

Official Journal

of the European Union

L 82



English edition

Legislation

Volume 56

22 March 2013

Contents

I *Legislative acts*

DECISIONS

- ★ **Decision No 258/2013/EU of the European Parliament and of the Council of 13 March 2013 amending Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability** 1
- ★ **Decision No 259/2013/EU of the European Parliament and of the Council of 13 March 2013 amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability** 6

II *Non-legislative acts*

REGULATIONS

- ★ **Council Implementing Regulation (EU) No 260/2013 of 18 March 2013 extending the definitive anti-dumping duty imposed by Regulation (EC) No 1458/2007 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China to imports of gas-fuelled, non-refillable pocket flint lighters consigned from the Socialist Republic of Vietnam, whether declared as originating in the Socialist Republic of Vietnam or not** 10

Price: EUR 4

(Continued overleaf)

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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Council Implementing Regulation (EU) No 261/2013 of 21 March 2013 implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan	18
★ Commission Implementing Regulation (EU) No 262/2013 of 18 March 2013 approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Melon du Quercy (PGI))	21
★ Commission Implementing Regulation (EU) No 263/2013 of 18 March 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Mela Alto Adige/Südtiroler Apfel (PGI))	26
★ Commission Implementing Regulation (EU) No 264/2013 of 18 March 2013 approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Cipolla Rossa di Tropea Calabria (PGI))	28
★ Commission Implementing Regulation (EU) No 265/2013 of 18 March 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Wachauer Marille (PDO))	34
★ Commission Implementing Regulation (EU) No 266/2013 of 18 March 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Münchener Bier (PGI))	36
★ Commission Implementing Regulation (EU) No 267/2013 of 18 March 2013 approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Chianti Classico (PDO))	38
★ Commission Implementing Regulation (EU) No 268/2013 of 18 March 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Oberpfälzer Karpfen (PGI))	43
★ Commission Implementing Regulation (EU) No 269/2013 of 18 March 2013 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Danablu (PGI))	45
★ Commission Implementing Regulation (EU) No 270/2013 of 21 March 2013 amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin ⁽¹⁾	47
Commission Implementing Regulation (EU) No 271/2013 of 21 March 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables	49
Commission Implementing Regulation (EU) No 272/2013 of 21 March 2013 amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin	51



⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DECISIONS

**DECISION No 258/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 13 March 2013**

amending Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC with a view to increasing the co-financing rate of the European Refugee Fund, the European Return Fund and the European Fund for the Integration of third-country nationals as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 78(2) and Article 79(2) and (4) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Decision No 573/2007/EC of the European Parliament and of the Council ⁽²⁾ established the European Refugee Fund, Decision No 575/2007/EC of the European Parliament and of the Council ⁽³⁾ established the European Return Fund and Council Decision 2007/435/EC ⁽⁴⁾ established the European Fund for the Integration of third-country nationals, as part of the General programme 'Solidarity and Management of Migration Flows'. Those Decisions provide for different Union co-financing rates for actions supported by the Funds.
- (2) The unprecedented global financial crisis and economic downturn have seriously damaged economic growth and financial stability, provoking a marked deterioration in financial, economic and social conditions in several Member States. Some Member States are experiencing serious difficulties or are threatened with such difficulties, particularly with respect to their financial and economic stability, which has led or may lead to deterioration in

their deficit and debt positions and threaten economic growth, and are heightened by the international economic and financial environment.

- (3) While important actions to counterbalance the negative effects of the crisis have already been taken, the impact of the financial crisis on the real economy, the labour market and society at large is being widely felt. Pressure on national financial resources is increasing and further steps should be taken rapidly to alleviate that pressure through the maximal and optimal use of Union funding.
- (4) Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of payments ⁽⁵⁾ provides that the Council may grant medium-term financial assistance where a Member State which has not adopted the euro is in difficulties or is seriously threatened with difficulties as regards its balance of payments.
- (5) Romania was granted such financial assistance by Council Decision 2009/459/EC of 6 May 2009 providing Community medium-term financial assistance for Romania ⁽⁶⁾.
- (6) In accordance with the conclusions of the Ecofin Council of 9-10 May 2010, the Council adopted a comprehensive package of measures, including Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ⁽⁷⁾, and, on 7 June 2010, a European Financial Stability Facility was established by the euro-area Member States, in order to provide financial support to euro-area Member States in difficulties caused by exceptional circumstances beyond their control, thereby safeguarding the financial stability of the euro area as a whole as well as of its Member States.

⁽¹⁾ Position of the European Parliament of 6 February 2013 (not yet published in the Official Journal) and decision of the Council of 25 February 2013.

⁽²⁾ OJ L 144, 6.6.2007, p. 1.

⁽³⁾ OJ L 144, 6.6.2007, p. 45.

⁽⁴⁾ OJ L 168, 28.6.2007, p. 18.

⁽⁵⁾ OJ L 53, 23.2.2002, p. 1.

⁽⁶⁾ OJ L 150, 13.6.2009, p. 8.

⁽⁷⁾ OJ L 118, 12.5.2010, p. 1.

- (7) Ireland and Portugal were granted financial assistance by the European financial stabilisation mechanism under Council Implementing Decisions 2011/77/EU ⁽¹⁾ and 2011/344/EU ⁽²⁾ respectively. They have also received funds from the European Financial Stability Facility.
- (8) On 8 May 2010, an Intercreditor Agreement and a Loan Facility Agreement for Greece were concluded and entered into force on 11 May 2010 as a first programme of financial assistance for Greece. On 12 March 2012, the finance ministers of the euro-area Member States interrupted that first programme and approved a second programme of financial assistance for Greece. It was decided that the financial vehicle for that second programme would be the European Financial Stability Facility, which would also disburse the remaining amount to be contributed by the euro area under the first programme.
- (9) On 2 February 2012, the finance ministers of the euro-area Member States signed the Treaty establishing the European Stability Mechanism. That Treaty follows European Council Decision 2011/199/EU of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro ⁽³⁾. Under that Treaty, the European Stability Mechanism is the primary provider of financial assistance to euro-area Member States from its entry into force on 8 October 2012. Therefore, this Decision should take the European Stability Mechanism into account.
- (10) In its conclusions of 23 and 24 June 2011, the European Council welcomed the Commission's intention to enhance the synergies between the loan programme for Greece and Union funds and supported efforts to increase Greece's capacity to absorb Union funds in order to stimulate growth and employment by refocusing on improving competitiveness and job creation. Moreover, it welcomed and supported the preparation by the Commission, together with the Member States, of a comprehensive programme of technical assistance to Greece. The amendments to Decisions No 573/2007/EC and No 575/2007/EC and Decision 2007/435/EC provided for in this Decision contribute to such efforts to enhance synergies.
- (11) In view of the exceptional circumstances, Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund ⁽⁴⁾ was amended by Regulation (EU) No 1311/2011 of the European Parliament and of the Council ⁽⁵⁾ to allow for an increase in the co-financing rate applied under the Structural Funds and the Cohesion Fund for Member States which are facing serious difficulties with respect to their financial stability. A similar approach was adopted towards those Member States in the framework of the European Agricultural Fund for Rural Development under Regulation (EU) No 1312/2011 of the European Parliament and of the Council of 19 December 2011 amending Council Regulation (EC) No 1698/2005 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability ⁽⁶⁾ and in the framework of the European Fisheries Fund under Regulation (EU) No 387/2012 of the European Parliament and of the Council of 19 April 2012 amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability ⁽⁷⁾. Those Member States should also be supported in the framework of the four Funds established as part of the General Programme on 'Solidarity and Management of Migration Flows', namely the External Borders Fund, the European Return Fund, the European Refugee Fund and the European Fund for the Integration of third-country nationals ('the Funds') established for the period 2007 to 2013.
- (12) The Funds are key tools for helping Member States to address important challenges in the area of migration, asylum and external borders, such as the development of a comprehensive Union immigration policy to enhance the competitiveness and social cohesion of the Union and the creation of the Common European Asylum System.
- (13) To make it easier to manage Union funding in the area of migration, asylum and external borders and to improve the availability of such funding for the Member States to implement their annual programmes under the Funds, it is necessary, on a temporary basis and without prejudice to the 2014 to 2020 programming period, to arrange for an increase in the Union co-financing rate under the Funds, by an amount corresponding to 20 percentage points above the co-financing rates currently applicable, for Member States experiencing serious difficulties with respect to their financial stability. This means that the Funds' annual national allocation in accordance with the basic acts will remain unchanged while national co-financing will be reduced accordingly. Ongoing annual programmes will need to be revised to reflect the changes resulting from the application of the increased Union co-financing rate.
- (14) Any Member State seeking to benefit from the increased co-financing rate should provide the Commission with a written statement together with its draft annual programme or draft revised annual programme. In its statement, the Member State concerned should provide a reference to the relevant Council Decision or to any other relevant decision that makes it eligible to benefit from the increased Union co-financing rate.

⁽¹⁾ OJ L 30, 4.2.2011, p. 34.

⁽²⁾ OJ L 159, 17.6.2011, p. 88.

⁽³⁾ OJ L 91, 6.4.2011, p. 1.

⁽⁴⁾ OJ L 210, 31.7.2006, p. 25.

⁽⁵⁾ OJ L 337, 20.12.2011, p. 5.

⁽⁶⁾ OJ L 339, 21.12.2011, p. 1.

⁽⁷⁾ OJ L 129, 16.5.2012, p. 7.

- (15) The unprecedented crisis affecting international financial markets and the economic downturn have seriously damaged the financial stability of several Member States. As a rapid response is necessary to counter the effects on the economy as a whole, this Decision should enter into force as soon as possible.
- (16) Decisions No 573/2007/EC and No 575/2007/EC and Decision 2007/435/EC should therefore be amended accordingly.
- (17) In accordance with Article 3 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, those Member States have notified their wish to take part in the adoption and application of this Decision.
- (18) 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,

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decision No 573/2007/EC

Decision No 573/2007/EC is amended as follows:

- (1) in Article 14, paragraph 4 is replaced by the following:

‘4. The Union contribution to supported projects, as regards actions implemented in the Member States under Article 3, shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines referred to in Article 17.

The Union contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

The Union contribution may be increased by 20 percentage points in a Member State provided that it meets one of the following conditions at the time of submission of its draft annual programme in accordance with Article 20(3) of this Decision or of its draft revised annual programme in accordance with Article 23 of Commission Decision 2008/22/EC (*):

- (a) medium-term financial assistance is made available to it in accordance with Council Regulation (EC) No 332/2002 (**);
- (b) financial assistance is made available to it in accordance with Council Regulation (EU) No 407/2010 (***) or financial assistance is made available to it by other euro-area Member States before 13 May 2010; or

- (c) financial assistance is made available to it in accordance with the intergovernmental agreement establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

The Member State concerned shall submit a written statement to the Commission together with its draft annual programme or draft revised annual programme confirming that it meets one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph.

A project co-financed at the increased rate may remain so whether or not one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph is still met in the course of the implementation of the related annual programme.

(*) OJ L 7, 10.1.2008, p. 1.

(**) OJ L 53, 23.2.2002, p. 1.

(***) OJ L 118, 12.5.2010, p. 1.’;

- (2) in Article 21, paragraph 3 is replaced by the following:

‘3. Financial assistance from the Fund for the emergency measures provided for in Article 5 shall be limited to a period of six months and shall not exceed 80 % of the cost of each measure.

Financial assistance may be increased by 20 percentage points in a Member State provided that it meets one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph of Article 14(4) of this Decision at the time of submission of the application for emergency measures referred to in paragraph 2 of this Article or at the time of submission of its draft revised annual programme in accordance with Article 23 of Decision 2008/22/EC.

The Member State concerned shall submit a written statement to the Commission together with the application for the emergency measures or its draft revised annual programme confirming that it meets one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph of Article 14(4).

A project co-financed at the increased rate may remain so whether or not one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph of Article 14(4) is still met in the course of the implementation of the related emergency measures.’.

Article 2

Amendments to Decision No 575/2007/EC

In Article 15 of Decision No 575/2007/EC, paragraph 4 is replaced by the following:

‘4. The Union contribution to supported projects, as regards actions implemented in the Member States under Article 3, shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines referred to in Article 18.

The Union contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

The Union contribution may be increased by 20 percentage points in a Member State provided that it meets one of the following conditions at the time of submission of its draft annual programme in accordance with Article 21(3) of this Decision or of its draft revised annual programme in accordance with Article 23 of Commission Decision 2008/458/EC (*):

- (a) medium-term financial assistance is made available to it in accordance with Council Regulation (EC) No 332/2002 (**);
- (b) financial assistance is made available to it in accordance with Council Regulation (EU) No 407/2010 (***) or financial assistance is made available to it by other euro-area Member States before 13 May 2010; or
- (c) financial assistance is made available to it in accordance with the intergovernmental agreement establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

The Member State concerned shall submit a written statement to the Commission together with its draft annual programme or draft revised annual programme confirming that it meets one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph.

A project co-financed at the increased rate may remain so whether or not one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph is still met in the course of the implementation of the related annual programme.

(*) OJ L 167, 27.6.2008, p. 135.

(**) OJ L 53, 23.2.2002, p. 1.

(***) OJ L 118, 12.5.2010, p. 1.

Article 3

Amendments to Decision 2007/435/EC

In Article 13 of Decision 2007/435/EC, paragraph 4 is replaced by the following:

'4. The Union contribution to supported projects, as regards actions implemented in the Member States under

Article 4, shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines as defined in Article 16.

The Union contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

The Union contribution may be increased by 20 percentage points in a Member State provided that it meets one of the following conditions at the time of submission of its draft annual programme in accordance with Article 19(3) of this Decision or of its draft revised annual programme in accordance with Article 23 of Commission Decision 2008/457/EC (*):

- (a) medium-term financial assistance is made available to it in accordance with Council Regulation (EC) No 332/2002 (**);
- (b) financial assistance is made available to it in accordance with Council Regulation (EU) No 407/2010 (***) or financial assistance is made available to it by other euro-area Member States before 13 May 2010; or
- (c) financial assistance is made available to it in accordance with the intergovernmental agreement establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

The Member State concerned shall submit a written statement to the Commission together with its draft annual programme or draft revised annual programme confirming that it meets one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph.

A project co-financed at the increased rate may remain so whether or not one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph is still met in the course of the implementation of the related annual programme.

(*) OJ L 167, 27.6.2008, p. 69.

(**) OJ L 53, 23.2.2002, p. 1.

(***) OJ L 118, 12.5.2010, p. 1.

Article 4

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*.

*Article 5***Addressees**

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 13 March 2013.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
L. CREIGHTON

**DECISION No 259/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 13 March 2013**

amending Decision No 574/2007/EC with a view to increasing the co-financing rate of the External Borders Fund for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Decision No 574/2007/EC of the European Parliament and of the Council ⁽²⁾ establishes the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' and provides for different Union co-financing rates for actions supported by that Fund.
- (2) The unprecedented global financial crisis and economic downturn have seriously damaged economic growth and financial stability, provoking a marked deterioration in financial, economic and social conditions in several Member States. Some Member States are experiencing serious difficulties or are threatened with such difficulties, particularly with respect to their financial and economic stability, which has led or may lead to deterioration in their deficit and debt positions and threaten economic growth, and are heightened by the international economic and financial environment.
- (3) While important actions to counterbalance the negative effects of the crisis have already been taken, the impact of the financial crisis on the real economy, the labour market and society at large is being widely felt. Pressure on national financial resources is increasing and further steps should be taken rapidly to alleviate that pressure through the maximal and optimal use of Union funding.
- (4) Council Regulation (EC) No 332/2002 of 18 February 2002 establishing a facility providing medium-term financial assistance for Member States' balances of

payments ⁽³⁾ provides that the Council may grant medium-term financial assistance where a Member State which has not adopted the euro is in difficulties or is seriously threatened with difficulties as regards its balance of payments.

- (5) Romania was granted such financial assistance by Council Decision 2009/459/EC of 6 May 2009 providing Community medium-term financial assistance for Romania ⁽⁴⁾.
- (6) In accordance with the conclusions of the Ecofin Council of 9-10 May 2010, the Council adopted a comprehensive package of measures, including Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ⁽⁵⁾, and, on 7 June 2010, a European Financial Stability Facility was established by the euro-area Member States, in order to provide financial support to euro-area Member States in difficulties caused by exceptional circumstances beyond their control, thereby safeguarding the financial stability of the euro area as a whole as well as of its Member States.
- (7) Ireland and Portugal were granted financial assistance by the European financial stabilisation mechanism under Council Implementing Decisions 2011/77/EU ⁽⁶⁾ and 2011/344/EU ⁽⁷⁾ respectively. They have also received funds from the European Financial Stability Facility.
- (8) On 8 May 2010, an Intercreditor Agreement and a Loan Facility Agreement for Greece were concluded and entered into force on 11 May 2010 as a first programme of financial assistance for Greece. On 12 March 2012, the finance ministers of the euro-area Member States interrupted that first programme and approved a second programme of financial assistance for Greece. It was decided that the financial vehicle for that second programme would be the European Financial Stability Facility, which would also disburse the remaining amount to be contributed by the euro area under the first programme.
- (9) On 2 February 2012, the finance ministers of the euro-area Member States signed the Treaty establishing the European Stability Mechanism. That Treaty follows European Council Decision 2011/199/EU of 25 March 2011 amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the

⁽¹⁾ Position of the European Parliament of 6 February 2013 (not yet published in the Official Journal) and decision of the Council of 25 February 2013.

⁽²⁾ OJ L 144, 6.6.2007, p. 22.

⁽³⁾ OJ L 53, 23.2.2002, p. 1.

⁽⁴⁾ OJ L 150, 13.6.2009, p. 8.

⁽⁵⁾ OJ L 118, 12.5.2010, p. 1.

⁽⁶⁾ OJ L 30, 4.2.2011, p. 34.

⁽⁷⁾ OJ L 159, 17.6.2011, p. 88.

euro⁽¹⁾. Under that Treaty, the European Stability Mechanism is the primary provider of financial assistance to euro-area Member States from its entry into force on 8 October 2012. Therefore, this Decision should take the European Stability Mechanism into account.

- (10) In its conclusions of 23 and 24 June 2011 the European Council welcomed the Commission's intention to enhance the synergies between the loan programme for Greece and Union funds and supported efforts to increase Greece's capacity to absorb Union funds in order to stimulate growth and employment by refocusing on improving competitiveness and job creation. Moreover, it welcomed and supported the preparation by the Commission, together with the Member States, of a comprehensive programme of technical assistance to Greece. The amendments to Decision No 574/2007/EC provided for in this Decision contribute to such efforts to enhance synergies.
- (11) In view of the exceptional circumstances, Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund⁽²⁾ was amended by Regulation (EU) No 1311/2011 of the European Parliament and of the Council⁽³⁾ to allow for an increase in the co-financing rate applied under the Structural Funds and the Cohesion Fund for Member States which are facing serious difficulties with respect to their financial stability. A similar approach was adopted towards those Member States in the framework of the European Agricultural Fund for Rural Development under Regulation (EU) No 1312/2011 of the European Parliament and of the Council of 19 December 2011 amending Council Regulation (EC) No 1698/2005 as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability⁽⁴⁾ and in the framework of the European Fisheries Fund under Regulation (EU) No 387/2012 of the European Parliament and of the Council of 19 April 2012 amending Council Regulation (EC) No 1198/2006 on the European Fisheries Fund, as regards certain provisions relating to financial management for certain Member States experiencing or threatened with serious difficulties with respect to their financial stability⁽⁵⁾. Those Member States should be supported in the framework of the four Funds established as part of the General Programme on 'Solidarity and Management of Migration Flows', namely the External Borders Fund, the European Return Fund, the European Refugee Fund and the European Fund for the Integration of third-country nationals ('the Funds') established for the period 2007 to 2013.
- (12) The Funds are key tools for helping Member States to address important challenges in the area of migration, asylum and external borders such as the development

of a comprehensive Union immigration policy to enhance the competitiveness and social cohesion of the Union and the creation of a Common European Asylum System.

- (13) To make it easier to manage Union funding in the area of migration, asylum and external borders and to improve the availability of such funding for the Member States to implement their annual programmes under the Funds, it is necessary, on a temporary basis and without prejudice to the 2014-2020 programming period, to arrange for an increase in the Union co-financing rate under the Funds by an amount corresponding to 20 percentage points above the co-financing rates currently applicable, for Member States experiencing serious difficulties with respect to their financial stability. This means that the Funds annual national allocation in accordance with the basic acts will remain unchanged while national co-financing will be reduced accordingly. Ongoing annual programmes will need to be revised to reflect the changes resulting from the application of the increased Union co-financing rate.
- (14) Any Member State seeking to benefit from the increased co-financing rate should provide the Commission with a written statement together with its draft annual programme or draft revised annual programme. In its statement, the Member State concerned should provide a reference to the relevant Council Decision or to any other relevant decision that makes it eligible to benefit from the increased Union co-financing rate.
- (15) The unprecedented crisis affecting international financial markets and the economic downturn have seriously damaged the financial stability of several Member States. As a rapid response is necessary to counter the effects on the economy as a whole, this Decision should enter into force as soon as possible.
- (16) Decision No 574/2007/EC should therefore be amended accordingly.
- (17) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁽⁶⁾ which fall within the area referred to in Article 1, points A and B of Council Decision 1999/437/EC⁽⁷⁾ on certain arrangements for the application of that Agreement.
- (18) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European

⁽¹⁾ OJ L 91, 6.4.2011, p. 1.

⁽²⁾ OJ L 210, 31.7.2006, p. 25.

⁽³⁾ OJ L 337, 20.12.2011, p. 5.

⁽⁴⁾ OJ L 339, 21.12.2011, p. 1.

⁽⁵⁾ OJ L 129, 16.5.2012, p. 7.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁷⁾ OJ L 176, 10.7.1999, p. 31.

Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁽¹⁾ which fall within the area referred to in Article 1, points A and B of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC⁽²⁾.

- (19) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁽³⁾ which fall within the area referred to in Article 1, points A and B of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2011/350/EU⁽⁴⁾.
- (20) 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. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (21) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽⁵⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (22) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽⁶⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

HAVE ADOPTED THIS DECISION:

Article 1

Amendments to Decision No 574/2007/EC

In Article 16 of Decision No 574/2007/EC, paragraph 4 is replaced by the following:

(¹) OJ L 53, 27.2.2008, p. 52.
 (²) OJ L 53, 27.2.2008, p. 1.
 (³) OJ L 160, 18.6.2011, p. 21.
 (⁴) OJ L 160, 18.6.2011, p. 19.
 (⁵) OJ L 131, 1.6.2000, p. 43.
 (⁶) OJ L 64, 7.3.2002, p. 20.

'4. The Union contribution to supported projects, as regards actions implemented in the Member States under Article 4, shall not exceed 50 % of the total cost of a specific action.

This may be increased to 75 % for projects addressing specific priorities identified in the strategic guidelines referred to in Article 20.

The Union contribution shall be increased to 75 % in the Member States covered by the Cohesion Fund.

The Union contribution may be increased by 20 percentage points in a Member State provided that it meets one of the following conditions at the time of submission of its draft annual programme in accordance with Article 23(3) of this Decision or draft revised annual programme in accordance with Article 23 of Commission Decision 2008/456/EC (*):

- (a) medium-term financial assistance is made available to it in accordance with Council Regulation (EC) No 332/2002 (**);
- (b) financial assistance is made available to it in accordance with Council Regulation (EU) No 407/2010 (***) or financial assistance is made available to it by other euro-area Member States before 13 May 2010; or
- (c) financial assistance is made available to it in accordance with the intergovernmental agreement reached establishing the European Financial Stability Facility or the Treaty establishing the European Stability Mechanism.

The Member State concerned shall submit a written statement to the Commission together with its draft annual programme or draft revised annual programme confirming that it meets one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph.

A project co-financed at the increased rate may remain so whether or not one of the conditions referred to in point (a), (b) or (c) of the fourth subparagraph is still met in the course of the implementation of the related annual programme.

(*) OJ L 167, 27.6.2008, p. 1.
 (**) OJ L 53, 23.2.2002, p. 1.
 (***) OJ L 118, 12.5.2010, p. 1.'

Article 2

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*.

*Article 3***Addressees**

This Decision is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 13 March 2013.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
L. CREIGHTON

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 260/2013

of 18 March 2013

extending the definitive anti-dumping duty imposed by Regulation (EC) No 1458/2007 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China to imports of gas-fuelled, non-refillable pocket flint lighters consigned from the Socialist Republic of Vietnam, whether declared as originating in the Socialist Republic of Vietnam or not

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal from the European Commission after consulting the Advisory Committee,

Whereas:

1. PROCEDURE

1.1. Background

- (1) In 1991, the Council, by Regulation (EEC) No 3433/91 ⁽²⁾, imposed a definitive anti-dumping duty of 16,9 % on imports of gas-fuelled, non-refillable pocket flint lighters originating, inter alia, in the People's Republic of China ('PRC') (the product under investigation).
- (2) In 1995, by Council Regulation (EC) No 1006/95 ⁽³⁾ the original *ad valorem* duty was replaced by a specific duty of ECU 0,065 per lighter.
- (3) Further to an investigation, undertaken in accordance with Article 13 of Regulation (EC) No 1225/2009 (the 'basic Regulation'), the above measures were extended by Council Regulation (EC) No 192/1999 ⁽⁴⁾ to (1) imports of gas-fuelled, non-refillable pocket flint lighters consigned from or originating in Taiwan and (2) imports of certain refillable lighters originating in the

PRC or consigned from or originating in Taiwan with a free-at-Community frontier, duty unpaid value per piece below EUR 0,15.

- (4) In 2001, the Council, by Regulation (EC) No 1824/2001 ⁽⁵⁾, confirmed the definitive anti-dumping duties imposed by Regulation (EC) No 1006/95 as extended by Regulation (EC) No 192/1999 ('existing measures') pursuant to Article 11(2) of the basic Regulation.
- (5) In 2007, the Council, by Regulation (EC) No 1458/2007 ⁽⁶⁾ ('the original Regulation'), confirmed the definitive anti-dumping duty imposed by Regulation (EC) No 1824/2001 pursuant to Article 11(2) of the basic Regulation. These measures will hereinafter be referred to as 'the original measures' and the investigation that led to the measures imposed by the original Regulation will be hereinafter referred to as 'the original investigation'.
- (6) The Commission, on 12 December 2012 ⁽⁷⁾, published a notice of expiry of the anti-dumping measures.
- (7) With the expiry of the measures on 13 December 2012, by Commission Regulation (EU) No 1192/2012 ⁽⁸⁾, the registration of imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not, was therefore discontinued from the same date (see also recital 14).
- (8) On 17 April 2012, the Commission received a request pursuant to Articles 13(3) and 14(5) of the basic Regulation ('the request') to investigate the possible circumvention of the anti-dumping measures imposed on

1.2. Request

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 326, 28.11.1991, p. 1.

⁽³⁾ OJ L 101, 4.5.1995, p. 38.

⁽⁴⁾ OJ L 22, 29.1.1999, p. 1.

⁽⁵⁾ OJ L 248, 18.9.2001, p. 1.

⁽⁶⁾ OJ L 326, 12.12.2007, p. 1.

⁽⁷⁾ OJ C 382, 12.12.2012, p. 12.

⁽⁸⁾ OJ L 340, 13.12.2012, p. 37.

imports of gas-fuelled, non-refillable pocket flint lighters originating in the PRC and to make imports of gas-fuelled, non-refillable pocket flint lighters consigned from the Socialist Republic of Vietnam ('Vietnam'), whether declared as originating in Vietnam or not, subject to registration.

- (9) The request was lodged by Société BIC, a Union producer of gas-fuelled, non-refillable pocket flint lighters.
- (10) The request contained sufficient prima facie evidence that the original measures were being circumvented by means of assembly operations in Vietnam.
- (11) The request showed that following the imposition of the original measures, a significant change in the pattern of trade involving exports from the PRC and Vietnam to the Union occurred, for which there was insufficient due cause or economic justification other than the imposition of the original measures. This change in the pattern of trade stemmed allegedly from the assembly operations of lighters in Vietnam using parts originating in the PRC.
- (12) Furthermore, the prima facie evidence pointed to the fact that the remedial effects of the original measures were being undermined both in terms of quantity and price. The evidence showed in particular that the increased imports from Vietnam were made at prices below the non-injurious price established in the original investigation.
- (13) Finally, there was also sufficient prima facie evidence that prices of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam were dumped in relation to the normal value established during the original investigation.

1.3. Initiation

- (14) Having determined, after consulting the Advisory Committee, that sufficient prima facie evidence existed for the initiation of an investigation pursuant to Article 13 of the basic Regulation, the Commission initiated an investigation by Commission Regulation (EU) No 548/2012⁽¹⁾ ('the initiating Regulation'). Pursuant to Articles 13(3) and 14(5) of the basic Regulation, the Commission, by the initiating Regulation, also directed the customs authorities to register imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not.

1.4. Investigation

- (15) The Commission officially advised the authorities of the PRC and Vietnam, the exporting producers in those countries, the importers in the Union known to be concerned and Société BIC (the applicant), a Union producer representing more than 75 % of the production of gas-fuelled, non-refillable pocket flint lighters in the European Union, of the initiation of the investigation.

- (16) Questionnaires were sent to 70 exporting producers in the PRC and 15 exporting producers in Vietnam known to the Commission from the request. Questionnaires were also sent to 59 importers in the Union named in the request. Interested parties were given the opportunity to make their views known in writing and to request a hearing within the time limit set in the initiating Regulation. All parties were informed that non-cooperation might lead to the application of Article 18 of the basic Regulation and to findings being based on the facts available.

- (17) Eight out of the 15 known exporting producers in Vietnam came forward, one of which claimed that it did not want to be considered as an interested party as it did not produce the product under investigation and did not export to the Union.

- (18) The following seven companies submitted replies to the questionnaires and verification visits were subsequently carried out at their premises:

— Viet Giai Thanh Co. Ltd, Ho Chi Minh City,

— Hoa Hung Co. Ltd, Tay Ninh Province,

— Trung Lai Gas Lighter Manufacture Co. Ltd, Nghe An Province,

— Textion Plastic Co. Ltd, Binh Duong Province,

— Cherry Year Vietnam Lighter Manufacture Co. Ltd, Tay Ninh Province,

— Huaxing Vietnam Manufacture Co. Ltd, Tay Ninh Province,

— Top Field Enterprises Co. Ltd, Tay Ninh Province.

- (19) None of the known exporting producers in the PRC came forward or submitted a questionnaire reply.

- (20) As regards importers, eight submitted a questionnaire reply, whereas six companies came forward and claimed that they did not want to be considered as interested parties as they did not import gas-fuelled, non-refillable pocket flint lighters from Vietnam (the product under investigation) in the Union. The remaining known companies did not come forward at all.

- (21) Following the initiation of the investigation, two importers requested and were granted a hearing which was held during September 2012. The importers also submitted their observations in writing. Their observations questioned the grounds of the initiation of the investigation as regards the product scope, import volumes, economic justification for the changes in the pattern of trade, the motivations behind the request and the financial situation of the Union producer having made the request. In the opinion of the two importers, there were insufficient grounds to initiate an investigation.

⁽¹⁾ OJ L 165, 26.6.2012, p. 37.

- (22) The Commission provided a detailed reply to the observations and gave the parties an opportunity to comment. The Commission outlined why it considered that the request contained sufficient *prima facie* evidence to justify the initiation of the investigation. The comments made by the two importers did not demonstrate that there would not have been sufficient *prima facie* evidence to justify the initiation of the investigation.

1.5. Investigation period

- (23) The investigation period covered the period from 1 January 2008 to 31 March 2012 ('the IP'). Data were collected for the IP to investigate, *inter alia*, the alleged change in the pattern of trade. More detailed data were collected for the reporting period from 1 April 2011 to 31 March 2012 ('the RP') in order to examine the possible undermining of the remedial effect of the measures and the existence of dumping.

2. RESULTS OF THE INVESTIGATION

2.1. General considerations

- (24) In accordance with Article 13(1) of the basic Regulation, the assessment of the existence of circumvention was made by analysing successively whether there was a change in the pattern of trade between the PRC, Vietnam and the Union; if this change resulted from a practice, process or work for which there was insufficient due cause or economic justification other than the imposition of the duty; if there was evidence of injury or that the remedial effects of the duty were being undermined in terms of the prices and/or quantities of the product under investigation; and whether there was evidence of dumping in relation to the normal values previously established in the original investigation, if necessary in accordance with Article 2 of the basic Regulation.

2.2. Product concerned and the product under investigation

- (25) The product concerned is as defined in the original investigation: gas-fuelled, non-refillable pocket flint lighters currently falling within CN code ex 9613 10 00 and originating in the People's Republic of China ('the product concerned').
- (26) The product under investigation is the same as that defined in the previous recital, but consigned from Vietnam, whether declared as originating in Vietnam or not, currently falling within the same CN code as the product concerned ('the product under investigation').
- (27) The investigation showed that gas-fuelled, non-refillable pocket flint lighters, as defined above, exported from the PRC to the Union and those consigned from Vietnam to the Union have the same basic physical and technical

characteristics and have the same uses, and are therefore to be considered as like products within the meaning of Article 1(4) of the basic Regulation.

2.3. Degree of cooperation and determination of the trade volumes

Vietnam

- (28) As stated in recital 18, seven companies submitted questionnaire replies. For the RP, the total volume of lighters reported as sold to the Union according to these replies represented more than 100 % of the total volume of lighters reported as imported into the Union according to the Eurostat Comext database. Despite the fact that the information regarding sales volumes in the replies was considered to be unreliable as explained in recital 29 below, it is considered that this still gives an indication that cooperation was high and that the companies investigated are representative.
- (29) During the verification visits carried-out at the premises of the seven Vietnamese exporting producers, it was found that they had each submitted information which could not be considered to be reliable for the purpose of establishing the findings relevant to the investigation. In particular, the seven companies were found to have wrongly stated their production volumes, imports of lighter parts and total sales. It was also found that part of the business relating to the product under investigation was not included in the official accounts and that certain assembly operations were carried out by unofficial subcontractors. Moreover, quantities of imports of parts from the PRC were not declared or wrongly stated, and part of the sales were not accounted for in the accounts of the companies. As a result, it has not been possible to reliably establish, in particular, the total production and total sales volumes of the companies concerned, or to reconcile the actual sale prices of the product under investigation and the costs relating to key input materials such as gas with the data provided in the replies to the questionnaire.
- (30) In view of the situation described in recital 29, the exporting producers were informed that pursuant to Article 18 of the basic Regulation it was envisaged to base the findings and conclusions of the investigation on the best facts available. Parties were given an opportunity to comment and were granted a hearing when requested. Each party received an individual letter outlining the specific and detailed findings which led to the conclusion that the data provided could not be considered to be reliable and was not suitable to establish the facts necessary for the investigation.
- (31) Two exporting producers did not provide any comments on the intention to apply Article 18 of the basic Regulation. The other five exporting producers, composed of two individual companies and one group of three companies, requested and were granted a hearing which was held during November 2012. These exporting

producers also provided their observations in writing. They disputed the Commission's intention to disregard the data they provided and the possible conclusion of the existence of circumvention based on the application of the best facts available.

- (32) Four of the exporting producers did not contest the fact that the information they provided was not complete or reliable and admitted the discrepancies in their accounting and the fact that not all operations were disclosed or recorded in their books. However, they claimed that these differences only concerned their domestic sales and did not have any effect on their export sales. One party claimed that its records had been destroyed by a fire, which explained the incompleteness of the information available. They further claimed that the quantity of gas contained in the lighters was wrongly estimated by the Commission and that therefore the findings regarding the production volumes were not correct. One company claimed that a discrepancy concerning gas consumption was explained by intentional releases of gas during the warmer months. These parties could not, however, provide any substantiated evidence to support these claims.
- (33) The companies also stated that they were fully cooperative and were not withholding any information concerning their business. They admitted to have provided deficient replies, but strongly contested having submitted false or misleading information. In their view, undisclosed and unverifiable data does not, of itself, constitute a proof of circumvention and according to them, the Commission had not demonstrated, on the basis of on positive evidence, that circumvention was taking place.
- (34) Although the companies have not themselves provided complete and accurate records of their activities, the Commission has used alternative methods, such as the consumption of raw materials, to reconcile the key data provided in the questionnaire replies with the information provided and discovered on spot. Such alternative methods, even if inevitably less precise than actual records, showed that the data provided was not reliable. For instance, the outcome concerning production volume showed that the production quantities declared by the companies did not match with their consumption of raw materials.
- (35) The Commission considers that the absence of reliable records, the withholding of information which is relevant to the investigation and the submission of false or misleading information rendered the data unreliable following a verification process.
- (36) Given the above, findings in respect of imports of gas-fuelled, non-refillable pocket flint lighters from Vietnam into the Union had to be made on the basis of the facts available in accordance with Article 18(1) of the basic

Regulation. As a consequence, in order to ensure that the failure of the parties to provide the information does not hinder the investigation, the Commission has replaced the unverifiable data provided by the Vietnamese producers with other available data, such as the Eurostat Comext database to determine the overall import volumes from Vietnam into the Union, and cost data provided in the request to determine the share of Chinese parts (see recital 50 below).

The People's Republic of China

- (37) There was no cooperation from the Chinese exporting producers. Therefore, findings in respect of imports of the product concerned into the Union and exports of gas-fuelled, non-refillable pocket flint lighters from the PRC to Vietnam had to be made on the basis of the facts available in accordance with Article 18(1) of the basic Regulation. UN Comtrade statistics provided in the request were used for the determination of the overall exports from the PRC to Vietnam.

2.4. Change in the pattern of trade

Imports of gas-fuelled, non-refillable pocket flint lighters into the Union

- (38) Imports of the product concerned from the PRC dropped in 1991 when the measures were first introduced. The imports have remained small throughout the successive modifications and extensions of the measures in 1995, 1999, 2001 and 2007.
- (39) Imports of lighters from the PRC between 1 January 2008 and 31 March 2012 were relatively stable in terms of volume, around 50 million pieces for 2008 and 2009, 70 million pieces in 2010 and 60 million in 2011 and the RP. However, they consisted only of refillable models and electrical piezo lighters which were not subject to the measures.
- (40) The imports of the product under investigation from Vietnam have increased over time. While in 1997 there were practically no imports into the Union of the product under investigation from Vietnam, since 2007 there has been a rapid increase in the import volume of the product under investigation.
- (41) In RP imports from Vietnam represented 84 % of all imports to the Union.

Imports from Vietnam into the Union of non-refillable lighters as % of all imports

	2008	2009	2010	2011	RP
Market share	80 %	84 %	83 %	84 %	84 %

Source: statistics provided in the request.

Exports of lighter parts from the PRC to Vietnam

- (42) Flint lighter parts were exported from the PRC to Vietnam during the IP. Vietnam is the most important export destination of flint lighter parts from the PRC. According to the statistics provided in the request, exports of lighter parts from the PRC to Vietnam have increased significantly since 1999. In 1999, exports of lighter parts from the PRC to Vietnam were less than 3 % of total exports, whereas in 2010 Vietnam became the first export destination of lighter parts with a share of 26 % of imports. In volumes, this would correspond to an increase from less than 50 million to 200 million finished lighters.

Production volumes of gas-fuelled, non-refillable pocket flint lighters in Vietnam

- (43) As the information provided by the Vietnamese producers had to be disregarded, no verifiable information could be obtained on the possible levels of the genuine production of gas-fuelled, non-refillable pocket flint lighters.

2.5. Conclusion on the change in the pattern of trade

- (44) The overall decrease in exports from the PRC to the Union and the increase in exports from Vietnam to the Union since 2007 and the significant increase in exports of lighter parts from the PRC to Vietnam since 1999 constituted a change in the pattern of trade between the PRC and Vietnam, on the one hand, and the Union, on the other.

2.6. Nature of the circumvention practice

- (45) Article 13(1) of the basic Regulation requires that the change in the pattern of trade stems from a practice, process or work for which there is insufficient due cause or economic justification other than the imposition of the duty. The practice, process or work includes, inter alia, the assembly of parts by an assembly operation in a third country. For this purpose the existence of assembly operations is determined in accordance with Article 13(2) of the basic Regulation.

Assembly operations

- (46) As mentioned above, the absence of reliable records and the withholding of information which was relevant for the investigation has led to the application of Article 18 of the basic Regulation. Whether or not an assembly operation in Vietnam could be considered to circumvent the measures had to be based on the facts available.
- (47) The investigation has revealed that the circumvention takes place through assembly operations conducted by Vietnamese companies which operate in close cooperation with Chinese and Hong Kong registered

companies. The majority of cooperating Vietnamese producers are owned by PRC and Hong Kong companies. Also the management of the Vietnamese companies is, to a large extent, composed of Chinese professionals who have previously worked for lighter producers in the PRC.

- (48) The Vietnamese producers import their lighter parts from the PRC through related companies registered in Hong Kong. Some of the Vietnamese producers operate under processing agreements with Chinese and/or Hong Kong principals. Under these agreements, the Chinese principal provides the lighter parts and plastic to the Vietnamese factory, and sells the finished lighters. Even in the absence of such processing agreements, the lighters produced in Vietnam are typically sold to Hong Kong companies who are in charge of the commercial relationship with Union importers.

- (49) Due to the unreliability of the information provided by the Vietnamese producers, it has not been possible to determine whether the percentage thresholds set out in Article 13(2) of the basic Regulation are fulfilled or not. It has not been possible to verify whether the lighter parts originating from the PRC constitute more or less than 60 % of the total value of the assembled lighters and whether or not the value added to the parts brought in has been greater or lesser than 25 % of the manufacturing cost.

- (50) In the absence of reliable information from the Vietnamese producers, the determination must be made on the basis of the facts available. The information provided in the request shows that the lighter parts originating from PRC represent between 60 % and 70 % of the total value and that the value added to the parts brought in corresponds to 12 % of the manufacturing costs. These values are based on comparable production costs of a manufacturer located in the PRC. The underlying calculations are considered to be reasonably accurate and to reflect the division of costs in Vietnam, because the lighter parts and raw materials used are the same in both the PRC and Vietnam. Any adjustments due to lower local costs in Vietnam would result in an even larger share of Chinese value in the finished lighters.

2.7. Insufficient due cause or economic justification other than the imposition of the anti-dumping duty

- (51) The investigation did not bring to light any other due cause or economic justification for the assembly operations than the avoidance of the original measures on the product concerned. The Vietnamese producers have claimed that the cause for moving the production would be the lower labour costs in Vietnam, but the claim has not been substantiated. In any case, a general labour cost difference would not explain why the production in a specific sector (lighters) would move to Vietnam, while production in other sectors, including lighter parts, for example, continues in the PRC.

2.8. Injury or undermining of the remedial effect of the anti-dumping duty

- (52) The existence of injury having been addressed in the original Regulation, the scope of the current investigation included the assessment of whether the remedial effects of the duties in place are being undermined in terms of the prices and/or quantities of the like product.
- (53) To assess whether the imported product under investigation had, in terms of quantities and prices, undermined the remedial effects of the original measures on imports of the product concerned, Eurostat Comext database was used as the best data available concerning quantities and prices of imports from Vietnam. The prices so determined were compared to the injury elimination level established for Union producers in recital 63 of Regulation (EC) No 1006/95.
- (54) The increase of imports from Vietnam to the Union from 0,6 % of Union imports in 1998 to 80 % in 2008 (start of the IP) and to 84 % of Union imports in the RP (the end of the IP), see the table in paragraph 2.4, was considered to be significant in terms of quantities. In the same period, the imports from PRC into the Union decreased significantly, from 30 % to 10 % of share of all imports.
- (55) The comparison of the injury elimination level as established in the original investigation and the weighted average export price for Vietnamese declared exports showed significant underselling. It was therefore concluded that the remedial effects of the duty, as determined in the original Regulation are being undermined in terms of both quantities and prices.

2.9. Evidence of dumping

- (56) Finally, in accordance with Article 13(1) and (2) of the basic Regulation, the Commission examined whether there was evidence of dumping by comparing the normal value previously established in the original investigation with the export prices from Vietnam.
- (57) In the original investigation the normal value was established on the basis of prices in Brazil, which was found to be an appropriate market economy analogue country for the PRC for that investigation.
- (58) The export prices from Vietnam were based on the facts available, i.e. on the average export price of gas-fuelled, non-refillable pocket flint lighters during the RP as reported in Eurostat Comext database. The use of the facts available was due to unreliable information from the Vietnamese producers concerning the product under investigation.
- (59) For the purpose of a fair comparison between the normal value and the export price, due allowance, in the form of adjustments, was made for differences which affect prices

and price comparability in accordance with Article 2(10) of the basic Regulation. Accordingly, adjustments were made for differences in transport, insurance and packing costs. Given that there was no reliable information obtained from the producers in Vietnam and the PRC, the adjustments had to be established on the basis of the best facts available. Thus, the adjustments for these allowances were based on a percentage calculated as the proportion of the total transport, insurance and packing costs over the value of the sales transactions to the Union with CIF delivery terms provided by the cooperating Chinese exporting producers in the original investigation.

- (60) In accordance with Article 2(11) and 2(12) of the basic Regulation, dumping was calculated by comparing the weighted average normal value as established in the original Regulation and the corresponding weighted average export prices for Vietnamese declared exports during this investigation's RP according to the Comext database, expressed as a percentage of the CIF price at the Union frontier duty unpaid.
- (61) The comparison of the weighted average normal value and the weighted average export price, after the adjustments explained in recital 59 above, showed the existence of significant dumping.

2.10. Comments to the disclosure

- (62) Following the disclosure, a group of interested parties, comprised of Vietnamese producers and Union importers, even though admitting to not being directly concerned by the measures, commented on the findings of the investigation. They again argued that any misleading information had not been provided intentionally, that the Commission had not found any positive evidence of circumvention and that there was no remedial effect to be achieved by retroactive imposition of the measures, also demonstrated by the non-prolongation of the original measures against the PRC. According to these parties, the non-prolongation of the original measures against the PRC was based on findings concerning the same time-period as the conclusion that the circumvention practices undermine the remedial effects of the original measures. Finally they also questioned the intended effect and what the Union interest would be in extending the measures which were terminated in December 2012. In their view, the extension of the measures would bring no benefit to the Union industry and would only penalise Union importers.
- (63) Upon presentation and admittance of a valid request for an anti-circumvention investigation, the Commission has a legal obligation to fully investigate the matter and take appropriate action if justified. In the case at hand it was found that all the conditions of Article 13 of the basic Regulation to determine that circumvention is taking place were fulfilled. Consequently, the measures had to be extended in the appropriate manner to imports from Vietnam.

- (64) When assessing whether circumvention practices undermine the remedial effects of the original measures, the Commission must base its analysis on the developments following the imposition of these measures and takes into consideration the findings from the original investigation on the basis of which the remedial effects have been determined. By contrast, the assessment of the necessity to initiate an expiry review is determined on the basis of the likelihood of continuation or recurrence of dumping and injury in the future on the basis of findings relating to a different period of time. Therefore, contrary to what the interested parties have alleged, the two findings do not concern the same time period. As regards the claim that only Union importers would be affected and that there would be no benefit to the Union industry, the Union interest for the imposition of the measures was confirmed in the original investigation. In accordance with Article 13 of the basic Regulation, the extension of the remedial effects of the original measures against circumvention is in this respect justified as long as the original measures are in force. The purpose of the extension of the measures is in any case not to penalise parties, but to correct the distortive effect of the circumvented dumped imports from Vietnam on the Union market by introducing a level playing field in terms of prices or quantities of such imports. In any event, the alleged sole influence of the measures on importers is not supported by any evidence or analysis.
- (65) One other interested party, an importer, submitted comments on the investigation arguing that it had not been informed about the initiation of the circumvention investigation. It has to be noted in this respect that this party was not known to the Commission prior to the initiation of the investigation and that the initiation notice was made public by means of publication in the Official Journal.
- (66) Another importer reacted by announcing that it would, within six months, submit evidence demonstrating that its imports of lighters did not involve circumvention. The Commission notes that all interested parties have been invited in the initiation notice to submit evidence during the investigation (see in particular recitals 10, 19 and 20 and Article 3(2) of Regulation (EU) No 548/2012). The Commission must conclude the investigation within the legal deadline of nine months and therefore cannot await additional submissions at this stage.

3. MEASURES

- (67) Given the above, it was concluded that the definitive anti-dumping duty imposed on imports of gas-fuelled, non-refillable pocket flint lighters originating in the PRC was circumvented by assembly operations via Vietnam within the meaning of Article 13(1) and 13(2) of the basic Regulation.
- (68) In accordance with the first sentence of Article 13(1) of the basic Regulation, the original measures on imports of

the product concerned, should be extended to imports of the product under investigation, i.e. the same product but consigned from Vietnam, whether declared as originating in Vietnam or not.

- (69) In light of the non-cooperation in this investigation, the measures to be extended should be the measures established in Article 1(2) of Regulation (EC) No 1458/2007, i.e. a definitive anti-dumping duty of EUR 0,065 per lighter.
- (70) In accordance with Articles 13(3) and 14(5) of the basic Regulation, which provides that any extended measure should apply to imports which entered the Union under registration imposed by the initiating Regulation, duties should be collected on those registered imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam. Given that the original measures expired on 13 December 2012 and the registration has been terminated on the same day, the collection of duties would only apply up to that date.

4. REQUESTS FOR EXEMPTION

- (71) The seven companies in Vietnam submitting questionnaire replies requested an exemption from the possible extended measures in accordance with Article 13(4) of the basic Regulation.
- (72) All of these seven companies were found to have provided false or misleading information. In accordance with Article 18(4) of the basic Regulation, these companies were informed of the intention to disregard the information submitted by them and were granted a time-limit to provide further explanations.
- (73) Further explanations by these companies were not such so as to lead to a change in the conclusion. Therefore in accordance with Article 18(1) of the basic Regulation, findings with regard to these companies were based on the facts available.
- (74) Taking into account the nature of the false and/or misleading information as set out above, the exemptions as requested by these seven companies could, in accordance with Article 13(4) of the basic Regulation, not be granted.

5. DISCLOSURE

- (75) All interested parties were informed of the essential facts and considerations leading to the above conclusions and were invited to comment. The oral and written comments submitted by the parties were considered. None of the arguments presented gave rise to a modification of the findings,

HAS ADOPTED THIS REGULATION:

Article 1

1. The definitive anti-dumping duty imposed by Article 1(2) of Regulation (EC) No 1458/2007 on imports of gas-fuelled, non-refillable pocket flint lighters originating in the People's Republic of China is hereby extended to imports of gas-fuelled, non-refillable pocket flint lighters consigned from Vietnam, whether declared as originating in Vietnam or not, currently falling under CN code ex 9613 10 00.

2. The duty extended by paragraph 1 of this Article shall be collected on imports consigned from Vietnam from 27 June

2012 until 13 December 2012, whether declared as originating in Vietnam or not, registered in accordance with Article 2 of Regulation (EU) No 548/2012 and Articles 13(3) and 14(5) of Regulation (EC) No 1225/2009.

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

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, 18 March 2013.

For the Council
The President
S. COVENEY

COUNCIL IMPLEMENTING REGULATION (EU) No 261/2013**of 21 March 2013****implementing Article 11(1) and (4) of Regulation (EU) No 753/2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 753/2011 of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan⁽¹⁾, and in particular Article 11(1) and (4) thereof,

Whereas:

(1) On 1 August 2011, the Council adopted Regulation (EU) No 753/2011.

(2) On 11 February and 25 February 2013, the United Nations Security Council Committee, established

pursuant to paragraph 30 of Security Council Resolution 1988 (2011), updated and amended the list of individuals, groups, undertakings and entities subject to restrictive measures.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 21 March 2013.

For the Council
The President
P. HOGAN

⁽¹⁾ OJ L 199, 2.8.2011, p. 1.

ANNEX

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

A. Individuals associated with the Taliban

1. Abdul Jalil Haqqani Wali Mohammad (*alias* (a) Abdul Jalil Akhund (b) Mullah Akhtar (c) Abdul Jalil Haqqani (d) Nazar Jan)

Title: (a) Maulavi, (b) Mullah. Grounds for listing: Deputy Minister of Foreign Affairs under the Taliban regime. Date of birth: Approximately 1963. Place of birth: (a) Arghandab District, Kandahar Province, Afghanistan, (b) Kandahar City, Kandahar Province, Afghanistan. Nationality: Afghan. Passport number: OR 1961825 (issued under the name Mullah Akhtar, passport issued on 4 Feb. 2003 by the Afghan Consulate in Quetta, Pakistan, expired 2 Feb. 2006). Other information: (a) Believed to be in Afghanistan/Pakistan border area, (b) Member of the Taliban Supreme Council as of May 2007, (c) Member of the Financial Commission of the Taliban Council, (d) Brother of Atiqullah Wali Mohammad. Date of UN designation: 25.1.2001.

2. Atiqullah Wali Mohammad (*alias* Atiqullah)

Title: (a) Haji, (b) Mullah. Grounds for listing: Deputy Minister of Public Works under the Taliban regime. Date of birth: Approximately 1962. Place of birth: (a) Tirin Kot District, Uruzgan Province, Afghanistan, (b) Khwaja Malik village, Arghandab District, Kandahar province, Afghanistan. Nationality: Afghan. Other information: (a) Member of Taliban Supreme Council Political Commission as at 2010, (b) Believed to be in Afghanistan/Pakistan border area, (c) Belongs to Alizai tribe, (d) Brother of Abdul Jalil Haqqani Wali Mohammad. Date of UN designation: 31.1.2001.

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

After the capture of Kabul by the Taliban in 1996, Atiqullah was appointed to a position in Kandahar. In 1999 or 2000, he was appointed First Deputy Minister for Agriculture, then Deputy Minister of Public Works in the Taliban regime. After the fall of the Taliban regime, Atiqullah became Taliban operational officer in the south of Afghanistan. In 2008, he became a deputy to the Taliban Governor of Helmand Province, Afghanistan.

- II. The entry below shall be added to the list set out in Annex I to Regulation (EU) No 753/2011.

A. Individuals associated with the Taliban

1. Ahmed Shah Noorzai Obaidullah (*alias* (a) Mullah Ahmed Shah Noorzai (b) Haji Ahmad Shah (c) Haji Mullah Ahmad Shah (d) Maulawi Ahmed Shah (e) Mullah Mohammed Shah)

Title: (a) Mullah (b) Maulavi Date of birth: (a) 1 Jan. 1985 (b) 1981 Place of birth: Quetta, Pakistan. Passport No: Pakistani passport number NC5140251 issued on 23 Oct. 2009 expires on 22 October 2014. National identification No: Pakistani national identity card number 54401-2288025-9. Address: Quetta, Pakistan. Other information: (a) Owns and operates the Roshan Money Exchange. (b) Provided financial services to Ghul Agha Ishakzai and other Taliban in Helmand Province. Date of UN Designation: 26.2.2013

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

Ahmed Shah Noorzai Obaidullah owns and operates the Roshan Money Exchange which provides financial, material, or technological support for, or financial or other services to or in support of, the Taliban. Roshan Money Exchange stores and transfers funds in support of Taliban military operations and the Taliban's role in the Afghan narcotics trade. As of 2011, Roshan Money Exchange was one of the primary money service providers (or 'hawalas') used by Taliban officials in Helmand Province, Afghanistan. Ahmed Shah has provided hawala services to Taliban leaders in Helmand Province for a number of years and, as of 2011, was a trusted Taliban money service provider. In early 2012, the Taliban ordered Ahmed Shah to transfer money to a number of hawalas in Lashkar Gah, Helmand Province, from which a senior Taliban commander would then allocate the funds.

In late 2011, Ahmed Shah consolidated hundreds of thousands of US dollars to pass to the Taliban Finance Commission and transferred hundreds of thousands of US dollars for the Taliban, including to senior Taliban commanders. Also in late 2011, Ahmed Shah received through his hawala branch in Quetta, Pakistan, a transfer on behalf of the Taliban, money from which was used to purchase fertilizer and IED components, including batteries and detonator cord. In mid-2011, Taliban finance commission head Gul Agha Ishakzai instructed Ahmed Shah to deposit several million US dollars into Roshan Money Exchange for the Taliban. Gul Agha explained that when a money transfer was required, he would inform Ahmed Shah of the Taliban recipient. Ahmed Shah would then provide the required funds through his hawala system. As of mid-2010, Ahmed Shah moved money between Pakistan and Afghanistan for Taliban commanders and for narcotics traffickers. In addition to his facilitation activities, Ahmed Shah also donated large but unspecified sums of money to the Taliban in 2011.

COMMISSION IMPLEMENTING REGULATION (EU) No 262/2013

of 18 March 2013

approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Melon du Quercy (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.

(2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Melon du Quercy' registered in accordance with Commission Regulation (EC) No 1165/2004 ⁽³⁾, as amended by Regulation (EC) No 1040/2007 ⁽⁴⁾.

(3) The purpose of the application is to amend the specification by giving more detailed information on the product description, the proof of origin, the method of production, labelling, national requirements and the contact details of the control body.

(4) The Commission has examined the amendments in question and decided that they are justified. Since this is a minor amendment, the Commission may adopt it without using the procedure set out in Articles 50 to 52 of Regulation (EU) No 1151/2012,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected geographical indication 'Melon du Quercy' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the Single Document setting out the main points of the specification.

Article 3

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

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

Done at Brussels, 18 March 2013.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 224, 25.6.2004, p. 16.

⁽⁴⁾ OJ L 238, 11.9.2007, p. 29.

ANNEX I

The following amendments to the specification for the protected geographical indication 'Melon du Quercy' are approved:

1. Description of the agricultural product

As the European marketing standard for melons was repealed on 1 July 2009 (Regulation (EC) No 1615/2001), the reference made to class I of the Regulation is replaced by adding to the specification objective elements initially imposed by the standard (characteristics of the variety, good quality and uniform packaging).

The initial specification distinguished between 'Charentais-type melons' and 'other types of long-keeping melons'. Given that all the melons used to produce 'Melon du Quercy' are of the Charentais type, a concise rewording is proposed.

In order to simplify the layout, the list of packaging classes is replaced by an explicit obligation to pack the melons uniformly, with the largest melon not weighing over 30 % more than the smallest.

As regards sugar content, national legislation on the certification conditions of this product imposed a minimum value of 11° Brix, which corresponds to production practices. It is therefore proposed to amend the specification of the PGI by replacing 'greater than 11° Brix' by 'greater than or equal to 11° Brix'.

2. Elements proving that the agricultural product originates from the defined area

A requirement concerning the identification of the operators is introduced in order to reinforce the control of the origin of 'Melon du Quercy'. All the obligations concerning declarations, register keeping and product identification are introduced in this chapter.

In order to take into account the specificities of marketing on the retail market and keeping in mind that all Quercy melons are identified individually, it is no longer obligatory to identify the packages. Instead, consumers are provided with information through point-of-sale advertising or on the price tag.

3. Description of the method of production

The production chart has been officially changed to highlight the different steps in the production of 'Melon du Quercy': production, sorting and packaging, and storage. A distinction is no longer made between the different marketing channels and instead the common obligations of all the operators are highlighted.

The procedure for establishing the annual lists of authorised varieties is specified in order to guarantee the quality of 'Melon du Quercy'.

In connection with the transcription of provisions from national legislation and in order to provide more detailed information on the production phases, rules related to planting and sowing, irrigation, fertilisation, phytosanitary protection, approval and sorting are added to the specification.

Varietal development and the experience gained over the past 15 years, in particular the hot summers (especially in 2005), make it possible to guarantee that the quality of 'Melon du Quercy' will remain unchanged if the melon is harvested after 13.00, in other words when temperatures are higher. The obligation to harvest before 13.00 is therefore abolished.

Similarly, laying out the harvested melons in a single layer was justified in the case of highly shock-sensitive varieties. However, since tests carried out in 2009 did not reveal any loss of quality, the possibility of placing the harvested melons into pallets (packaging in several layers) is introduced.

As regards packaging, the reference to trays is deleted to allow the use of better-quality packaging, such as punnets.

In order to take into account the specificities of marketing on the retail market in a situation where the melons are regularly rearranged on the stalls, the obligation to use cellular trays and paper is deleted for this type of marketing.

4. Control structure

The contact details of the control body are updated. A reference to its accreditation is added.

5. Specific labelling details

Obligations specific to the PGI are introduced. The obligations related to national legislation are deleted (CCP).

6. Requirements to be met under European or national provisions

Introduction of a table of the main points to be verified, in accordance with national requirements.

ANNEX II

SINGLE DOCUMENT

Regulation (EC) No 510/2006 (*)

'MELON DU QUERCY'

EC No: FR-PGI-0205-0086-13.10.2011

PGI (X) PDO ()

1. Name

'Melon du Quercy'

2. Member State or Third Country

France

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. Description of product to which the name in point 1 applies

Of the Charentais-type variety, a melon with a smooth or netted grey/green to yellow peel and orange flesh and a minimum weight of 450 g.

Whole, healthy, fresh-looking, firm, clean, of good quality; the peduncle of fruit harvested with their peduncle attached must be less than 2 cm.

The melon must have a refractive index of at least 11° Brix.

'Melon du Quercy' is put up for sale whole and packaged. For each package, the weight of the biggest melon may not exceed by more than 30 % the weight of the smallest.

The contents of each package must be uniform and contain only melons that have reached appreciably the same degree of development and ripeness and are of appreciably the same colour.

3.3. Raw materials (for processed products only)

—

3.4. Feed (for products of animal origin only)

—

3.5. Specific steps in production that must take place in the defined geographical area

'Melon du Quercy' is cultivated in the geographical area of the PGI.

3.6. Specific rules concerning slicing, grating, packaging, etc.

The approval, sorting and packaging take place in the geographical area of the PGI.

In order to guarantee the quality of the product, these operations must be carried out very rapidly so that the product can be placed on the market within six days of the harvest.

Approval and sorting are carried out in the geographical area, because these stages are essential for successfully selecting melons that qualify for the PGI. These operations are carried out by trained operators capable of judging when the melon is fully ripe on the basis of the peel's colour and the sugar content as measured by refractometry.

Packaging, too, takes place in the geographical area, because it is done simultaneously with sorting and approval so as to limit the frequency of handling, which may affect the qualities of 'Melon du Quercy'. Furthermore, traceability is ensured by identifying the melons and the packages individually using the 'Melon du Quercy' logo as well as by specific stock accounting.

3.7. Specific rules concerning labelling

— name of product: 'Melon du Quercy'

(*) Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

- the PGI logo or the indication 'Indication Géographique Protégée'
- the 'Melon du Quercy' logo on each fruit.

4. Concise definition of the geographical area

The geographical area of the 'Melon du Quercy' PGI covers:

- the department of Lot, the cantons of Castelnau-Montratier, Lalbenque, Montcuq, and the municipalities of Cambayrac, Carnac-Rouffiac, Concots, Floressas, Labastide-Marnhac, Lacapelle-Cabanac, Mauroux, Le Montat, Sauzet, Sérignac and Villesèque,
- the department of Lot-et-Garonne, the cantons of Beauville, Penne-d'Agenais, Puymirol, Tournon-d'Agenais),
- the department of Tarn-et-Garonne, the cantons of Bourg-de-Visa, Caussade, Lafrançaise, Lauzerte, Moissac, Molières, Monclar-de-Quercy, Montaigu-de-Quercy, Montauban, Montpezat-de-Quercy, Négrepelisse, Villebrumier as well as the municipalities of Castelsagrat, Gasques, Goudourville, Montjoi, Mouillac, Perville, Pommevic, Saint-Clair and Valence.

5. Link with the geographical area

5.1. Specificity of the geographical area

It is characterised by a climate with an alternation of ocean (cool and wet) and Mediterranean (hot and dry) influences that produce large temperature ranges. This temperate climate is well suited to growing the melon.

The land used has clay-limestone soil. These types of soil are particularly well adapted to the cultivation of the melon.

5.2. Specificity of the product

'Melon du Quercy' is of the Charentais-type variety, which has a smooth, netted peel with more or less prominent grooves/furrows.

It has an orange flesh that is juicy and both firm and tender.

The selection of varieties according to agronomic and aromatic criteria (flavour, taste, etc.) linked to the clay-limestone soils, typical climate and harvesting criteria (fully ripe) are key factors in obtaining fruit that live up to their potential: sweet flavour (11° Brix minimum), well-developed fragrances and tastes, sustained and characteristic aromas.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The soil and climatic conditions of the geographical area contribute to the production of aromatic fruit.

On the one hand, the clay-limestone soils with their balanced and well-aerated structure enable steady growth of the plants and an optimal mineral balance for the fruit.

On the other hand, the specific climate of Quercy affects the setting, thus maximising the number of fruit per foot. This way each fruit is better nourished. At the same time, the Mediterranean influences (hot and dry), especially during the summer, promote the ripening of the fruit.

The quality of 'Melon du Quercy' is also based on the ancient know-how of the operators involved in the production of 'Melon du Quercy'. This is evident in their ability to select varieties specifically adapted to the production area, in the harvesting of fully ripe fruit and in an optimal timetable for preparing the melons after harvesting.

The reputation of the melon was established when operators identified 'Melon du Quercy' already back in 1994. The many events surrounding the marketing of the melon contribute to its reputation, for example the festival of Belfort du Quercy held in mid-August or the opening of the season in July 1994 at the prefecture of Lot, which received much attention in the local press. In July 1996, *La Dépêche du Midi* ran an article entitled 'l'excellence du Melon du Quercy'.

Publication reference of the specification

(Article 5(7) of Regulation (EC) No 510/2006)

<https://www.inao.gouv.fr/fichier/CDCIGPMelonDuQuercy.pdf>

COMMISSION IMPLEMENTING REGULATION (EU) No 263/2013

of 18 March 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Mela Alto Adige/Südtiroler Apfel (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.

(2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification for the protected

geographical indication 'Mela Alto Adige/Südtiroler Apfel' registered under Commission Regulation (EC) No 1855/2005 ⁽³⁾.

(3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 18 March 2013.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 297, 15.11.2005, p. 5.

⁽⁴⁾ OJ C 125, 28.4.2012, p. 5.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

ITALY

Mela Alto Adige/Südtiroler Apfel (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 264/2013**of 18 March 2013****approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Cipolla Rossa di Tropea Calabria (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of an amendment to the specification for the protected geographical indication 'Cipolla Rossa di Tropea Calabria' registered under Commission Regulation (EC) No 284/2008 ⁽³⁾.

- (3) The purpose of the application is to amend the specification in order to specify the presentation, packaging and labelling of the onions.

- (4) The Commission has examined the amendments in question and decided that they are justified. Since the amendment is minor, the Commission may approve it without recourse to the procedure laid down in Articles 50 to 52 of Regulation (EU) No 1151/2012,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected geographical indication 'Cipolla Rossa di Tropea Calabria' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the Single Document setting out the main points of the specification.

Article 3

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

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

Done at Brussels, 18 March 2013.

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

Dacian CIOLOŞ
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 86, 28.3.2008, p. 21.

ANNEX I

In the specification for the protected geographical indication 'Cipolla Rossa di Tropea Calabria', the following amendments are approved:

— The wording of Article 5(6) and (7):

'After harvesting, the bulbs of new young onions must have their earth-stained outer skins removed; their stalks are then cut to a length of 40 cm before being assembled into small bunches ready to be loaded into crates.

When the onions are to be consumed fresh ("fresh onions"), the skins are removed from the bulbs and any stalks longer than 60 cm are cut; the onions are then assembled in bunches weighing 5 to 8 kg and loaded into crates of varying sizes.'

is replaced by the following text:

'After harvesting, the bulbs of new young onions must have their earth-stained outer skins (envelopes) removed; their stalks are then cut to a length of between 30 and 60 cm before being assembled into small bunches which are then loaded into crates.

When the onions are to be consumed fresh (or "fresh onions"), the skins are removed from the bulbs and the stalks are cut to a length ranging between 35 and 60 cm; the onions are then brought together in bunches weighing between 1,5 and 6 kg and are loaded into crates of varying sizes.'

— The wording of Article 9(2):

'Bulbs designated by the PGI "Cipolla Rossa di Tropea Calabria" can only be released for consumption if the following procedure is complied with:

- "cipollotti" (new young onions) are assembled in small bunches and packed into small crates made of cardboard, plastic or wood, thus ready to be sold;
- "cipolle da consumo fresco" (fresh onions) are assembled in bunches weighing 5 to 8 kg, then packed into crates of various sizes.'

is replaced by the following text:

'Bulbs designated by the PGI "Cipolla Rossa di Tropea Calabria" can only be released for consumption if the following procedure is complied with:

- "cipollotti" (new young onions) are assembled in small bunches and packed into small crates made of cardboard, plastic or wood, thus ready to be sold;
- "cipolle da consumo fresco" (fresh onions) are assembled in bunches weighing 1,5 to 6 kg, then packed into crates of various sizes.'

The provisions concerning the preparation of the product for packaging have been amended to allow for greater flexibility when selecting the size of the packages and to take account of new market requirements in terms of packaging.

— The wording of Article 9(4):

'The minimum number of onions required to form a braid is six, regardless of their size. The number of onions and their weight must be uniform for each type of packaging.'

is replaced by the following text:

'The minimum number of onions required to form a braid is six, regardless of their size.'

A greater margin of manoeuvre is thus granted for producing traditional 'braids' so that local workers can determine the number of bulbs and their size.

— The wording of Article 9(7):

‘When released for consumption, self-adhesive labels are placed on young onions and fresh onions assembled into bunches, as well as on “storage” onions in braids, clearly displaying the product’s logo and brand.’

is replaced by the following text:

‘When released for consumption, adhesive (or any other type of) labels are placed on young onions and on storage onions in braids, displaying the EU logo and the product’s brand. On the other hand, a detailed label must be placed on each bunch of fresh onions packed in crates, whatever the size of the latter, displaying the company’s business name, the EU logo, the brand and the type of product so as to guarantee its traceability and to make it perfectly recognisable.’

For ‘Cipolla Rossa di Tropea Calabria’ fresh onions, packed in bunches, a label is to be attached to each bunch, indicating the company’s business name, the illustrated EU logo and the brand and type of product. As such, each bunch has a label indicating all of the information required by the consumer so that (s)he may correctly identify the product.

— The references to Regulation (EEC) No 2081/92 featuring in the production specification have been updated.

ANNEX II

SINGLE DOCUMENT

Regulation (EC) No 510/2006 (*)

'CIPOLLA ROSSA DI TROPEA CALABRIA'

EC No: IT-PGI-0105-0369-28.09.2011

PGI (X) PDO ()

1. Name

'Cipolla Rossa di Tropea Calabria'

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. Description of product to which the name in (1) applies

The protected geographical indication (PGI) 'Cipolla Rossa di Tropea Calabria' designates bulbs of the *Allium Cepa* variety which belongs to the local ecotypes listed below, excluding all other types. They are characterised by their shape and by their early bulbing, which is a result of the effect of the photoperiod.

— 'Tondo Piatta': an early crop;

— 'Mezza campana': a mid- to early crop;

— 'Allungata': a late crop.

Three types of products can be distinguished:

'Cipollotto' (new young onion):

— colour: white to pink or purple;

— flavour: sweet and mild;

— size: see the standards applicable under EU rules.

'Cipolla da consumo fresco' (fresh onion):

— colour: from white to red to purple;

— flavour: sweet and mild;

— size: see the standards applicable under EU rules.

'Cipolla da serbo' (known as 'storage' onions):

— colour: mauvish red;

— flavour: sweet and crunchy;

— size: see the standards applicable under EU rules.

3.3. Raw materials (for processed products only)

—

3.4. Feed (for products of animal origin only)

—

3.5. Specific steps in production that must take place in the defined geographical area

All the production stages for the 'Cipolla Rossa di Tropea Calabria' indication, from sowing to harvesting, must take place in the geographical area of production.

(*) Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

3.6. *Specific rules on slicing, grating, packaging, etc.*

After harvesting, the 'Cipolla Rossa di Tropea Calabria' bulbs are processed as follows:

- the bulbs of new young onions must have their earth-stained outer skins removed; their stalks are then cut to a length of between 30 and 60 cm before being assembled into small bunches ready to be loaded into crates;
- when the onions are to be consumed fresh ('fresh onions'), the skins are removed from the bulbs and the stalks are cut to a length ranging between 35 and 60 cm; the onions are then assembled in bunches weighing between 1,5 and 6 kg and are loaded into crates of varying sizes;
- as regards onions for conservation (or 'storage' onions), the bulbs are laid on the ground in rows, covered with leaves and then left to dry for 8 to 15 days so that they gain in density and resilience and become a bright red colour. Once they have been dehydrated, the bulbs are either 'topped', in other words separated from the parts visible above ground, or used to produce braids, in which case the above-ground part is left intact. The minimum number of onions required to form a braid is six, regardless of their size. These onions are packaged in bags or crates, whose weight can vary up to a maximum of 25 kg.

Packaging must take place in the production area and must comply with traditional methods, which are deep-rooted in tradition and local historical folklore, so as to ensure that the product can be traced and checked and to maintain product quality.

3.7. *Specific rules concerning labelling*

The packages must display, in printed characters twice as large as for other indications, the terms PGI 'Cipolla Rossa di Tropea Calabria', whilst specifying the type of onion — 'cipollotto', 'cipolla da consumo fresco', 'cipolla da serbo' — and the brand.

When released for consumption, adhesive (or any other type of) labels are placed on young onions and on storage onions, displaying the EU logo and the product's brand. On the other hand, a detailed label must be placed on each bunch of fresh onions packed in crates, whatever the size of the latter, displaying the company's business name, the EU logo, the brand and the type of product so as to guarantee its traceability and to make it perfectly recognisable.

4. **Concise definition of the geographical area**

The production area of PGI 'Cipolla Rossa di Tropea Calabria' is made up of land which is well-suited to their cultivation, covering part or all of the administrative territory of the following Calabrian municipalities:

(a) province of Cosenza:

part of the municipalities of Fiumefreddo, Longobardi, Serra d'Aiello, Belmonte, Amantea;

(b) province of Catanzaro:

part of the municipalities of Nocera Terinese, Falerna, Gizzeria, Lamezia Terme, Curinga;

(c) province of Vibo Valentia:

part of the municipalities of Pizzo, Vibo Valentia, Briatico, Parghelia, Zambrone, Zaccanopoli, Zungri, Drapia, Tropea, Ricadi, Spilinga, Joppolo, Nicotera.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

'Cipolla Rossa di Tropea Calabria' is cultivated on sandy or partly sandy land of average composition containing open clay or silt-laden soils, located along the coastal line or running alongside rivers and streams. Despite their gravelly texture, these soils of alluvial origin do not constrict the development and growth of the bulbs. Coastal land is well-suited for growing early-maturing onions to be consumed fresh, whereas internal land, made of clay or open clay soils, are well-suited for growing storage onions. Red onions have long been, and continue to be, grown both in family vegetable gardens and across large-scale areas and are an integral part of the rural countryside, of people's diets, local dishes and traditional recipes.

The soil and climatic features of the territory combine to make a product which is quite unique, of high-level quality and renowned throughout the world.

5.2. *Specificity of the product*

'Cipolla Rossa di Tropea Calabria' is known for its quality and organoleptic features such as the tenderness of its bulbs, its sweetness and easy digestibility. These features also enable one to eat 'Cipolla Rossa di Tropea Calabria' raw, and undoubtedly in far greater quantities than for normal onions.

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)*

The request to have the PGI 'Cipolla Rossa di Tropea Calabria' recognised is justified by the product's reputation and renown which notably grew thanks to various promotion campaigns, as demonstrated by historical and bibliographical sources. Various historical and bibliographical sources suggest that the onion was first introduced into the Mediterranean basin and in Calabria by the Phoenicians, then by the Greeks. The onion, very much appreciated during the Middle Ages and the Renaissance, was considered a key product in people's diets and for the local economy; onions were either bartered directly or sold and exported by sea to Tunisia, Algeria and Greece. Several travellers who visited Calabria and the Tyrrhenian coast between 1700 and 1800 refer to common 'Cipolle Rosse' (red onions) in their writings. Onions have always been a part of farmers' diets and of local production. Already in 1905, during a trip to Calabria during which he visited Tropea, Doctor Albert was struck by the poverty of the peasants who only ate onions. At the turn of the twentieth century, the cultivation of the Tropea onion moved away from small gardens and family vegetable gardens and started to be grown on a very large scale. In 1929, the construction of the Valle Ruffa aqueduct enabled onion crops to be irrigated, which improved both the yield and the quality of the product. It was during the Bourbon period that the greatest impulse was given to spreading onion cultivation towards northern European markets. The onion soon became a sought-after and much appreciated product, as demonstrated by the 'Studi sulla Calabria' (Studies on Calabria) of 1901, which also refer to the shape of the bulb and to the red, oblong onions from Calabria. The first statistics compiled on onion cultivation in Calabria can be found in the 'Enciclopedia agraria Reda (1936-39)' (Reda Agricultural Encyclopaedia). The unique commercial features of this onion, which ensured its renown nationally, and also, above all, its historical and cultural value in the geographical area in question (still very much present in current cultural practices such as cooking, folkloric demonstrations and everyday idiomatic expressions) explain why this product has often been imitated and why its name is subject to counterfeiting.

Reference to publication of the specification

The competent Ministry launched the national objection procedure by publishing a proposal for recognising the PGI 'Cipolla Rossa di Tropea Calabria' in Official Gazette of the Italian Republic No 185 of 10 August 2011.

The full text of the product specification is available on the following website:
<http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

or alternatively:

by going direct to the home page of the Ministry of Agricultural, Food and Forestry Policy (<http://www.politicheagricole.it>) and clicking on 'Qualità e sicurezza' ('Quality and security', on the top right of the screen) and then on 'Disciplinari di Produzione all'esame dell'UE' (Specifications subject to examination by the EU).

COMMISSION IMPLEMENTING REGULATION (EU) No 265/2013

of 18 March 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Wachauer Marille (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Austria's application for the approval of amendments to the specification for the protected designation of origin 'Wachauer Marille' registered under Commission Regulation (EC) No 1107/96 ⁽³⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁴⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 18 March 2013.

For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.

⁽⁴⁾ OJ C 140, 16.5.2012, p. 18.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

AUSTRIA

Wachauer Marille (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 266/2013

of 18 March 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Münchener Bier (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.

(2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Germany's application for the approval of

amendments to the specification for the protected geographical indication 'Münchener Bier' registered under Commission Regulation (EC) No 1107/96 ⁽³⁾, as amended by Regulation (EC) No 1549/98 ⁽⁴⁾.

(3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁵⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 18 March 2013.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.

⁽⁴⁾ OJ L 202, 18.7.1998, p. 25.

⁽⁵⁾ OJ C 140, 16.5.2012, p. 8.

ANNEX

Agricultural products and foodstuffs listed in Annex I(l) to Regulation (EU) No 1151/2012:

Class 2.1. Beer

GERMANY

Münchener Bier (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 267/2013**of 18 March 2013****approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Chianti Classico (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of an amendment to the specification for the protected designation of origin 'Chianti Classico' registered in accordance with Commission Regulation (EC) No 2446/2000 ⁽³⁾, as amended by Regulation (EU) No 216/2011 ⁽⁴⁾.

- (3) The aim of the application is to amend the specification by specifying the description of the product and the method of production and packaging.

- (4) The Commission has examined the amendments in question and decided that they are justified. Since the amendment is minor the Commission may approve it without recourse to the procedure laid down in Articles 50 to 52 of Regulation (EU) No 1151/2012,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected designation of origin 'Chianti Classico' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the Single Document setting out the main points of the specification.

Article 3

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

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

Done at Brussels, 18 March 2013.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 281, 7.11.2000, p. 12.

⁽⁴⁾ OJ L 59, 4.3.2011, p. 17.

ANNEX I

The specification for the protected designation of origin 'Chianti Classico' is amended as follows:

— **Description of product**

A reference to the Tuscan olive germ plasm register has been added, as this document is regularly updated to take account of current scientific and genetic research into old olive trees in our area.

This amendment does not, however, result from a desire to introduce new varieties but rather from a wish to improve our knowledge in order to introduce varieties which, although they have existed for a long time, have not yet been described and registered.

— **Method of production**

Growing characteristics

Regarding the characteristics of the growing environment, it was thought useful to lower by 20 metres the minimum altitude below which the olive trees may not be entered in the register, as the minimum altitude of the entire area is 180 metres above sea level. When the first version of the specification was drawn up the measurement systems used were not as precise as those used today. Thanks to modern GPS systems greater precision has now been possible.

Oil production

A new production level has been introduced for olive plantations with a density greater than 500 plants per hectare, since the 'Chianti Classico' area includes plantations dating from the 1990s which meet the technical criteria of that time and for which the limit of 650 kg of oil per hectare is a major impediment to the economy and the development of the sector.

Harvesting and conservation method

Alongside boxes, crates and waggons may be used to transport the olives, but in this case the olives must be transported to the mill for processing on the day of harvesting and within three (3) days if open boxes are used.

Oil extraction method and constitution of batches

It is now possible to use air to clean the olives, as new technological systems developed by manufacturers and already used in other producing countries have been introduced, in order to attach even greater importance to conserving water.

Validity of the certificate of conformity

Oil complying with the specification may be bottled up to 31 October of the year following that of the olive harvest if it is filtered to clarify it by 31 December and, in any case, at the latest by the application date for certification.

If the oil exhibits the chemical and organoleptic characteristics listed in the specifications, and if the conservation conditions are correct, these conditions may differ slightly in terms of quality without, however, jeopardising the criteria of 'Chianti Classico' PDO oil. The filtration method has been added, specifying that its aim is to clarify the oil (rather than merely to filter out the solids) and that it must be carried out by 31 December at the latest, with the aim of teaching olive growers conservation techniques which are better suited to marketing a quality product.

It has also been specified that the oil's physical characteristics must be definitive at the time it is sampled, i.e. if the compliant oil is to be bottled, at the latest by 31 October of the year following that of harvesting, and that the clarifying filtration must be carried out by 31 December at the latest, or in any case prior to sampling, if the application in question is received before 31 December.

The amendment adds the option of not filtering the oil, so as not to restrict the freedom of the grower, but the oil must be conserved under inert gas so as to best preserve its qualitative characteristics.

— **Other (packaging)**

Metal containers may now be used for formats of less than 3 and 5 litres.

Indeed, containers of less than 100 ml have been added, on condition that these are not sold individually but rather placed on the market in packaging with a total volume corresponding to those authorised by the regulations. This amendment stems from the need to meet market demands, i.e. these smaller containers will allow retailers to satisfy the expectations of the gastronomic sector, which prefers not to use already-opened bottles, and to guarantee product promotion by improving its visibility.

ANNEX II

SINGLE DOCUMENT

Council regulation (EC) No 510/2006 (*)

'CHIANTI CLASSICO'

EC No.: IT-PDO-0205-0977-07.11.2011

PGI () PDO (X)

1. Name

'Chianti Classico'

2. Member State or third country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product

Class 1.5. Oils and fats (butter, margarine, oils, etc.)

3.2. Description of product to which the name in point 1 applies

'Chianti Classico' extra virgin olive oil must be produced from olives from registered olive trees in a proportion of at least 80 % from the varieties Frantoio, Correggiolo, Moraiolo and Leccino, alone or together, and not more than 20 % from other local varieties, which must always be entered in the Tuscan olive germ plasm register.

When released for consumption as 'Chianti Classico' PDO, the oil must have the following characteristics:

- acidity (expressed as oleic acid): 0,5 % maximum,
- peroxide value: 12 maximum (meq of oxygen),
- ultraviolet absorbency: K232 maximum 2,1 and K270 maximum 0,2,
- high oleic acid content: > 72 %,
- total CMPs (phenol antioxidants) above 150 ppm,
- total tocopherols above 140 ppm.

The oil must in addition:

- range in colour from deep green to green with golden tones,
- have a distinct olive aroma and a fruity taste.

The entries in the profile sheet completed by the panel of assessors must be as follows:

- (a) green fruity 3-8;
- (b) bitter 2-8;
- (c) sharp 2-8.

3.3. Raw materials (for processed products only)

—

(*) Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

3.4. *Feed (for products of animal origin only)*

—

3.5. *Specific steps in production that must take place in the defined geographical area*

The cultivation, production and pressing of 'Chianti Classico' extra-virgin olive oil must take place within the production area specified under point 4.

3.6. *Specific rules concerning slicing, grating, packaging, etc.*

'Chianti Classico' oil must be put up in the production area in glass or metal containers of a specified volume in nominal quantities of up to 5 (five) litres. Glass, metal or PET containers of less than 100 ml are also allowed, provided that their packaging complies with the total capacities authorised by the regulations in force. Containers must be closed hermetically using a device which, upon opening, breaks the guarantee seal.

'Chianti Classico' extra virgin olive oil must be put up in the geographical production area so as to better guarantee the product's proof of origin and avoid deterioration and loss of the product's specific characteristics, defined in 3.2 above, when it is transported in bulk, in particular the typical bitter and sharp notes of 'Chianti Classico' extra virgin olive oil, determined by the phenol antioxidant content and the profile of aromatic substances. Exposure to oxygen in the air when being transferred, pumped, transported and unloaded — operations carried out more frequently if bottling takes place outside the production area — could cause the 'Chianti Classico' extra virgin olive oil to lose the specific characteristics defined in 3.2 above.

3.7. *Specific rules concerning labelling*

The labelling on containers must bear, in addition to the particulars normally required by law and trade practice, the words 'Olio Extravergine di Oliva Chianti Classico' followed immediately by the words 'Denominazione di Origine Protetta' and show clearly in indelible letters the year of production.

It is prohibited to add to the designation any description not expressly provided for in the production specification. However, marks denoting producer groups, names of holdings, estates or farms and place names referring to locations where olives are genuinely grown may be included.

The designation must be shown on the label in clear, indelible letters sufficiently intense in colour to contrast sharply with the colour of the label. The graphic characters of any additional wording may not exceed 50 % of the size of the wording of the designation.

4. Concise definition of the geographical area

The production area for 'Chianti Classico' oil comprises, in the Provinces of Siena and Florence, the following administrative districts: the whole of Castellina in Chianti, Gaiole in Chianti, Greve in Chianti and Radda in Chianti, and parts of Barberino Val d'Elsa, Castelnuovo Berardenga, Poggibonsi, San Casciano in Val di Pesa and Tavarnelle Val di Pesa.

The area is the same as the production area for 'Chianti Classico' wine set out in the Interministerial Decree of 31 July 1932, published in GURI (Italian State Gazette) No 209 of 9 September 1932.

5. Link with the geographical area

5.1. *Specificity of the geographical area*

The production area of 'Chianti Classico' oil has specific climatic and hydrological characteristics and has been well mapped out since the 14th century.

The production area is fairly uniform in terms of terrain and climate; autumns which are on average mild and dry give way to hard winters. The environment as a whole is such that olive trees can be cultivated at the limit of their natural growth zone, which has and indeed continues to influence the olives' fructification and maturing process.

According to the cultivation techniques which have always been used in this area, the olives are harvested directly from the tree before they are fully mature.

The thermal conditions also determine the shape of the trees (normally branching out at the top) adopted by the local growers, which allows the crown to grow so as to better distribute light and heat in the crown, which help the trees develop during short periods of the year.

5.2. Specificity of the product

'Chianti Classico' extra virgin olive oil is made from varieties traditionally grown in Tuscany and is distinguished by its sensory profile, mainly due to its intense bitter and sharp taste, with fruity aromatic notes.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The chemical and organoleptic characteristics of 'Chianti Classico' PDO extra virgin olive oil are linked to the climate of the production area which has a direct influence on the quality and quantity of the phenols, the degree of bitterness and sharpness of the taste and the level of fruitiness.

In view of the need to protect the olives from the first autumn frosts, they are traditionally harvested early (i.e. before they are fully mature). Even if this means a lower quantity of oil, it allows the olives to be harvested when their polyphenol content is still high, helping to intensify the bitter and sharp taste so typical of 'Chianti Classico' oil. Moreover, thanks to the major variations in temperature normal in this area in autumn, 'Chianti Classico' extra virgin olive oil is also distinguished by a very fruity aroma.

The area was given more precise recognition in an edict issued by Duke Cosimo III in 1716 marking out its present boundaries in acknowledgement of the merits and distinctive features of its wine and olive production: a kind of PDO long before the term was invented. A complete theoretical and practical treatise on the olive by G. Tavanti in 1819 listed the main varieties grown in the Chianti Classico region.

Reference to publication of the specification

[Article 5(7) of Regulation (EC) No 510/2006]

The consolidated text of the product specification is available on the following website:

<http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

or alternatively:

by going direct to the home page of the Ministry of Agricultural, Food and Forestry Policy (www.politicheagricole.it) and clicking on 'Qualità e sicurezza' (at the top right of the screen) and then on 'Disciplinari di Produzione all'esame dell'UE'.

COMMISSION IMPLEMENTING REGULATION (EU) No 268/2013**of 18 March 2013****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Oberpfälzer Karpfen (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Germany's application for the approval of amendments to the specification for the protected geographical indication 'Oberpfälzer Karpfen', registered

in accordance with Commission Regulation (EC) No 2400/96 ⁽³⁾, as amended by Regulation (EC) No 1495/2002 ⁽⁴⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁵⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 18 March 2013.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.
⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 327, 18.12.1996, p. 11.
⁽⁴⁾ OJ L 225, 22.8.2002, p. 11.
⁽⁵⁾ OJ C 353, 3.12.2011, p. 19.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.7. Fresh fish, molluscs and crustaceans and products derived therefrom

GERMANY

Oberpfälzer Karpfen (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 269/2013

of 18 March 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Danablu (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽²⁾.
- (2) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Denmark's application for the approval of amendments to the specification for the protected geographical indication 'Danablu', registered in

accordance with Commission Regulation (EC) No 1107/96 ⁽³⁾, as amended by Regulation (EC) No 828/2003 ⁽⁴⁾.

- (3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* ⁽⁵⁾, as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 18 March 2013.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.
⁽²⁾ OJ L 93, 31.3.2006, p. 12.

⁽³⁾ OJ L 148, 21.6.1996, p. 1.
⁽⁴⁾ OJ L 120, 15.5.2003, p. 3.
⁽⁵⁾ OJ C 150, 26.5.2012, p. 13.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. Cheeses

DENMARK

Danablu (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 270/2013

of 21 March 2013

amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.
- (3) The occurrence and relevance of food incidents notified through the Rapid Alert System for Food and Feed, the findings of audits in third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the

- (4) In particular, the list should be amended to decrease the intensity of official controls of the commodities for which the available information indicates an overall improvement of compliance with the relevant requirements provided for in Union legislation and for which the current frequency of official controls is therefore no longer justified. The entry in the list concerning coriander leaves and basil from Thailand should be therefore amended accordingly as far as the frequency of physical and identity checks for the presence of pesticide residues is concerned.

- (5) Regulation (EC) No 669/2009 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 669/2009, in the entries for Thailand, the row referring to 'Coriander leaves' and 'Basil (holy, sweet)' 'Food – fresh herbs', as far as the frequency of physical and identity checks for the presence of pesticide residues is concerned, is replaced by the following:

— Coriander leaves	— ex 0709 99 90	72	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁴⁾	10'
— Basil (holy, sweet)	— ex 1211 90 86	20			
(Food — fresh herbs)					

Article 2

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

It shall apply from 1 April 2013.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

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

Done at Brussels, 21 March 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 271/2013**of 21 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, 21 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	JO	97,3
	MA	73,5
	TN	111,4
	TR	116,0
	ZZ	99,6
0707 00 05	JO	194,1
	MA	158,2
	TR	160,3
	ZZ	170,9
0709 91 00	EG	66,7
	ZZ	66,7
0709 93 10	MA	44,9
	TR	96,6
	ZZ	70,8
0805 10 20	EG	55,8
	IL	67,7
	MA	72,4
	TN	58,0
	TR	61,9
	ZZ	63,2
0805 50 10	TR	79,2
	ZZ	79,2
0808 10 80	AR	115,6
	BR	89,9
	CL	133,8
	CN	75,8
	MK	35,4
	US	162,3
	ZA	101,5
0808 30 90	ZZ	102,0
	AR	110,1
	CL	141,6
	CN	85,7
	TR	164,1
	US	150,6
	ZA	99,4
	ZZ	125,3

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

COMMISSION IMPLEMENTING REGULATION (EU) No 272/2013**of 21 March 2013****amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143 in conjunction with Article 4 thereof,

Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.

(3) Regulation (EC) No 1484/95 should be amended accordingly.

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

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 21 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 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security pursuant to Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	140,0	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	158,7	0	AR
		167,5	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	275,5	7	AR
		227,2	22	BR
		304,9	0	CL
		239,6	18	TH
0207 27 10	Turkeys, boneless cuts, frozen	286,4	3	BR
		313,4	0	CL
0408 11 80	Egg yolks	375,8	0	AR
0408 91 80	Eggs, not in shell, dried	494,0	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	276,6	3	BR
		212,0	22	TH
3502 11 90	Egg albumin, dried	750,3	0	AR

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

DECISIONS

COUNCIL DECISION

of 18 March 2013

appointing two Swedish members and a Swedish alternate member of the Committee of the Regions

(2013/143/EU)

THE COUNCIL OF THE EUROPEAN UNION,

(a) as members:

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

— Mr Tore HULT, *Ledamot i kommunfullmäktige, Alingsås kommun,*

Having regard to the proposal of the Swedish Government,

— Ms Ulrika CARLEFALL LANDERGREN, *Ledamot i kommunfullmäktige, Kungsbacka kommun;*

Whereas:

and

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

(b) as alternate member:

— Mr Anders ROSÉN, *Ledamot i kommunfullmäktige, Halmstads kommun.*

(2) Two members' seats have become vacant following the end of the terms of office of Ms Britt-Marie LÖVGREN and Ms Annelie STARK. An alternate member's seat has become vacant following the end of the term of office of Mr Tore HULT,

Article 2

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

HAS ADOPTED THIS DECISION:

Done at Brussels, 18 March 2013.

Article 1

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

For the Council
The President
S. COVENEY

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

COUNCIL DECISION 2013/144/CFSP**of 21 March 2013****amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

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

In Article 5 of Decision 2011/172/CFSP, the second paragraph is replaced by the following:

Whereas:

"This Decision shall apply until 22 March 2014."

Article 2(1) On 21 March 2011, the Council adopted Decision 2011/172/CFSP ⁽¹⁾.This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

(2) On the basis of a review of Decision 2011/172/CFSP, the restrictive measures should be renewed until 22 March 2014.

Done at Brussels, 21 March 2013.

(3) Decision 2011/172/CFSP should be amended accordingly,

*For the Council**The President*

P. HOGAN

⁽¹⁾ OJ L 76, 22.3.2011, p. 63.

COUNCIL IMPLEMENTING DECISION 2013/145/CFSP**of 21 March 2013****implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2011/486/CFSP of 1 August 2011 concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan ⁽¹⁾, and in particular Article 5 and Article 6(1) thereof,

Whereas:

- (1) On 1 August 2011, the Council adopted Decision 2011/486/CFSP.
- (2) On 11 February and 25 February 2013, the United Nations Security Council Committee, established pursuant to paragraph 30 of Security Council Resolution 1988 (2011), updated and amended the list of individuals, groups, undertakings and entities subject to restrictive measures.

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

HAS ADOPTED THIS DECISION:

Article 1

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

Article 2

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

Done at Brussels, 21 March 2013.

For the Council
The President
P. HOGAN

⁽¹⁾ OJ L 199, 2.8.2011, p. 57.

ANNEX

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

A. Individuals associated with the Taliban

1. Abdul Jalil Haqqani Wali Mohammad (*alias* (a) Abdul Jalil Akhund (b) Mullah Akhtar (c) Abdul Jalil Haqqani (d) Nazar Jan)

Title: (a) Maulavi, (b) Mullah. Grounds for listing: Deputy Minister of Foreign Affairs under the Taliban regime. Date of birth: Approximately 1963. Place of birth: (a) Arghandab District, Kandahar Province, Afghanistan, (b) Kandahar City, Kandahar Province, Afghanistan. Nationality: Afghan. Passport number: OR 1961825 (issued under the name Mullah Akhtar, passport issued on 4 Feb. 2003 by the Afghan Consulate in Quetta, Pakistan, expired 2 Feb. 2006). Other information: (a) Believed to be in Afghanistan/Pakistan border area, (b) Member of the Taliban Supreme Council as of May 2007, (c) Member of the Financial Commission of the Taliban Council, (d) Brother of Atiqullah Wali Mohammad.

Date of UN designation: 25.1.2001.

2. Atiqullah Wali Mohammad (*alias* Atiqullah)

Title: (a) Haji, (b) Mullah. Grounds for listing: Deputy Minister of Public Works under the Taliban regime. Date of birth: Approximately 1962. Place of birth: (a) Tirin Kot District, Uruzgan Province, Afghanistan, (b) Khwaja Malik village, Arghandab District, Kandahar province, Afghanistan. Nationality: Afghan. Other information: (a) Member of Taliban Supreme Council Political Commission as at 2010, (b) Believed to be in Afghanistan/Pakistan border area, (c) Belongs to Alizai tribe, (d) Brother of Abdul Jalil Haqqani Wali Mohammad.

Date of UN designation: 31.1.2001.

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

After the capture of Kabul by the Taliban in 1996, Atiqullah was appointed to a position in Kandahar. In 1999 or 2000, he was appointed First Deputy Minister for Agriculture, then Deputy Minister of Public Works in the Taliban regime. After the fall of the Taliban regime, Atiqullah became Taliban operational officer in the south of Afghanistan. In 2008, he became a deputy to the Taliban Governor of Helmand Province, Afghanistan.

- II. The entry below shall be added to the list set out in the Annex to Decision 2011/486/CFSP.

A. Individuals associated with the Taliban

1. Ahmed Shah Noorzai Obaidullah (*alias* (a) Mullah Ahmed Shah Noorzai (b) Haji Ahmad Shah (c) Haji Mullah Ahmad Shah (d) Maulawi Ahmed Shah (e) Mullah Mohammed Shah)

Title: (a) Mullah, (b) Maulavi Date of birth: (a) 1 Jan. 1985 (b) 1981 Place of birth: Quetta, Pakistan. Passport no.: Pakistani passport number NC5140251 issued on 23 Oct. 2009 expires on 22 October 2014. National identification no.: Pakistani national identity card number 54401-2288025-9. Address: Quetta, Pakistan. Other information: (a) Owns and operates the Roshan Money Exchange. (b) Provided financial services to Ghul Agha Ishakzai and other Taliban in Helmand Province. Date of UN Designation: 26.2.2013

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

Ahmed Shah Noorzai Obaidullah owns and operates the Roshan Money Exchange, which provides financial, material, or technological support for, or financial or other services to or in support of, the Taliban. Roshan Money Exchange stores and transfers funds in support of Taliban military operations and the Taliban's role in the Afghan narcotics trade. As of 2011, Roshan Money Exchange was one of the primary money service providers (or "hawalas") used by Taliban officials in Helmand Province, Afghanistan.

Ahmed Shah has provided hawala services to Taliban leaders in Helmand Province for a number of years and, as of 2011, was a trusted Taliban money service provider. In early 2012, the Taliban ordered Ahmed Shah to transfer money to a number of hawalas in Lashkar Gah, Helmand Province, from which a senior Taliban commander would then allocate the funds.

In late 2011, Ahmed Shah consolidated hundreds of thousands of US dollars to pass to the Taliban Finance Commission and transferred hundreds of thousands of US dollars for the Taliban, including to senior Taliban commanders. Also in late 2011, Ahmed Shah received through his hawala branch in Quetta, Pakistan, a transfer on behalf of the Taliban, money from which was used to purchase fertilizer and IED components, including batteries and detonator cord. In mid-2011, Taliban finance commission head Gul Agha Ishakzai instructed Ahmed Shah to deposit several million US dollars into Roshan Money Exchange for the Taliban. Gul Agha explained that when a money transfer was required, he would inform Ahmed Shah of the Taliban recipient. Ahmed Shah would then provide the required funds through his hawala system. As of mid-2010, Ahmed Shah moved money between Pakistan and Afghanistan for Taliban commanders and for narcotics traffickers. In addition to his facilitation activities, Ahmed Shah also donated large but unspecified sums of money to the Taliban in 2011.

COMMISSION IMPLEMENTING DECISION

of 20 March 2013

fixing the amount resulting from the application of voluntary adjustment in the United Kingdom for the calendar year 2013

(notified under document C(2013) 1577)

(Only the English text is authentic)

(2013/146/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular Article 10c(1) thereof,

Whereas:

(1) Article 10b(1) of Regulation (EC) No 73/2009 provides that any Member State having applied Article 1 of Council Regulation (EC) No 378/2007 ⁽²⁾ in respect of calendar year 2012 may apply a reduction (hereinafter referred to as 'voluntary adjustment') to all amounts of direct payments to be granted in its territory in respect of calendar year 2013. Voluntary adjustment shall be applied in addition to the adjustment of direct payments provided for in Article 10a of Regulation (EC) No 73/2009.

(2) Article 10b(5) of Regulation (EC) No 73/2009 provides that the Member States decide on, and communicate to the Commission the rate of voluntary adjustment for the whole territory and, where applicable, for each region and the total amount to be reduced under voluntary adjustment for the whole territory and, where applicable, for each region.

(3) The United Kingdom has fixed the following regionally applicable rates for the voluntary adjustment in accordance with Article 10b(2) of Regulation (EC) No 73/2009 and communicated them to the Commission:

Region	Amount of direct payments to be granted to a farmer (in EUR)	Voluntary adjustment rate
England	Less than 5 000	14 %
	5 000 and higher but less than 300 000	9 %
	300 000 and higher	5 %
Wales	Less than 5 000	6,5 %
	5 000 and higher but less than 300 000	1,5 %
	300 000 and higher	0 %
Scotland	Less than 5 000	9 %
	5 000 and higher but less than 300 000	4 %
	300 000 and higher	0 %

(4) The United Kingdom has communicated to the Commission the total amount to be reduced under voluntary adjustment in calendar year 2013, respecting the maximum set in Article 10b(3) and pursuant to Article 10b(5)(b) of Regulation (EC) No 73/2009.

(5) It is therefore necessary to fix the amount resulting from the application of voluntary adjustment in the United Kingdom,

HAS ADOPTED THIS DECISION:

Article 1

The total amount resulting from voluntary adjustment in the United Kingdom in calendar year 2013 is EUR 296,3 million.

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 95, 5.4.2007, p. 1.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 20 March 2013.

For the Commission

Dacian CIOLOŞ

Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2013 OF THE EU-SWITZERLAND JOINT COMMITTEE

of 18 March 2013

amending Tables III and IV(b) of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 concerning certain processed agricultural products

(2013/147/EU)

THE JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

Having regard to the Agreement between the European Economic Community and the Swiss Confederation signed in Brussels on 22 July 1972 ⁽¹⁾ hereinafter referred to as 'the Agreement', as amended by the Agreement between the European Community and the Swiss Confederation amending the Agreement as regards the provisions applicable to processed agricultural products ⁽²⁾ signed in Luxembourg on 26 October 2004, and its Protocol No 2, and in particular Article 7 of that Protocol,

Whereas:

- (1) For the implementation of Protocol No 2 to the Agreement, domestic reference prices have been fixed for the Contracting Parties.
- (2) Actual prices have changed on the domestic markets of the Contracting Parties as regards raw materials for which price compensation measures are applied.
- (3) It is therefore necessary to update the reference prices and amounts listed in Tables III and IV(b) of Protocol No 2 accordingly,

Article 1

Protocol No 2 to the Agreement is amended as follows:

- (a) Table III is replaced by the text set out in Annex I to this Decision;
- (b) in Table IV, point (b) is replaced by the text set out in Annex II to this Decision.

Article 2

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

It shall apply from 1 April 2013.

Done at Brussels, 18 March 2013.

For the Joint Committee

The Chairman

Luc DEVIGNE

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ OJ L 23, 26.1.2005, p. 19.

ANNEX I

TABLE III

EU and Swiss domestic reference prices

Agricultural Raw material	Swiss domestic reference price	EU domestic reference price	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price	Article 3(3) Applied on EU side Difference Swiss/EU reference price
	CHF per 100 kg net	CHF per 100 kg net	CHF per 100 kg net	EUR per 100 kg net
Common wheat	52,60	32,55	20,05	0,00
Durum wheat	—	—	1,20	0,00
Rye	44,50	27,65	16,85	0,00
Barley	—	—	—	—
Maize	—	—	—	—
Common wheat flour	95,50	57,15	38,35	0,00
Whole-milk powder	603,80	348,65	255,15	0,00
Skimmed-milk powder	419,50	316,45	103,05	0,00
Butter	1 037,65	383,65	654,00	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	42,10	31,35	10,75	0,00
Vegetable fat	—	—	170,00	0,00

ANNEX II

TABLE IV

- (b) The basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

Agricultural raw material	Applied basic amount on the Swiss side Art 3(2)	Applied basic amount on the EU side Art 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Common wheat	17,00	0,00
Durum wheat	1,00	0,00
Rye	14,00	0,00
Barley	—	—
Maize	—	—
Common wheat flour	33,00	0,00
Whole-milk powder	217,00	0,00
Skimmed-milk powder	88,00	0,00
Butter	514,00	0,00
White sugar	—	—
Eggs	32,00	0,00
Fresh potatoes	9,00	0,00
Vegetable fat	145,00	0,00'

DECISIONS

2013/143/EU:

- ★ **Council Decision of 18 March 2013 appointing two Swedish members and a Swedish alternate member of the Committee of the Regions** 53
- ★ **Council Decision 2013/144/CFSP of 21 March 2013 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt** 54
- ★ **Council Implementing Decision 2013/145/CFSP of 21 March 2013 implementing Decision 2011/486/CFSP concerning restrictive measures directed against certain individuals, groups, undertakings and entities in view of the situation in Afghanistan** 55

2013/146/EU:

- ★ **Commission Implementing Decision of 20 March 2013 fixing the amount resulting from the application of voluntary adjustment in the United Kingdom for the calendar year 2013** (*notified under document C(2013) 1577*) 58

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2013/147/EU:

- ★ **Decision No 1/2013 of the EU-Switzerland Joint Committee of 18 March 2013 amending Tables III and IV(b) of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 concerning certain processed agricultural products** 60

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

EU Official Journal, L + C series, paper edition only	22 official EU languages	EUR 1 300 per year
EU Official Journal, L + C series, paper + annual DVD	22 official EU languages	EUR 1 420 per year
EU Official Journal, L series, paper edition only	22 official EU languages	EUR 910 per year
EU Official Journal, L + C series, monthly DVD (cumulative)	22 official EU languages	EUR 100 per year
Supplement to the Official Journal (S series), tendering procedures for public contracts, DVD, one edition per week	multilingual: 23 official EU languages	EUR 200 per year
EU Official Journal, C series — recruitment competitions	Language(s) according to competition(s)	EUR 50 per year

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.

In accordance with Council Regulation (EC) No 920/2005, published in Official Journal L 156 of 18 June 2005, the institutions of the European Union are temporarily not bound by the obligation to draft all acts in Irish and publish them in that language. Irish editions of the Official Journal are therefore sold separately.

Subscriptions to the Supplement to the Official Journal (S Series — tendering procedures for public contracts) cover all 23 official language versions on a single multilingual DVD.

On request, subscribers to the *Official Journal of the European Union* can receive the various Annexes to the Official Journal. Subscribers are informed of the publication of Annexes by notices inserted in the *Official Journal of the European Union*.

Sales and subscriptions

Subscriptions to various priced periodicals, such as the subscription to the *Official Journal of the European Union*, are available from our sales agents. The list of sales agents is available at:

http://publications.europa.eu/others/agents/index_en.htm

EUR-Lex (<http://eur-lex.europa.eu>) offers direct access to European Union legislation free of charge. The *Official Journal of the European Union* can be consulted on this website, as can the Treaties, legislation, case-law and preparatory acts.

For further information on the European Union, see: <http://europa.eu>



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN