-market rate of interest as a government grant. Consequently, if a first-time adopter did not, under its previous GAAP, recognise and measure a government loan at a below-market rate of interest on a basis consistent with IFRS requirements, it shall use its previous GAAP carrying amount of the loan at the date of transition to IFRSs as the carrying amount of the loan in the opening IFRS statement of financial position. An entity shall apply IFRS 9 to the measurement of such loans after the date of transition to IFRSs.

B11 Despite paragraph B10, an entity may apply the requirements in IFRS 9 and IAS 20 retrospectively to any government loan originated before the date of transition to IFRSs, provided that the information needed to do so had been obtained at the time of initially accounting for that loan.

B12 The requirements and guidance in paragraphs B10 and B11 do not preclude an entity from being able to use the exemptions described in paragraphs D19–D19D relating to the designation of previously recognised financial instruments at fair value through profit or loss.

COMMISSION IMPLEMENTING REGULATION (EU) No 184/2013**of 4 March 2013****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, 4 March 2013.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	82,8
	MA	62,4
	TN	81,3
	TR	105,7
	ZZ	83,1
0707 00 05	EG	191,6
	MA	170,1
	TR	177,0
	ZZ	179,6
0709 91 00	EG	82,2
	ZZ	82,2
0709 93 10	MA	40,2
	TR	124,2
	ZZ	82,2
0805 10 20	EG	52,8
	IL	71,6
	MA	57,8
	TN	57,0
	TR	64,6
	ZZ	60,8
0805 50 10	TR	72,8
	ZZ	72,8
0808 10 80	BR	110,3
	CL	115,2
	CN	79,9
	MK	37,4
	US	167,8
	ZZ	102,1
0808 30 90	AR	137,3
	CL	179,6
	TR	179,9
	US	185,0
	ZA	107,6
	ZZ	157,9

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

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 1 March 2013

extending the validity of Decision 2006/502/EC requiring Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters

*(notified under document C(2013) 1089)***(Text with EEA relevance)**

(2013/113/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety ⁽¹⁾, and in particular Article 13 thereof,

Whereas:

(1) Commission Decision 2006/502/EC ⁽²⁾ requires Member States to take measures to ensure that only lighters which are child-resistant are placed on the market and to prohibit the placing on the market of novelty lighters.

(2) Decision 2006/502/EC was adopted in accordance with the provisions of Article 13 of Directive 2001/95/EC, which restricts the validity of the Decision to a period not exceeding one year, but allows it to be confirmed for additional periods none of which shall exceed one year.

(3) The validity of Decision 2006/502/EC was extended by one-year periods, firstly by Commission Decision 2007/231/EC ⁽³⁾ until 11 May 2008, secondly by Commission Decision 2008/322/EC ⁽⁴⁾ until 11 May 2009, thirdly by Commission Decision 2009/298/EC ⁽⁵⁾ until 11 May 2010, fourthly by Commission Decision 2010/157/EU ⁽⁶⁾ until 11 May 2011, fifthly by Commission Decision 2011/176/EU ⁽⁷⁾ until 11 May 2012, and sixthly by Commission Decision 2012/53/EU ⁽⁸⁾ until 11 May 2013.

(4) Lighters that are not child-resistant are still being placed on the market. Reinforced market surveillance activities, from targeted sampling to effective restrictive measures, should further decrease their presence.

(5) In the absence of other satisfactory measures addressing the child safety of lighters, it is necessary to extend the validity of Decision 2006/502/EC for a further 12 months.

(6) Therefore, Decision 2006/502/EC should be amended accordingly.

(7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Directive 2001/95/EC,

HAS ADOPTED THIS DECISION:

Article 1

In Article 6 of Decision 2006/502/EC, paragraph 2 is replaced by the following:

‘2. This Decision shall apply until 11 May 2014.’

Article 2

Member States shall take the necessary measures to comply with this Decision by 11 May 2013 at the latest and shall publish those measures. They shall forthwith inform the Commission thereof.

⁽¹⁾ OJ L 11, 15.1.2002, p. 4.
⁽²⁾ OJ L 198, 20.7.2006, p. 41.
⁽³⁾ OJ L 99, 14.4.2007, p. 16.
⁽⁴⁾ OJ L 109, 19.4.2008, p. 40.
⁽⁵⁾ OJ L 81, 27.3.2009, p. 23.
⁽⁶⁾ OJ L 67, 17.3.2010, p. 9.
⁽⁷⁾ OJ L 76, 22.3.2011, p. 99.
⁽⁸⁾ OJ L 27, 31.1.2012, p. 24.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 1 March 2013.

For the Commission

Tonio BORG

Member of the Commission

2013 SUBSCRIPTION PRICES (excluding VAT, including normal transport charges)

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Subscriptions to the *Official Journal of the European Union*, which is published in the official languages of the European Union, are available for 22 language versions. The Official Journal comprises two series, L (Legislation) and C (Information and Notices).

A separate subscription must be taken out for each language version.

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