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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 325/2013

of 10 April 2013

amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2012/739/CFSP of 29 November 2012 concerning restrictive measures against Syria ⁽¹⁾,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

(1) On 18 January 2012, the Council adopted Regulation (EU) No 36/2012 ⁽²⁾ in order to give effect to Council Decision 2011/782/CFSP of 1 December 2011 concerning restrictive measures against Syria ⁽³⁾.

(2) On 29 November 2012, the Council adopted Decision 2012/739/CFSP which repealed and replaced Decision 2011/782/CFSP.

(3) Decision 2012/739/CFSP includes a ban on the purchase, import or transport of arms and related material of all types, and financing or financial assistance for the purchase, import or transport of such items.

(4) That Decision also provides for the possibility to allow the release of certain frozen funds or economic resources where they are required to satisfy a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in a Member State, prior to or after the date of designation of the natural or legal persons, entities or bodies concerned.

(5) Decision 2012/739/CFSP also provides for derogations from certain restrictive measures for the sole purpose of evacuating citizens of the Union and their family members from Syria.

(6) In view of the specific circumstances in Syria, Decision 2012/739/CFSP provides for restrictions on access to airports of all exclusively cargo flights operated by Syrian carriers and all flights operated by Syrian Arab Airlines.

(7) On 28 February 2013, the Council adopted Decision 2013/109/CFSP amending Decision 2012/739/CFSP concerning restrictive measures against Syria ⁽⁴⁾.

(8) Decision 2013/109/CFSP includes additional derogations in relation to the sale, supply, transfer or export of equipment which might be used for internal repression and to the provision of technical assistance.

(9) Those measures fall within the scope of the Treaty on the Functioning of the European Union and regulatory action at the level of the Union is therefore necessary in order to implement them, in particular with a view to ensuring their uniform application by economic operators in all Member States.

(10) It is furthermore necessary to update Regulation (EU) No 36/2012 with the latest information provided by Member States regarding the identification of competent authorities and with the address of the European Commission.

(11) Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 36/2012 is amended as follows:

⁽¹⁾ OJ L 330, 30.11.2012, p. 21.⁽²⁾ OJ L 16, 19.1.2012, p. 1.⁽³⁾ OJ L 319, 2.12.2011, p. 56.⁽⁴⁾ OJ L 58, 1.3.2013, p. 8.

(1) Article 2(3) is replaced by the following:

‘3. By way of derogation from paragraph 1, the competent authorities in the Member States, as identified on the websites listed in Annex III, may authorise the sale, supply, transfer or export of equipment which might be used for internal repression, under such conditions as they deem appropriate, if they determine that:

- (a) such equipment is intended for humanitarian or protective use or for institution building programmes of the United Nations (UN) and of the Union, or for the Union and UN crisis management operations; or
- (b) in the case of the Syrian National Coalition for Opposition and Revolutionary Forces such equipment is non-lethal and is intended for the protection of civilians.’;

(2) Article 3(2) is replaced by the following:

‘2. By way of derogation from paragraph 1, and provided that the provision shall first have been approved by the competent authority of a Member State, as identified on the websites listed in Annex III, the prohibitions referred to therein shall not apply to:

- (a) the provision of technical assistance, financing and financial assistance:
 - intended solely for the support of the United Nations Disengagement Observer Force (UNDOF),
 - related to non-lethal military equipment, or equipment which might be used for internal repression, intended for humanitarian purposes or protective use or for the protection of civilians, or for institution building programmes of the UN and the Union, or for Union or UN crisis management operations, or for the Syrian National Coalition for Opposition and Revolutionary Forces intended for the protection of civilians,
 - related to non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for the protective use of personnel of the Union and its Member States in Syria, or for the Syrian National Coalition for Opposition and Revolutionary Forces intended for the protection of civilians;
- (b) the provision of technical assistance, brokering services and other services for the Syrian National Coalition for Opposition and Revolutionary Forces intended for the protection of civilians.’;

(3) the following Article is inserted:

‘Article 3a

It shall be prohibited:

- (a) to provide, directly or indirectly, financing or financial assistance relating to the goods and technology listed in the Common Military List, including financial deriva-

tives, as well as insurance and reinsurance and brokering services relating to insurance and reinsurance for any purchase, import or transport of such items if they originate in Syria, or are being exported from Syria to any other country;

- (b) to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in point (a).’;

(4) Article 16 is replaced by the following:

‘Article 16

By way of derogation from Article 14, the competent authorities in the Member States, as identified on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:

- (a) necessary to satisfy the basic needs of natural or legal persons, entities or bodies listed in Annexes II and IIa, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the competent authorities of the other Member States and to the Commission at least two weeks before the authorisation;
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation;
- (f) necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuations from Syria;
- (g) necessary to ensure human safety or environmental protection.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article within four weeks following the authorisation.’;

(5) Article 18 is replaced by the following:

'Article 18

1. By way of derogation from Article 14, the competent authorities in Member States, as indicated on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are the subject of an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 14 was listed in Annex II or IIa, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex II or IIa;
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article.;

(6) in Article 19(1), the following point is added:

'(c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.;

(7) the following Article is inserted:

'Article 21b

Article 14(2) shall not prevent acts or transactions carried out with respect to Syrian Arab Airlines for the sole purpose of evacuating citizens of the Union and their family members from Syria.;

(8) the following Chapter is inserted:

'CHAPTER VIA

RESTRICTIONS ON TRANSPORT

Article 26a

1. It shall be prohibited, consistent with international law, to accept, or provide access to airports in the Union by, exclusively cargo flights operated by Syrian carriers and all flights operated by Syrian Arab Airlines, except where:

- (a) the aircraft is engaged in non-scheduled international air services and landing is for non-traffic or non-commercial traffic purposes; or
- (b) the aircraft is engaged in scheduled international air services and landing is for non- traffic purposes;

as provided for under the Chicago Convention on International Civil Aviation or the International Air Services Transit Agreement.

2. Paragraph 1 shall not apply to flights for the sole purpose of evacuating citizens of the Union and their family members from Syria.

3. It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibition referred to in paragraph 1.;

(9) Annex III is replaced by the text appearing in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 10 April 2013.

For the Council

The President

E. GILMORE

ANNEX

‘ANNEX III

Websites for information on the competent authorities and address for notifications to the European Commission

A. Competent authorities in each Member State:

BELGIUM

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.bg/en/pages/135/index.html>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties

AUSTRIA

http://www.bmeia.gv.at/view.php?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.mzv.sk/sk/europske_zalezitosti/sankcie_eu-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

B. Address for notifications to, or other communication with, the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 02/309
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

COMMISSION REGULATION (EU) No 326/2013**of 27 March 2013****establishing a prohibition of fishing for herring in EU and international waters of I and II by vessels flying the flag of United Kingdom**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

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

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2013 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 40/2013 of 21 January 2013 fixing for 2013 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2013.

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

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2013.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

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, 27 March 2013.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 23, 25.1.2013, p. 54.

ANNEX

No	01/TQ40
Member State	United Kingdom
Stock	HER/1/2-
Species	Herring (<i>Clupea harengus</i>)
Zone	EU and international waters of I and II
Date	8.3.2013

COMMISSION IMPLEMENTING REGULATION (EU) No 327/2013
of 8 April 2013
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

of Member States in respect of the classification of goods in the Combined Nomenclature but which is not in accordance with this Regulation can, for a period of three months, continue to be invoked by the holder, under Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

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

Done at Brussels, 8 April 2013.

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Product description	Classification (CN code)	Reasons
(1)	(2)	(3)
A product presented in the form of rolls (18 mm × 200 mm), put up for retail sale in a box containing 10 rolls. Each roll weighs 28 g and consists of the following components (% by weight): — dried mugwort (<i>Artemisia vulgaris</i>) leaves 95 — other dried herbs (such as salvia) 5 The product is used for the treatment of patients: the rolls are lit and held close to the skin of the patient on specific acupuncture points and are burned to create deeply penetrating heat.	1404 90 00	Classification is determined by the General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Additional Note 1 to Chapter 30 and the wording of CN codes 1404 and 1404 90 00. The product consists of different kinds of plants. Consequently, classification as plants and parts of plants of a kind under heading 1211 is excluded (see also the Harmonised System Explanatory Notes to heading 1211). The product is not intended for human consumption. Consequently classification under heading 2106 is excluded. The product does not meet the requirements of Additional Note 1 to Chapter 30. Consequently, it cannot be classified under heading 3004 as a herbal or homeopathic medicinal preparation. The product is not used as perfumery, cosmetics or toilet preparations. Consequently, classification under heading 3307 is excluded. The product is therefore to be classified as vegetable products not elsewhere specified or included under CN code 1404 90 00.

COMMISSION IMPLEMENTING REGULATION (EU) No 328/2013
of 8 April 2013
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

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

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

Done at Brussels, 8 April 2013.

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Product in powder form consisting of (% by weight): — calcium carbonate 97, — starch 3. The product is suitable for use in several different areas, e.g. human foodstuffs, medicaments and paint fillers. The product is suitable for use in the manufacturing of calcium tablets.	2106 90 92	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 1(b) to Chapter 38 and the wording of CN codes 2106, 2106 90 and 2106 90 92. Due to the presence of a substance not covered by Note 1(a), (d) or (e) to Chapter 28, classification in that Chapter is excluded. The product is not intended for therapeutic or prophylactic use. Consequently, classification under heading 3003 is also excluded. Due to the composition of the product, classification in Chapter 38 is excluded by virtue of Note 1(b) to that Chapter (see also the Harmonised System Explanatory Notes to Chapter 38, General part). The product is therefore to be classified under heading 2106 as a food preparation, not elsewhere specified or included.

COMMISSION IMPLEMENTING REGULATION (EU) No 329/2013**of 10 April 2013****derogating from Regulation (EC) No 967/2006 as regards the deadlines for communicating sugar quantities carried forward from the marketing year 2012/13**

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 85, in conjunction with Article 4 thereof,

Whereas:

- (1) Article 17 of Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota ⁽²⁾, lays down deadlines within which Member States have to communicate to the Commission the quantities of sugar carried forward to the next marketing year.
- (2) By way of derogation from Article 63(2)(a) of Regulation (EC) No 1234/2007, Article 1 of Commission Implementing Regulation (EU) No 319/2013 ⁽³⁾ extended, for the marketing year 2012/13, the time limits within which Member States determine the deadline within which operators have to communicate to Member States their decision to carry forward surplus sugar production.

- (3) Consequently, deadlines within which Member States have to communicate to the Commission the quantities to be carried forward, pursuant to Article 17 of Regulation (EC) No 967/2006, should be shifted accordingly.

- (4) It is therefore necessary to derogate, for the marketing year 2012/13, from the deadlines fixed in points (a) and (b) of Article 17 of Regulation (EC) No 967/2006.

- (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

By way of derogation from points (a) and (b) of Article 17 of Regulation (EC) No 967/2006, Member States shall communicate to the Commission not later than 1 September 2013, the quantities of beet and cane sugar that are to be carried forward, from the 2012/13 marketing year to the next marketing year.

Article 2

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

It shall expire on 30 September 2013.

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

Done at Brussels, 10 April 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 176, 30.6.2006, p. 22.

⁽³⁾ OJ L 99, 9.4.2013, p. 13.

COMMISSION REGULATION (EU) No 330/2013**of 10 April 2013****making imports of biodiesel originating in Argentina and Indonesia subject to registration**

THE EUROPEAN COMMISSION,

pursuant to Article 24(5) of the basic Regulation so that measures may subsequently be applied against those imports from the date of such registration.

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

C. GROUNDS FOR THE REGISTRATION

Having regard to Council Regulation (EC) No 597/2009 of 11 June 2009 on protection against subsidised imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'), and in particular Articles 16(4) and 24(5) thereof,

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

After consulting the Advisory Committee,

- (5) The complainant claimed that registration is justified as the product concerned was being subsidised and injury to the Union industry, which is difficult to repair, was caused by the surge in subsidised imports in a relatively short period of time.

Whereas:

- (1) On 10 November 2012, the European Commission ('the Commission') announced by a notice published in the *Official Journal of the European Union* ⁽²⁾ ('notice of initiation'), the initiation of an anti-subsidy proceeding concerning imports of biodiesel originating in Argentina and Indonesia ('the countries concerned') following a complaint lodged on 26 September 2012 by the European Biodiesel Board ('the complainant') on behalf of producers representing more than 25 % of the total Union production of biodiesel.

- (6) The Commission has at its disposal sufficient prima facie evidence that imports of the product concerned from the countries concerned are being subsidised. In the anti-subsidy complaint the Union industry provided evidence that the product concerned is being subsidised in both countries concerned through a system of Differential Export Taxation. In both countries concerned an export tax is charged on the raw material, at rates which are higher than those charged on the export of biodiesel. This approach effectively obliges the producers of the raw material to sell on the domestic market, thus depressing prices and artificially reducing the costs of the biodiesel producers. The evidence in the complaint provides sufficient support at this stage that the exporters in question are being subsidised in their exports of biodiesel.

A. PRODUCT CONCERNED

- (2) The product concerned by this registration is the same as that defined in the notice of initiation, i.e. fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend, currently falling within CN codes ex 1516 20 98, ex 1518 00 91, ex 1518 00 95, ex 1518 00 99, ex 2710 19 43, ex 2710 19 46, ex 2710 19 47, 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 90 97, 3826 00 10 and ex 3826 00 90, and originating in the countries concerned.

- (7) As regards injury, the Commission has at its disposal sufficient prima facie evidence that the exporting producers' subsidisation is causing material injury to the Union industry, which is difficult to repair. This evidence consists of detailed data, contained in the anti-subsidy complaint and request for registration and supported by information from the industry and public sources, concerning the key injury factors set out in Article 8(5) of the basic Regulation.

B. REQUEST

- (3) Following the publication of the notice of initiation, the complainant requested in December 2012 that imports of the product concerned are made subject to registration

- (8) The request also provides sufficient evidence of critical circumstances where, for the subsidised product in question, injury, which is difficult to repair, is caused

⁽¹⁾ OJ L 188, 18.7.2009, p. 93.

⁽²⁾ OJ C 342, 10.11.2012, p. 12.

by massive imports benefiting from countervailable subsidies in a relatively short period of time. Evidence of such circumstances includes the rapid nature of the deterioration of the situation of the Union industry.

- (9) The level of imports of biodiesel from the countries concerned reaches a peak during spring and summer as, due to its physical and chemical properties, the use of these products is limited when temperatures are low. In view of the initiation of the current proceeding, it is likely that the exporting producers will negotiate contracts with EU importers for sales of increased volumes of biodiesel prior to the adoption of provisional measures, if any, and inventories will be rapidly built up by importers. The period prior to the initiation also showed a strong increase of imports.
- (10) In view of the above, it may be necessary, in order to preclude the recurrence of such injury, to assess countervailing duties, if any, retroactively on those imports.

D. PROCEDURE

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

E. REGISTRATION

- (13) Pursuant to Article 24(5) of the basic Regulation, imports of the product concerned should be made subject to registration in order to ensure that, should the investigation result in findings leading to the imposition of anti-subsidy duties, those duties should, if the necessary conditions are fulfilled, be levied retroactively in accordance with applicable legal provisions.
- (14) Any future liability would emanate from the findings of the anti-subsidy investigation. The allegations in the complaint requesting the initiation of an investigation mentions subsidy margins of 18 % for Indonesia, and 30 % for Argentina, and injury margins between 28,5 and 29,5 % for Argentina and between 35,5 and 37,5 % for Indonesia.
- (15) In order that the registration is sufficiently effective in view of eventual retroactive levying of an anti-subsidy

duty, the declarant should indicate on the customs declaration the proportion in blends, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

F. PROCESSING OF PERSONAL DATA

- (16) Any personal data collected in this investigation will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Customs authorities shall, pursuant to Article 24(5) of Regulation (EC) No 597/2009, take the appropriate steps to register the imports into the Union of fatty-acid mono-alkyl esters and/or paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin, in pure form or as included in a blend, currently falling within CN codes ex 1516 20 98 (TARIC codes 1516 20 98 21, 1516 20 98 29 and 1516 20 98 30), ex 1518 00 91 (TARIC codes 1518 00 91 21, 1518 00 91 29 and 1518 00 91 30), ex 1518 00 95 (TARIC code 1518 00 95 10), ex 1518 00 99 (TARIC codes 1518 00 99 21, 1518 00 99 29 and 1518 00 99 30), ex 2710 19 43 (TARIC codes 2710 19 43 21, 2710 19 43 29 and 2710 19 43 30), ex 2710 19 46 (TARIC codes 2710 19 46 21, 2710 19 46 29 and 2710 19 46 30), ex 2710 19 47 (TARIC codes 2710 19 47 21, 2710 19 47 29 and 2710 19 47 30), 2710 20 11, 2710 20 15, 2710 20 17, ex 3824 90 97 (TARIC codes 3824 90 97 01, 3824 90 97 03 and 3824 90 97 04), 3826 00 10 and ex 3826 00 90 (TARIC codes 3826 00 90 11, 3826 00 90 19 and 3826 00 90 30), and originating in Argentina and Indonesia. Registration shall expire nine months following the date of entry into force of this Regulation.

The declarant shall indicate on the customs declaration the proportion in the blend, by weight, of the total content of fatty-acid mono-alkyl esters and of paraffinic gasoils obtained from synthesis and/or hydro-treatment, of non-fossil origin (biodiesel content).

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

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

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, 10 April 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 331/2013**of 10 April 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, 10 April 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	MA	66,0
	TN	98,0
	TR	150,4
	ZZ	104,8
0707 00 05	MA	116,3
	TR	134,3
	ZZ	125,3
0709 93 10	MA	91,2
	TR	105,5
	ZZ	98,4
0805 10 20	EG	52,1
	IL	72,4
	MA	72,1
	TN	70,3
	TR	70,8
	ZZ	67,5
0805 50 10	TR	70,7
	ZA	99,1
	ZZ	84,9
0808 10 80	AR	105,1
	BR	91,0
	CL	116,5
	CN	78,9
	MK	33,9
	NZ	146,5
	US	245,0
	ZA	106,6
	ZZ	115,4
0808 30 90	AR	114,7
	CL	138,2
	CN	99,8
	TR	204,5
	US	182,0
	ZA	120,7
	ZZ	143,3

⁽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 332/2013**of 10 April 2013****fixing an allocation coefficient for available quantities of out-of-quota sugar to be sold on the Union market at reduced surplus levy during the 2012/2013 marketing year**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 281/2013 of 22 March 2013 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during the 2012/2013 marketing year ⁽²⁾, and in particular Article 5 thereof,

Whereas:

- (1) The quantities covered by certificate applications for out-of-quota sugar submitted from 26 March 2013 to 3 April 2013 and notified to the Commission from 3 April 2013 to 5 April 2013 exceed the limit set in Article 1 of Implementing Regulation (EU) No 281/2013.

- (2) Therefore, in accordance with Article 5 of Implementing Regulation (EU) No 281/2013 it is necessary to fix an allocation coefficient, which the Member States shall apply to the quantities covered by each notified certificate application.

- (3) In order to ensure the efficient management of the measure, 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 quantities for which certificates applications for out-of-quota sugar have been submitted in accordance with Implementing Regulation (EU) No 281/2013 from 26 March 2013 to 3 April 2013 and notified to the Commission from 3 April 2013 to 5 April 2013 shall be multiplied by an allocation coefficient of 13,214811 %.

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, 10 April 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 84, 23.3.2013, p. 19.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 9 April 2013

correcting the Dutch version of Annex IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

(notified under document C(2013) 1962)

(2013/176/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular point (d) of the second paragraph of Article 14 thereof,

Whereas:

- (1) The Dutch language version of Directive 2000/29/EC as amended by Commission Directive 2002/36/EC ⁽²⁾ contains an error. In point 32.1 of Section I of Part A of Annex IV, the words 'met uitzondering van Europese en mediterrane landen' have been wrongly inserted and must therefore be deleted. The other language versions are not affected.
- (2) Directive 2000/29/EC should therefore be corrected accordingly.

- (3) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Concerns only the Dutch language version.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 April 2013.

For the Commission

Androulla VASSILIOU

Member of the Commission

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 116, 3.5.2002, p. 16.

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