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⁽¹⁾ Text with EEA relevance

I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2013/37/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 26 June 2013

amending Directive 2003/98/EC on the re-use of public sector information

(Text with EEA relevance)

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 114 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) Documents produced by public sector bodies of the Member States constitute a vast, diverse and valuable pool of resources that can benefit the knowledge economy.

(2) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information ⁽³⁾ establishes a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States.

(3) Open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal,

technical or financial constraints, and which promote the circulation of information not only for economic operators but also for the public, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information, stimulate economic growth and promote social engagement. However, this requires a level playing field at Union level in terms of whether or not the re-use of documents is authorised, which cannot be achieved by leaving it subject to the different rules and practices of the Member States or the public sector bodies concerned.

(4) Allowing re-use of documents held by a public sector body adds value for the re-users, for the end users and for society in general and in many cases for the public body itself, by promoting transparency and accountability and providing feedback from re-users and end users which allows the public sector body concerned to improve the quality of the information collected.

(5) Since the first set of rules on re-use of public sector information was adopted in 2003, the amount of data in the world, including public data, has increased exponentially and new types of data are being generated and collected. In parallel, we are witnessing a continuous evolution in technologies for analysis, exploitation and processing of data. This rapid technological evolution makes it possible to create new services and new applications, which are built upon the use, aggregation or combination of data. The rules adopted in 2003 no longer keep pace with these rapid changes and as a result the economic and social opportunities offered by re-use of public data risk being missed.

(6) At the same time, Member States have now established re-use policies under Directive 2003/98/EC and some of them have been adopting ambitious open data approaches to make re-use of accessible public data easier for citizens and companies beyond the minimum level set by that Directive. To prevent different rules in

⁽¹⁾ OJ C 191, 29.6.2012, p. 129.

⁽²⁾ Position of the European Parliament of 13 June 2013 (not yet published in the Official Journal) and decision of the Council of 20 June 2013.

⁽³⁾ OJ L 345, 31.12.2003, p. 90.

different Member States acting as a barrier to the cross-border offer of products and services, and to enable comparable public data sets to be re-usable for pan-European applications based on them, a minimum harmonisation is required to determine what public data are available for re-use in the internal information market, consistent with the relevant access regime.

public sector bodies concerned, as defined by law or by other binding rules in the Member States. In the absence of such rules the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies.

- (7) Directive 2003/98/EC does not contain an obligation concerning access to documents or an obligation to allow re-use of documents. The decision whether or not to authorise re-use remains with the Member States or the public sector body concerned. At the same time, Directive 2003/98/EC builds on national rules on access to documents and allowing re-use of documents is therefore not required under that Directive where access is restricted (for example, national rules restrict access to citizens or companies who prove a particular interest in obtaining access to documents) or excluded (for example, national rules exclude access because of the sensitive nature of the documents based, *inter alia*, on grounds of national security, defence, public security). Some Member States have expressly linked the right of re-use to a right of access, so that all generally accessible documents are re-usable. In other Member States, the link between the two sets of rules is less clear, and this is a source of legal uncertainty.
- (8) Directive 2003/98/EC should therefore be amended to lay down a clear obligation for Member States to make all documents re-usable unless access is restricted or excluded under national rules on access to documents and subject to the other exceptions laid down in this Directive. The amendments made by this Directive do not seek to define or to change access regimes in Member States, which remain their responsibility.
- (9) Taking into account Union law and the international obligations of Member States and of the Union, particularly under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights, documents for which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of the intellectual property rights for a document held by libraries, including university libraries, museums and archives and the term of protection of those rights has not expired, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.
- (10) Directive 2003/98/EC should apply to documents the supply of which forms part of the public tasks of the
- (11) This Directive should be implemented and applied in full compliance with the principles relating to the protection of personal data in accordance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽¹⁾. In particular, it is worth noting that, according to that Directive, the Member States should determine the conditions under which the processing of personal data is lawful. Furthermore, one of the principles of that Directive is that personal data must not be processed further to collection in a way incompatible with the specified, explicit and legitimate purposes for which those data were collected.
- (12) Directive 2003/98/EC should be without prejudice to the rights, including economic and moral rights that employees of public sector bodies may enjoy under national rules.
- (13) Moreover, where any document is made available for re-use, the public sector body concerned should retain the right to exploit the document.
- (14) The scope of Directive 2003/98/EC should be extended to libraries, including university libraries, museums and archives.
- (15) One of the principal aims of the establishment of the internal market is the creation of conditions conducive to the development of Union-wide services. Libraries, museums and archives hold a significant amount of valuable public sector information resources, in particular since digitisation projects have multiplied the amount of digital public domain material. These cultural heritage collections and related metadata are a potential base for digital content products and services and have a huge potential for innovative re-use in sectors such as learning and tourism. Wider possibilities for re-using public cultural material should, *inter alia*, allow Union companies to exploit its potential and contribute to economic growth and job creation.
- (1) OJ L 281, 23.11.1995, p. 31.

- (16) There are considerable differences in the rules and practices in the Member States relating to the exploitation of public cultural resources, which constitute barriers to realising economic potential of those resources. As libraries, museums and archives continue to invest in digitisation, many already make their public domain content available for re-use and many are actively seeking out opportunities to re-use their content. However, as they operate in very different regulatory and cultural environments, the practices of cultural establishments in exploiting content have developed in disparate ways.
- (17) Since the differences in national rules and practices or the absence of clarity hinder the smooth functioning of the internal market and the proper development of the information society in the Union, minimum harmonisation of national rules and practices on the re-use of public cultural material in libraries, museums and archives should be undertaken.
- (18) The extension of the scope of Directive 2003/98/EC should be limited to three types of cultural establishments – libraries, including university libraries, museums and archives, because their collections are and will increasingly become a valuable material for re-use in many products such as mobile applications. Other types of cultural establishments (such as orchestras, operas, ballets and theatres), including the archives that are part of those establishments, should remain outside the scope because of their ‘performing arts’ specificity. Since almost all of their material is covered by third-party intellectual property rights and would therefore remain outside the scope of that Directive, including them within the scope would have little effect.
- (19) Digitisation is an important means of ensuring greater access to and re-use of cultural material for education, work or leisure. It also offers considerable economic opportunities, allowing for an easier integration of cultural material into digital services and products, thus supporting job creation and growth. These aspects were underlined in, amongst others, the European Parliament’s resolution of 5 May 2010 on ‘Europeana — the next steps’⁽¹⁾, the Commission Recommendation 2011/711/EU of 27 October 2011 on the digitisation and online accessibility of cultural material and digital preservation⁽²⁾, and the Council conclusions of 10 May 2012 on the digitisation and online accessibility of cultural material and digital preservation⁽³⁾. These documents define the way forward for dealing with the legal, financial and organisational aspects of digitising Europe’s cultural heritage and bringing it online.
- (20) To facilitate re-use, public sector bodies should, where possible and appropriate, make documents available through open and machine-readable formats and together with their metadata, at the best level of precision and granularity, in a format that ensures interoperability, e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)⁽⁴⁾.
- (21) A document should be considered to be in a machine-readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract specific data from it. Data encoded in files that are structured in a machine-readable format are machine-readable data. Machine-readable formats can be open or proprietary; they can be formal standards or not. Documents encoded in a file format that limits automatic processing, because the data cannot, or cannot easily, be extracted from them, should not be considered to be in a machine-readable format. Member States should where appropriate encourage the use of open, machine-readable formats.
- (22) Where charges are made by public sector bodies for the re-use of documents, those charges should in principle be limited to the marginal costs. However the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks or of the costs relating to the collection, production, reproduction and dissemination of certain documents made available for re-use should be taken into consideration. In such cases, public sector bodies should be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. The requirement to generate revenue to cover a substantial part of the public sector bodies’ costs relating to the performance of their public tasks or of the costs relating to the collection, production, reproduction and dissemination of certain documents, does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

⁽¹⁾ OJ C 81, E, 15.3.2011, p. 16.

⁽²⁾ OJ L 283, 29.10.2011, p. 39.

⁽³⁾ OJ C 169, 15.6.2012, p. 5.

⁽⁴⁾ OJ L 108, 25.4.2007, p. 1.

- (23) Libraries, museums and archives should also be able to charge above marginal costs in order not to hinder their normal running. In the case of such public sector bodies the total income from supplying and allowing re-use of documents over the appropriate accounting period should not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance, together with a reasonable return on investment. For the purpose of libraries, museums and archives and bearing in mind their particularities, the prices charged by the private sector for the re-use of identical or similar documents could be considered when calculating a reasonable return on investment.
- (24) The upper limits for charges set in this Directive are without prejudice to the right of Member States to apply lower charges or no charges at all.
- (25) Member States should lay down the criteria for charging above marginal costs. In this respect, Member States, for example, may lay down such criteria in national rules or may designate the appropriate body or appropriate bodies, other than the public sector body itself, competent to lay down such criteria. That body should be organised in accordance with the constitutional and legal systems of the Member States. It could be an existing body with budgetary executive powers and under political responsibility.
- (26) In relation to any re-use that is made of the document, public sector bodies may impose conditions, where appropriate through a licence, such as acknowledgment of source and acknowledgment of whether the document has been modified by the re-user in any way. Any licences for the re-use of public sector information should in any event place as few restrictions on re-use as possible, for example limiting them to an indication of source. Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, should play an important role in this respect. Therefore, Member States should encourage the use of open licences that should eventually become common practice across the Union.
- (27) The Commission has supported the development of an online Public Sector Information scoreboard with relevant performance indicators for the re-use of public sector information in all the Member States. A regular update of this scoreboard will contribute to the exchange of information between the Member States and the availability of information on policies and practices across the Union.
- (28) The means of redress should include the possibility of review by an impartial review body. That body could be an already existing national authority, such as the national competition authority, the national access to documents authority or a national judicial authority. That body should be organised in accordance with the constitutional and legal systems of Member States and should not prejudice any means of redress otherwise available to applicants for re-use. It should however be distinct from the Member State mechanism laying down the criteria for charging above marginal costs. The means of redress should include the possibility of review of negative decisions but also of decisions which, although permitting re-use, could still affect applicants on other grounds, notably by the charging rules applied. The review process should be swift, in accordance with the needs of a rapidly changing market.
- (29) Competition rules should be respected when establishing the principles for re-use of documents avoiding as far as possible exclusive agreements between public sector bodies and private partners. However, in order to provide a service in the public interest, an exclusive right to re-use specific public sector documents may sometimes be necessary. This may be, inter alia, the case if no commercial publisher would publish the information without such an exclusive right. In order to take this concern into account Directive 2003/98/EC authorises, subject to a regular review, exclusive arrangements where an exclusive right is necessary for the provision of a service in the public interest.
- (30) Following the extension of the scope of Directive 2003/98/EC to libraries, including university libraries, museums and archives, it is appropriate to take into account current divergences in the Member States with regard to digitisation of cultural resources, which could not be effectively accommodated by the current rules of that Directive on exclusive arrangements. There are numerous cooperation arrangements between libraries, including university libraries, museums, archives and private partners which involve digitisation of cultural resources granting exclusive rights to private partners. Practice has shown that such public-private partnerships can facilitate worthwhile use of cultural collections and at the same time accelerate access to the cultural heritage for members of the public.
- (31) Where an exclusive right relates to digitisation of cultural resources, a certain period of exclusivity might be necessary in order to give the private partner the possibility to recoup its investment. That period should, however, be limited in time and as short as possible, in order to respect the principle that public domain material should stay in the public domain once it is digitised. The period of an exclusive right to digitise cultural resources should in general not exceed 10 years. Any period of exclusivity longer than 10 years should be subject to review, taking into account technological, financial and administrative changes in the environment since the arrangement was entered into. In addition, any public

private partnership for the digitisation of cultural resources should grant the partner cultural institution full rights with respect to the post-termination use of digitised cultural resources.

(32) In order to take due account of contracts and other arrangements which grant exclusive rights and which were concluded before the entry into force of this Directive, appropriate transitional measures should be established to protect the interests of the parties concerned where their exclusive rights do not qualify for the exceptions authorised under this Directive. Those transitional measures should allow for the parties' exclusive rights to continue to exist until the end of the contract or, for open-ended contracts or contracts of a very long duration, to continue to exist for a sufficiently long period to allow the parties to take appropriate measures. Those transitional measures should not apply to contracts or other arrangements concluded after the entry into force of this Directive but before the application of national measures transposing this Directive, in order to avoid situations whereby contracts or other long-term arrangements which do not comply with this Directive are concluded so as to circumvent future national transposition measures to be adopted. Contracts and other arrangements concluded after the entry into force of this Directive but before the date of application of national transposition measures should therefore comply with this Directive as from the date of application of national measures transposing this Directive.

(33) Since the objectives of this Directive, namely to facilitate the creation of Union-wide information products and services based on public sector documents, to ensure the effective cross-border use of public sector documents on the one hand by private companies, particularly by small and medium-sized enterprises, for added-value information products and services, and on the other hand by citizens to facilitate the free circulation of information and communication, cannot be sufficiently achieved by Member States and can therefore, by reasons of the pan-European scope of the proposed action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principles of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

(34) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the protection of personal data (Article 8) and the right to property (Article 17). Nothing in this Directive should be interpreted or implemented in a manner that is inconsistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

(35) It is necessary to ensure that the Member States report to the Commission on the extent of the re-use

of public sector information, the conditions under which it is made available and the redress practices.

(36) The Commission should assist the Member States in implementing this Directive in a consistent way by issuing guidelines, particularly on recommended standard licences, datasets and charging for the re-use of documents, after consulting interested parties.

(37) Directive 2003/98/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 2003/98/EC is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 2 is amended as follows:

(i) point (a) is replaced by the following:

‘(a) documents the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State, or in the absence of such rules, as defined in line with common administrative practice in the Member State in question, provided that the scope of the public tasks is transparent and subject to review’;

(ii) point (c) is replaced by the following:

‘(c) documents which are excluded from access by virtue of the access regimes in the Member States, including on the grounds of:

— the protection of national security (i.e. State security), defence, or public security,

— statistical confidentiality,

— commercial confidentiality (e.g. business, professional or company secrets);’

(iii) the following points are inserted:

- '(ca) documents access to which is restricted by virtue of the access regimes in the Member States, including cases whereby citizens or companies have to prove a particular interest to obtain access to documents;
- (cb) parts of documents containing only logos, crests and insignia;
- (cc) documents access to which is excluded or restricted by virtue of the access regimes on the grounds of protection of personal data, and parts of documents accessible by virtue of those regimes which contain personal data the re-use of which has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data;'

(iv) point (e) is replaced by the following:

- '(e) documents held by educational and research establishments, including organisations established for the transfer of research results, schools and universities, except university libraries and';

(v) point (f) is replaced by the following:

- '(f) documents held by cultural establishments other than libraries, museums and archives;'

(b) paragraph 3 is replaced by the following:

'3. This Directive builds on and is without prejudice to access regimes in the Member States.';

(c) in paragraph 4, the word 'Community' is replaced by the word 'Union'.

(2) The following points are added to Article 2:

- '6. 'machine-readable format' means a file format structured so that software applications can easily identify, recognize and extract specific data, including individual statements of fact, and their internal structure;
- 7. 'open format' means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents;
- 8. 'formal open standard' means a standard which has been laid down in written form, detailing specifications for the requirements on how to ensure software interoperability;

9. 'university' means any public sector body that provides post-secondary-school higher education leading to academic degrees.'

(3) Article 3 is replaced by the following:

'Article 3

General principle

1. Subject to paragraph 2 Member States shall ensure that documents to which this Directive applies in accordance with Article 1 shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

2. For documents in which libraries, including university libraries, museums and archives hold intellectual property rights, Member States shall ensure that, where the re-use of such documents is allowed, these documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.'

(4) In Article 4, paragraphs 3 and 4 are replaced by the following:

'3. In the event of a negative decision, the public sector bodies shall communicate the grounds for refusal to the applicant on the basis of the relevant provisions of the access regime in that Member State or of the national provisions adopted pursuant to this Directive, in particular points (a) to (cc) of Article 1(2) or Article 3. Where a negative decision is based on Article 1(2)(b), the public sector body shall include a reference to the natural or legal person who is the rightholder, where known, or alternatively to the licensor from which the public sector body has obtained the relevant material. Libraries, including university libraries, museums and archives shall not be required to include such a reference.

4. Any decision on re-use shall contain a reference to the means of redress in case the applicant wishes to appeal the decision. The means of redress shall include the possibility of review by an impartial review body with the appropriate expertise, such as the national competition authority, the national access to documents authority or a national judicial authority, whose decisions are binding upon the public sector body concerned.'

(5) Article 5 is replaced by the following:

'Article 5

Available formats

1. Public sector bodies shall make their documents available in any pre-existing format or language, and, where possible and appropriate, in open and machine-readable format together with their metadata. Both the format and the metadata should, in so far as possible, comply with formal open standards.

2. Paragraph 1 shall not imply an obligation for public sector bodies to create or adapt documents or provide extracts in order to comply with that paragraph where this would involve disproportionate effort, going beyond a simple operation.

3. On the basis of this Directive, public sector bodies cannot be required to continue the production and storage of a certain type of documents with a view to the re-use of such documents by a private or public sector organisation.'

(6) Article 6 is replaced by the following:

'Article 6

Principles governing charging

1. Where charges are made for the re-use of documents, those charges shall be limited to the marginal costs incurred for their reproduction, provision and dissemination.

2. Paragraph 1 shall not apply to the following:

(a) public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks;

(b) by way of exception, documents for which the public sector body concerned is required to generate sufficient revenue to cover a substantial part of the costs relating to their collection, production, reproduction and dissemination. Those requirements shall be defined by law or by other binding rules in the Member State. In the absence of such rules, the requirements shall be defined in accordance with common administrative practice in the Member State;

(c) libraries, including university libraries, museums and archives.

3. In the cases referred to in points (a) and (b) of paragraph 2, the public sector bodies concerned shall calculate the total charges according to objective, transparent and verifiable criteria to be laid down by the Member States. The total income of those bodies from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved.

4. Where charges are made by the public sector bodies referred to in point (c) of paragraph 2, the total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of

collection, production, reproduction, dissemination, preservation and rights clearance, together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved.'

(7) Article 7 is replaced by the following:

'Article 7

Transparency

1. In the case of standard charges for the re-use of documents held by public sector bodies, any applicable conditions and the actual amount of those charges, including the calculation basis for such charges, shall be pre-established and published, through electronic means where possible and appropriate.

2. In the case of charges for the re-use other than those referred to in paragraph 1, the public sector body in question shall indicate at the outset which factors are taken into account in the calculation of those charges. Upon request, the public sector body in question shall also indicate the way in which such charges have been calculated in relation to the specific re-use request.

3. The requirements referred to in point (b) of Article 6(2) shall be pre-established. They shall be published by electronic means, where possible and appropriate.

4. Public sector bodies shall ensure that applicants for re-use of documents are informed of available means of redress relating to decisions or practices affecting them.'

(8) In Article 8, paragraph 1 is replaced by the following:

'1. Public sector bodies may allow re-use without conditions or may impose conditions, where appropriate through a licence. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.'

(9) Article 9 is replaced by the following:

'Article 9

Practical arrangements

Member States shall make practical arrangements facilitating the search for documents available for re-use, such as asset lists of main documents with relevant metadata, accessible where possible and appropriate online and in machine-readable format, and portal sites that are linked to the asset lists. Where possible Member States shall facilitate the cross-linguistic search for documents.'

(10) Article 11 is amended as follows:

(a) the following subparagraph is added to paragraph 2:

‘This paragraph shall not apply to digitisation of cultural resources.’;

(b) the following paragraph is inserted:

‘2a. Notwithstanding paragraph 1, where an exclusive right relates to digitisation of cultural resources, the period of exclusivity shall in general not exceed 10 years. In case where that period exceeds 10 years, its duration shall be subject to review during the 11th year and, if applicable, every seven years thereafter.

The arrangements granting exclusive rights referred to in the first subparagraph shall be transparent and made public.

In the case of an exclusive right referred to in the first subparagraph, the public sector body concerned shall be provided free of charge with a copy of the digitised cultural resources as part of those arrangements. That copy shall be available for re-use at the end of the period of exclusivity.’;

(c) paragraph 3 is replaced by the following:

‘3. Exclusive arrangements existing on 1 July 2005 that do not qualify for the exceptions under paragraph 2 shall be terminated at the end of the contract or in any event not later than 31 December 2008.’;

(d) the following paragraph is added:

‘4. Without prejudice to paragraph 3, exclusive arrangements existing on 17 July 2013 that do not qualify for the exceptions under paragraphs 2 and 2a shall be terminated at the end of the contract or in any event not later than 18 July 2043.’.

(11) Article 13 is replaced by the following:

‘Article 13

Review

1. The Commission shall carry out a review of the application of this Directive before 18 July 2018 and shall communicate the results of that review, together with any proposals for amendments to this Directive, to the European Parliament and the Council.

2. Member States shall submit a report every 3 years to the Commission on the availability of public sector information for re-use and the conditions under which it is made available and the redress practices. On the basis of that report, which shall be made public, Member States shall carry out a review of the implementation of Article 6, in particular as regards charging above marginal cost.

3. The review referred to in paragraph 1 shall in particular address the scope and impact of this Directive, including the extent of the increase in re-use of public sector documents, the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European content industry.’.

Article 2

1. By 18 July 2015, Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 18 July 2015.

2. When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 26 June 2013.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
A. SHATTER

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 615/2013

of 24 June 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 Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

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, 24 June 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)
A cylindrical article made of aluminium alloy, with holes and recesses, of a length of approximately 8 cm and a diameter of approximately 4 cm. The article is used as a part of the retracting unit of a safety seat belt used, for example, in motor vehicles, speed boats and chair lifts for stairs. (*) See image.	7616 99 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 7616, 7616 99 and 7616 99 90. Classification under heading 8708 is excluded, as that heading only covers safety seat belts of vehicles of headings 8701 to 8705 but not parts thereof. Classification under heading 8302 as base metal mountings, fittings and similar articles suitable for coachwork is excluded as the article is not a part of the body of the car, but a part of the retracting unit of a safety seat belt. The article is therefore to be classified according to its constituent material under CN code 7616 99 90 as other articles of aluminium.

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 616/2013
of 24 June 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 Customs Code Committee has not issued an opinion within the time limit set by its Chairman,

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, 24 June 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)
An article made of rigid moulded plastic consisting of three or four arms. The article has no free-moving parts (for example, wheels, balls or rollers), soft nubs or other flexible attachments. It is designed to be used as a hand-operated article for massaging the body by rubbing one or more of the arms over the relevant body parts. The massage effect is created by the pressure exerted by the person performing the massage. (*) See images	9019 10 90	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 9019, 9019 10 and 9019 10 90. Given its specific shape, the article is intended for use as a hand-operated apparatus for massaging the body. The article operates by friction. The absence of free-moving parts does not exclude classification as a massage apparatus (see also the HS Explanatory Notes to heading 9019, (II), second paragraph, where simple rubber rollers and similar massaging devices are mentioned). The article is therefore to be classified under CN code 9019 10 90 as a massage apparatus.

(*) The images are purely for information.



COMMISSION REGULATION (EU) No 617/2013**of 26 June 2013****implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to
ecodesign requirements for computers and computer servers****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products⁽¹⁾, and in particular Article 15(1) thereof,

After consulting the Consultation Forum referred to in Article 18 of Directive 2009/125/EC,

Whereas:

- (1) Under Directive 2009/125/EC, ecodesign requirements are to be laid down by the Commission for energy-related products that represent significant volumes of sales and trade, have a significant environmental impact and present significant potential for improvement in terms of their environmental impact without entailing excessive costs.
- (2) Article 16(2)(a) of Directive 2009/125/EC provides that the Commission, in accordance with the procedure referred to in Article 19(3) and the criteria set out in Article 15, and after consulting the Consultation Forum, has to introduce, as appropriate, an implementing measure for office equipment.
- (3) The Commission has carried out a preparatory study which analysed the technical, environmental and economic aspects of computers. The study involved stakeholders and interested parties from the Union and third countries, and the results have been made publicly available.
- (4) The preparatory study showed that the cost-efficient improvement potential in the electricity consumption of computers between 2011 and 2020 was estimated at about 93 TWh, which corresponds to 43 Mt of CO₂ emissions, and in 2020 at between 12,5 TWh and 16,3 TWh, which corresponds to 5,0-6,5 Mt of CO₂ emissions. Consequently, computers constitute a product group for which ecodesign requirements should be established.
- (5) Since a lot of the energy-savings potential of desktop thin clients, workstations, small-scale servers and

computer servers is linked to the efficiency of their internal power supplies and since the technical specifications of internal power supply for these products are similar to those for desktop computers and integrated desktop computers, the provisions on internal power supply efficiency of this Regulation should also apply to the former. However, other environmental performance aspects of desktop thin clients, workstations, mobile workstations, small-scale servers and computer servers could be addressed in a more specific measure implementing Directive 2009/125/EC.

- (6) Displays have distinct characteristics and should therefore be excluded from the scope of this Regulation. However, considering their significant environmental impact and their significant potential for improvement, they could be addressed in another measure implementing Directive 2009/125/EC and/or Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products⁽²⁾.
- (7) The ecodesign requirements should not have any significant negative impact on the functionality of the product or on consumers, and in particular as regards the affordability of the product, the life cycle costs and the industry's competitiveness. Furthermore, the requirements should not impose on manufacturers proprietary technology or excessive administrative burden, nor should they negatively affect health, safety and the environment.
- (8) Improvements in the energy efficiency of computers should be achieved by applying existing non-proprietary and cost-effective technologies that can reduce the total combined costs of purchasing and operating them.
- (9) The ecodesign requirements should be introduced gradually in order to provide a sufficient time frame for manufacturers to redesign products that are subject to this Regulation. The timing should be such that negative impacts on the supply of computers are avoided, and costs for manufacturers, in particular small and medium-sized enterprises, are taken into account, while ensuring timely achievement of the objectives of this Regulation.
- (10) A review of this Regulation is envisaged no later than three and a half years after its entry into force.

⁽¹⁾ OJ L 285, 31.10.2009, p. 10.

⁽²⁾ OJ L 153, 18.6.2010, p. 1.

- (11) The energy efficiency of computers should be determined through reliable, accurate and reproducible measurement methods, which take into account the recognised state of the art, including, where available, harmonised standards established in conformity with the applicable European standardisation legislation ⁽¹⁾.
- (12) As ecodesign requirements for standby and off mode electric power demand of electrical and electronic household and office equipment are not fully appropriate for the characteristics of computers, the requirements of Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power demand of electrical and electronic household and office equipment ⁽²⁾ should not apply to computers. Consequently, specific requirements for power management, as well as for sleep mode, off mode and lowest power state in computers should be set in this Regulation, and Regulation (EC) No 1275/2008 should be amended accordingly.
- (13) Despite the exclusion of computers from the scope of Regulation (EC) No 1275/2008, provisions of Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power demand and average active efficiency of external power supplies ⁽³⁾ shall apply to external power supplies that are placed on the market with computers.
- (14) In accordance with Article 8 of Directive 2009/125/EC, this Regulation should specify the applicable conformity assessment procedures.
- (15) In order to facilitate compliance checks, manufacturers should be requested to provide information contained in the technical documentation referred to in Annexes IV and V to Directive 2009/125/EC in so far as that information relates to the requirements laid down in this Regulation.
- (16) To ensure fair competition, the achievement of potential intended energy savings and provision of accurate information of products' energy performance towards consumers, this Regulation should make clear that the tolerances prescribed for the national market surveillance authorities when conducting physical tests to establish whether a specific model of an energy related product is in compliance with this Regulation should not be used by the manufacturers to provide room for declaring a more favourable performance of the model than measurements and calculations declared in the technical documentation of the product can justify.
- (17) Benchmarks for currently available products with high energy efficiency should be identified. This will help to ensure the wide availability and easy accessibility of information, in particular for small and medium-sized enterprises, which will further facilitate the integration of best design technologies and the development of more efficient products for reducing energy consumption.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 19(1) of Directive 2009/125/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation establishes ecodesign requirements for the placing on the market of computers and computer servers.
2. This Regulation shall apply to the following products that can be powered directly from the mains alternating current (AC) including via an external or internal power supply:
 - (a) desktop computers;
 - (b) integrated desktop computers;
 - (c) notebook computers (including tablet computers, slate computers and mobile thin clients);
 - (d) desktop thin clients;
 - (e) workstations;
 - (f) mobile workstations;
 - (g) small-scale servers;
 - (h) computer servers.
3. This Regulation shall not apply to the following product groups:
 - (a) blade system and components;
 - (b) server appliances;
 - (c) multi-node servers;
 - (d) computer servers with more than four processor sockets;
 - (e) game consoles;
 - (f) docking stations.

⁽¹⁾ Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ L 204, 21.7.1998, p. 37).

⁽²⁾ OJ L 339, 18.12.2008, p. 45.

⁽³⁾ OJ L 93, 7.4.2009, p. 3.

Article 2

Definitions

The following definitions shall apply:

- (1) 'Computer' means a device which performs logical operations and processes data, is capable of using input devices and outputting information to a display, and normally includes a central processing unit (CPU) to perform operations. If no CPU is present, then the device must function as a client gateway to a computer server which acts as a computational processing unit;
- (2) 'Computer server' means a computing product that provides services and manages networked resources for client devices, such as desktop computers, notebook computers, desktop thin clients, internet protocol (IP) telephones, or other computer servers. A computer server is typically placed on the market for use in data centres and office/corporate environments. A computer server is primarily accessed via network connections, and not through direct user input devices, such as a keyboard or a mouse;

A computer server has the following characteristics:

- (a) is designed to support computer server operating systems (OS) and/or hypervisors, and targeted to run user-installed enterprise applications;
- (b) supports error-correcting code (ECC) and/or buffered memory (including both buffered dual in-line memory modules (DIMMs) and buffered on board (BOB) configurations);
- (c) is placed on the market with one or more AC-DC power supply(ies);
- (d) all processors have access to shared system memory and are independently visible to a single OS or hypervisor;
- (3) 'External power supply' means a device which has the following characteristics:
 - (a) is designed to convert alternating current (AC) power input from the mains power input into lower voltage direct current (DC) or AC output;
 - (b) is able to convert to only one DC or AC output voltage at a time;
 - (c) is intended to be used with a separate device that constitutes the primary load;
 - (d) is contained in a physical enclosure separate from the device that constitutes the primary load;
 - (e) is connected to the device that constitutes the primary load via a removable or hard-wired male/female electrical connection, cable, cord or other wiring; and
 - (f) has nameplate output power not exceeding 250 Watts;

- (4) 'Internal power supply' means a component designed to convert AC voltage from the mains to DC voltage(s) for the purpose of powering the computer or computer server and has the following characteristics:

- (a) is contained within the computer or computer server casing but is separate from the main computer or computer server board;
- (b) the power supply connects to the mains through a single cable with no intermediate circuitry between the power supply and the mains power; and
- (c) all power connections from the power supply to the computer or computer server components, with the exception of a DC connection to a display in an integrated desktop computer, are internal to the computer casing.

Internal DC-to-DC converters used to convert a single DC voltage from an external power supply into multiple voltages for use by a computer or computer server are not considered internal power supplies;

- (5) 'Desktop computer' means a computer where the main unit is intended to be located in a permanent location and is not designed for portability and which is designed for use with an external display and external peripherals such as a keyboard and mouse.

The following categories of desktop computers are defined for the purposes of this Regulation:

- (a) 'Category A' desktop computer means a desktop computer that does not meet the definition of Category B, Category C or Category D desktop computer;
- (b) 'Category B' desktop computer means a desktop computer with:
 - (i) two physical cores within the CPU; and
 - (ii) a minimum of two gigabytes (GB) of system memory;
- (c) 'Category C' desktop computer means a desktop computer with:
 - (i) three or more physical cores within the CPU; and
 - (ii) a configuration of a minimum of one of the following two characteristics:
 - a minimum of two gigabytes (GB) of system memory, and/or
 - a discrete graphics card (dGfx);
- (d) 'Category D' desktop computer means a desktop computer with:
 - (i) a minimum four physical cores in the CPU; and

(ii) a configuration of a minimum of one of the following two characteristics:

- a minimum of four gigabytes (GB) of system memory, and/or
- a discrete graphics card (dGfx) meeting the G3 (with FB Data Width > 128-bit), G4, G5, G6 or G7 classification;

(6) 'Integrated desktop computer' means a computer in which the computer and the display function as a single unit, which receives its AC power through a single cable. Integrated desktop computers come in one of two possible forms: (1) a product where the display and the computer are physically combined into a single unit; or (2) a product where the display is separated from the computer but it is connected to the main chassis by a direct current (DC) power cord. An integrated desktop computer is intended to be located in a permanent location and is not designed for portability. Integrated desktop computers are not primarily designed for the display and reception of audio-visual signals.

The following categories of integrated desktop computers are defined for the purposes of this Regulation:

(a) 'Category A' integrated desktop computer means an integrated desktop computer that does not meet the definition of Category B, Category C or Category D integrated desktop computer;

(b) 'Category B' integrated desktop computer means an integrated desktop computer with:

- (i) two physical cores in the CPU; and
- (ii) a minimum of two gigabytes (GB) of system memory;

(c) 'Category C' integrated desktop computer means an integrated desktop computer with:

- (i) three or more physical cores in the CPU; and
- (ii) a configuration of a minimum of one of the following two characteristics:

- a minimum of two gigabytes (GB) of system memory, and/or
- a discrete graphics card (dGfx);

(d) 'Category D' integrated desktop computer means an integrated desktop computer with:

- (i) a minimum of four physical cores in the CPU; and
- (ii) a configuration of a minimum of one of the following two characteristics:

- a minimum of four gigabytes (GB) of system memory, and/or
- a discrete graphics card (dGfx) meeting the G3 (with FB Data Width > 128-bit), G4, G5, G6 or G7 classification;

(7) 'Notebook computer' means a computer designed specifically for portability and to be operated for extended periods of time either with or without a direct connection to an AC power source. Notebook computers utilise an integrated display, with a viewable diagonal screen size of at least 22,86 cm (9 inches), and are capable of operation on an integrated battery or other portable power source.

Notebook computers also include the following subtypes:

(a) 'Tablet computer' means a product which is a type of notebook computer that includes both an attached touch-sensitive display and an attached physical keyboard;

(b) 'Slate computer' means a type of notebook computer that includes an integrated touch-sensitive display but does not have a permanently attached physical keyboard;

(c) 'Mobile thin client' means a type of notebook computer that relies on a connection to remote computing resources (e.g. computer server, remote workstation) to obtain primary functionality and has no rotational storage media integral to the product.

The following categories of notebook computers are defined for the purposes of this Regulation:

(a) 'Category A' notebook computer means a notebook computer that does not meet the definition of Category B or Category C notebook computer;

(b) 'Category B' notebook computer means a notebook computer with at least one discrete graphics card (dGfx);

(c) 'Category C' notebook computer means a notebook computer with at least the following characteristics:

- (a) a minimum two physical cores in the CPU;
- (b) a minimum two gigabytes (GB) of system memory; and
- (c) a discrete graphics card (dGfx) meeting the G3 (with FB Data Width > 128-bit), G4, G5, G6 or G7 classification;

Products that would otherwise meet the definition of notebook computer but have idle state power demand of less than 6 W are not considered to be notebook computers for the purposes of this Regulation;

(8) 'Desktop thin client' means a computer that relies on a connection to remote computing resources (e.g. computer

server, remote workstation) to obtain primary functionality and has no rotational storage media integral to the product. The main unit of a desktop thin client must be intended for use in a permanent location (e.g. on a desk) and not for portability. Desktop thin clients can output information to either an external or, where included with the product, an internal display;

(9) 'Workstation' means a high-performance, single-user computer primarily used for graphics, Computer Aided Design, software development, financial and scientific applications among other compute intensive tasks, and which has the following characteristics:

(a) has a mean time between failures (MTBF) of at least 15 000 hours;

(b) has error-correcting code (ECC) and/or buffered memory;

(c) meets three of the following five characteristics:

(1) has supplemental power support for high-end graphics (i.e. peripheral component interconnect (PCI)-E 6-pin 12 V supplemental power feed);

(2) its system is wired for greater than x4 PCI-E on the motherboard in addition to the graphics slot(s) and/or PCI-X support;

(3) does not support uniform memory access (UMA) graphics;

(4) includes five or more PCI, PCI-E or PCI-X slots;

(5) is capable of multi-processor support for two or more CPU (must support physically separate CPU packages/sockets, i.e. not met with support for a single multi core CPU);

(10) 'Mobile workstation' means a high-performance, single-user computer primarily used for graphics, Computer Aided Design, software development, financial and scientific applications among other compute intensive tasks, excluding game play, and which is designed specifically for portability and to be operated for extended periods of time either with or without a direct connection to an AC power source. Mobile workstations utilise an integrated display and are capable of operation on an integrated battery or other portable power source. Most mobile workstations use an external power supply and most have an integrated keyboard and pointing device.

A mobile workstation has the following characteristics:

(a) has a mean time between failures (MTBF) of at least 13 000 hours;

(b) has at least one discrete graphics card (dGfx) meeting the G3 (with FB Data Width > 128-bit), G4, G5, G6 or G7 classification;

(c) supports the inclusion of three or more internal storage devices;

(d) supports at least 32 GB of system memory;

(11) 'Small-scale server' means a type of computer that typically uses desktop computer components in a desktop form factor but is designed primarily to be a storage host for other computers and to perform functions such as providing network infrastructure services and hosting data/media, and which has the following characteristics:

(a) is designed in a pedestal, tower, or other form factor similar to those of desktop computers such that all data processing, storage, and network interfacing is contained within one box;

(b) is designed to be operational 24 hours per day and 7 days per week;

(c) is primarily designed to operate in a simultaneous multi-user environment serving several users through networked client units;

(d) where placed on the market with an operating system, the operating system is designed for home server or low-end server applications;

(e) is not placed on the market with a discrete graphics card (dGfx) meeting any classification other than G1;

(12) 'Blade system and components' means a system composed of an enclosure ('blade chassis') into which different types of blade storage and servers are inserted. The enclosure provides shared resources on which the servers and storage are dependent. Blade systems are designed as a scalable solution to combine multiple computer servers or storage units in a single enclosure, and are designed for technicians to be able to easily add or replace (hot-swap) blades (e.g. blade servers) in the field;

(13) 'Server appliance' means a computer server bundled with a pre-installed operating system and application software that is used to perform a dedicated function or set of tightly coupled functions. A server appliance delivers services through one or more networks, and is typically managed through a web or command line interface. Server appliance hardware and software configurations are customised by a vendor to perform a specific task, including network or storage, and are not intended to execute user-supplied software;

- (14) 'Multi-node server' means a system composed of an enclosure where two or more independent computer servers (or nodes) are inserted, which share one or more power supplies. The combined power for all nodes is distributed through the shared power supply(ies). A multi-node server is designed and built as a single enclosure and is not designed to be hot-swappable;
- (15) 'Dual-node server' means a common multi-node server configuration consisting of two server nodes;
- (16) 'Computer server with more than four processor sockets' means a computer server containing more than four interfaces designed for the installation of a processor;
- (17) 'Game console' means a mains-powered standalone device which is designed to provide video game playing as its primary function. A game console is typically designed to provide output to an external display as the main game-play display. Game consoles typically include a CPU, system memory and a graphics processing unit(s) (GPU), and may contain hard drives or other internal storage options, and optical drives. Game consoles typically utilise handheld controllers or other interactive controllers as their primary input device rather than an external keyboard or mouse. Game consoles do not typically include conventional personal computing operating systems but instead utilise console-specific operating systems. Handheld gaming devices, with an integrated display as the primary game-play display, and which primarily operate on an integrated battery or other portable power source rather than via a direct connection to an AC power source, are considered to be a type of game console;
- (18) 'Docking station' means a discrete product designed to be connected to a computer in order to perform functions such as expanding connectivity or consolidating connections to peripheral devices. Docking stations may also facilitate charging of internal batteries in the connected computer;
- (19) 'Central Processing Unit (CPU)' means a component in a computer that controls the interpretation and execution of instructions. CPUs may contain one or more physical processors known as 'execution cores'. An execution core means a processor that is physically present. Additional 'virtual' or 'logical' processors derived from one or more than one execution core are not physical cores. More than one execution core may be contained in a processor package occupying a single CPU physical socket. The total number of execution cores in the CPU is the sum of the execution cores provided by the devices connected to all the CPU physical sockets;
- (20) 'Discrete Graphics Card' (dGfx) means a discrete internal component containing one or more graphics processing units (GPUs) with a local memory controller interface and local graphics-specific memory and falling into one of the following categories:
- (a) G1 ($FB_BW \leq 16$);
 - (b) G2 ($16 < FB_BW \leq 32$);
 - (c) G3 ($32 < FB_BW \leq 64$);
 - (d) G4 ($64 < FB_BW \leq 96$);
 - (e) G5 ($96 < FB_BW \leq 128$);
 - (f) G6 ($FB_BW > 128$ (with FB Data Width < 192 -bit));
 - (g) G7 ($FB_BW > 128$ (with FB Data Width ≥ 192 -bit));
- 'Frame buffer bandwidth' (FB _BW) means the amount of data that is processed per second by all GPUs on a dGfx, which is calculated using the following formula:
- $$\text{Frame buffer bandwidth} = (\text{Data Rate} \times \text{Data Width}) / (8 \times 1\,000)$$
- Where:
- (a) frame buffer bandwidth is expressed in GigaBytes/second (GB/s);
 - (b) data rate is the effective memory data frequency in MHz;
 - (c) data width is the memory frame buffer (FB) data width, expressed in bits (b);
 - (d) '8' converts the calculation into Bytes;
 - (e) dividing by 1 000 converts Megabytes into Gigabytes;
- (21) 'Internal storage' means a component internal to the computer which provides non-volatile storage of data;
- (22) 'Product type' means desktop computer, integrated desktop computer, notebook computer, desktop thin client, workstation, mobile workstation, small-scale server, computer server, blade system and components, multi-node server, server appliance, game console, docking station, internal power supply or external power supply;
- (23) 'Display sleep mode' means the power mode the display product enters after receiving a signal from a connected device or an internal stimulus (such as a timer or occupancy sensor). The display product may also enter this mode by virtue of a signal produced by user input. The product must wake on receiving a signal from a connected device, a network, a remote control, and/or an internal stimulus. While the product is in this mode, it is not producing a visible picture, with the possible exception of user-oriented or protective functions such as product information or status displays, or sensor-based functions.

For the purposes of the Annexes, additional definitions are laid down in Annex I.

Article 3

Ecodesign requirements

The ecodesign requirements for computers and computer servers are set out in Annex II.

Compliance of computers and computer servers with the applicable ecodesign requirements shall be measured in accordance with the methods set out in Annex III.

Article 4

Amendment to Regulation (EC) No 1275/2008

Point 2 of Annex I to Regulation (EC) No 1275/2008 is replaced by the following:

- ‘2. Information technology equipment intended primarily for use in the domestic environment, but excluding desktop computers, integrated desktop computers and notebook computers as defined in Commission Regulation (EU) No 617/2013 (*).

(*) OJ L 175, 27.6.2013, p. 13.’

Article 5

Application of Regulation (EC) No 278/2009

Article 2(1)(g) of Regulation (EC) No 278/2009 is replaced by the following:

- ‘(g) it is intended for use with electrical and electronic household and office equipment as referred to in Article 2(1) of Regulation (EC) No 1275/2008 or with computers as defined in Commission Regulation (EU) No 617/2013 (*).

(*) OJ L 175, 27.6.2013, p. 13.’

Article 6

Conformity assessment

The conformity assessment procedure referred to in Article 8 of Directive 2009/125/EC shall be the internal design control system set out in Annex IV to that Directive or the management system for assessing conformity set out in Annex V to that Directive.

Article 7

Market surveillance and verification procedure

Market surveillance shall be carried out in accordance with the rules specified in Directive 2009/125/EC.

Checking of computers and computer servers for compliance with the applicable ecodesign requirements shall be carried out in accordance with the verification procedure set out in point 2 of Annex III to this Regulation.

Article 8

Indicative benchmarks

The indicative benchmarks for best-performing products and technology available on the market at the time of entry into force of this Regulation are identified in Annex IV.

Article 9

Revision

The Commission shall review this Regulation and present the results of this review to the Ecodesign Consultation Forum no later than three and a half years after its entry into force in the light of technological progress.

In the light of rapid technological development, this review shall consider developments in the Energy Star programme, and opportunities to tighten ecodesign requirements, to significantly reduce or to eliminate the energy allowances, in particular for discrete graphics cards (dGfx), to update definitions/scope, and the potential to address energy consumption of integrated displays.

Furthermore, the review shall specifically consider different life-cycle phases, the feasibility of establishing and applying the Ecodesign requirements on other significant environmental aspects such as noise, material use efficiency, including requirements on durability, dismantlability, recyclability, standardised interfaces for rechargers, as well as information requirements on the content of certain Critical Raw Materials and minimum number of loading cycles and battery replacement issues.

Article 10

Entry into force and application

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

Points 3 and 6.1 of Annex II shall apply as from the entry into force of the Regulation.

Points 1.1, 1.3, 2, 4, 5.1, 5.2, 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 7.1, 7.2 and 7.3 of Annex II shall apply as from 1 July 2014.

Points 1.2 and 1.4 of Annex II shall apply as from 1 January 2016.

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

Done at Brussels, 26 June 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Definitions applicable for the purposes of the Annexes

1. 'Annual total energy consumption (E_{TEC})' means the electricity consumed by a product over specified periods of time across defined power modes and states;
2. 'Off mode' means the power demand level in the low power mode which cannot be switched off (influenced) by a user, other than through the movement of a mechanical switch, and which may persist for an indefinite period of time when the appliance is connected to the main electricity supply and used in accordance with the manufacturer's instructions. Where Advanced Configuration and Power Interface (ACPI) standards are applicable, off mode usually correlates to ACPI system level G2/S5 ('soft off') state;

' P_{off} ' represents off mode power in Watts as measured according to the procedures indicated in Annex II;

3. 'Lowest power state' means the state or mode with the lowest power demand found in a computer. This state or mode may be entered or left by either a mechanical means (e.g. by turning off the computer's power through the movement of a mechanical switch) or via automatic means;
4. 'Sleep mode' means a low power mode that a computer is capable of entering automatically after a period of inactivity or by manual selection. In this mode the computer will respond to a wake event. Where Advanced Configuration and Power Interface (ACPI) standards are applicable, sleep mode usually correlates to ACPI system level G1/S3 (suspend to RAM) state;

' P_{sleep} ' represents sleep mode power in Watts as measured according to the procedures indicated in Annex II;

5. 'Idle state' means a state of a computer in which the operating system and other software have completed loading, a user profile has been created, the computer is not in sleep mode, and activity is limited to those basic applications that the operating system starts by default;

' P_{idle} ' represents idle state power in Watts as measured according to the procedures indicated in Annex II;

6. 'Additional Internal Storage' means any and all internal storage devices, including hard disk drives (HDD), solid state drives (SSD) and hybrid hard drives (HHD), included within a computer beyond the first;
7. 'Television tuner' means a discrete internal component that allows a computer to receive television signals;
8. 'Audio card' ('sound card') means a discrete internal component that processes input and output audio signals to and from a computer;
9. 'Wake event' means a user, scheduled, or external event or stimulus that causes the computer to transition from sleep mode or off mode to an active mode of operation. Wake event includes, but is not limited to, the following events:

- (i) movement of the mouse;
- (ii) keyboard activity;
- (iii) controller input;
- (iv) real-time clock event;
- (v) a button press on the chassis; and
- (vi) in the case of external events, stimulus conveyed via a remote control, network or modem;

10. 'Active mode' means the state in which a computer is carrying out useful work in response to (a) prior or concurrent user input or (b) a prior or concurrent instruction over the network. This state includes active processing, seeking data from storage, memory or cache, including idle state time while awaiting further user input and before entering low power modes;
11. 'Wake On LAN (WOL)' means a functionality which allows a computer to transition from sleep mode or off mode (or another similar low power mode) when directed by a network request via Ethernet;
12. 'UMA' means uniform memory access;
13. 'Information or status display' means a continuous function providing information or indicating the status of the computer on a display, including clocks.

ANNEX II

Ecodesign requirements and timetable

1. E_{TEC}

Desktop computer and integrated desktop computer

1.1. **From 1 July 2014**

1.1.1. The annual total energy consumption (E_{TEC} in kWh/year) shall not exceed:

- (a) Category A computer: 133,00;
- (b) Category B computer: 158,00;
- (c) Category C computer: 188,00;
- (d) Category D computer: 211,00.

E_{TEC} shall be determined using the following formula:

$$E_{TEC} = (8\,760/1\,000) \times (0,55 \times P_{off} + 0,05 \times P_{sleep} + 0,40 \times P_{idle}).$$

For computers that lack a discrete sleep mode, but have idle state power demand less than or equal to 10,00 W, power in idle state (P_{idle}) may be used in place of sleep (P_{sleep}) in the above equation, such that the formula is replaced by

$$E_{TEC} = (8\,760/1\,000) \times (0,55 \times P_{off} + 0,45 \times P_{idle})$$

All P_x are power values in the indicated mode/state as defined in the definition section, measured in Watts (W) according to the procedures indicated in Annex III.

1.1.2. The following capability adjustments apply:

- (a) memory: 1 kWh/year per GB over base, where base memory is 2 GB (for category A, B and C computers) and 4 GB (for category D computers);
- (b) additional internal storage: 25 kWh/year;
- (c) discrete television tuner: 15 kWh/year;
- (d) discrete audio card: 15 kWh/year;
- (e) discrete graphics card (dGfx) for the first and each additional discrete graphics card (dGfx):

	dGfx category	TEC allowance (kWh/year)
First discrete graphics card (dGfx)	G1	34
	G2	54
	G3	69
	G4	100
	G5	133
	G6	166
	G7	225
Each additional discrete graphics card (dGfx)	G1	20
	G2	32
	G3	41
	G4	59
	G5	78
	G6	98
	G7	133

	1.1.3. The capability adjustments for discrete graphics cards (dGfx), discrete television tuner and discrete audio card mentioned in point 1.1.2 and point 1.2.2 only apply to cards and tuner that are enabled during testing of desktop computers or integrated computers. 1.1.4. Category D desktop computers and integrated desktop computers meeting all of the following technical parameters are exempt from the provisions specified in points 1.1.1 and 1.1.2 and their revisions specified in point 1.2: (a) a minimum of six physical cores in the central processing unit (CPU); and (b) discrete graphics card(s) (dGfx) providing total frame buffer bandwidths above 320 GB/s; and (c) a minimum 16 GB of system memory; and (d) a PSU with a rated output power of at least 1 000 W. 1.2. From 1 January 2016 1.2.1. The following revisions to the annual total energy consumption specified in point 1.1.1 apply: The annual total energy consumption (E_{TEC} in kWh/year) shall not exceed: (a) Category A computer: 94,00; (b) Category B computer: 112,00; (c) Category C computer: 134,00; (d) Category D computer: 150,00. 1.2.2. The following revisions to the capability adjustments for discrete graphics cards (dGfx) specified in point 1.1.2(e) apply: <table><tr><th></th><th>dGfx category</th><th>TEC allowance (kWh/year)</th></tr><tr><td rowspan="7">First discrete graphics card (dGfx)</td><td>G1</td><td>18</td></tr><tr><td>G2</td><td>30</td></tr><tr><td>G3</td><td>38</td></tr><tr><td>G4</td><td>54</td></tr><tr><td>G5</td><td>72</td></tr><tr><td>G6</td><td>90</td></tr><tr><td>G7</td><td>122</td></tr><tr><td rowspan="7">Each additional discrete graphics card (dGfx)</td><td>G1</td><td>11</td></tr><tr><td>G2</td><td>17</td></tr><tr><td>G3</td><td>22</td></tr><tr><td>G4</td><td>32</td></tr><tr><td>G5</td><td>42</td></tr><tr><td>G6</td><td>53</td></tr><tr><td>G7</td><td>72</td></tr></table>		dGfx category	TEC allowance (kWh/year)	First discrete graphics card (dGfx)	G1	18	G2	30	G3	38	G4	54	G5	72	G6	90	G7	122	Each additional discrete graphics card (dGfx)	G1	11	G2	17	G3	22	G4	32	G5	42	G6	53	G7	72
	dGfx category	TEC allowance (kWh/year)																																
First discrete graphics card (dGfx)	G1	18																																
	G2	30																																
	G3	38																																
	G4	54																																
	G5	72																																
	G6	90																																
	G7	122																																
Each additional discrete graphics card (dGfx)	G1	11																																
	G2	17																																
	G3	22																																
	G4	32																																
	G5	42																																
	G6	53																																
	G7	72																																
Notebook computer	1.3. From 1 July 2014 1.3.1. The annual total energy consumption (E_{TEC} in kWh/year) shall not exceed: (a) Category A computer: 36,00; (b) Category B computer: 48,00; (c) Category C computer: 80,50;																																	

E_{TEC} shall be determined using the following formula:

$E_{TEC} = (8\,760/1\,000) \times (0,60 \times P_{off} + 0,10 \times P_{sleep} + 0,30 \times P_{idle})$ where all P_x are power values in the indicated mode/state as defined in the definition section, measured in Watts (W) according to the procedures indicated in Annex III.

1.3.2. The following capability adjustments apply:

- (a) memory: 0,4 kWh/year per GB over base, where base memory is 4 GB;
- (b) additional internal storage: 3 kWh/year;
- (c) discrete television tuner: 2,1 kWh/year;
- (d) discrete graphics card (dGfx) (for the first and each additional discrete graphics card (dGfx))

	dGfx category	TEC allowance (kWh/year)
First discrete graphics card (dGfx)	G1	12
	G2	20
	G3	26
	G4	37
	G5	49
	G6	61
	G7	113
Each additional discrete graphics card (dGfx)	G1	7
	G2	12
	G3	15
	G4	22
	G5	29
	G6	36
	G7	66

1.3.3. The capability adjustments for discrete graphics cards (dGfx) and discrete television tuner mentioned in point 1.3.2 and point 1.4.2 only apply to cards and tuner that are enabled during testing of notebook computers.

1.3.4. Category C notebook computers meeting all of the following technical parameters are exempt from the provisions specified in points 1.3.1 and 1.3.2 and their revisions specified in point 1.4:

- (a) a minimum of four physical cores in the central processing unit (CPU); and
- (b) discrete graphics card(s) (dGfx) providing total frame buffer bandwidths above 225 GB/s; and
- (c) a minimum 16 GB of system memory.

1.4. From 1 January 2016

1.4.1. The following revisions to the annual total energy consumption specified in point 1.3.1 apply:

The annual total energy consumption (E_{TEC} in kWh/year) shall not exceed:

- (a) Category A computer: 27.00;
- (b) Category B computer: 36.00;
- (c) Category C computer: 60.50;

1.4.2. The following revisions to the capability adjustments for discrete graphics cards (dGfx) specified in point 1.3.2(d) apply:		
	dGfx category	TEC allowance (kWh/year)
First discrete graphics card (dGfx)	G1	7
	G2	11
	G3	13
	G4	20
	G5	27
	G6	33
	G7	61
Each additional discrete graphics card (dGfx)	G1	4
	G2	6
	G3	8
	G4	12
	G5	16
	G6	20
	G7	36

2. SLEEP MODE

Desktop computer, integrated desktop computer and notebook computer	2. From 1 July 2014 2.1. A product shall provide sleep mode and/or another condition that provides the functionality of sleep mode and which does not exceed the applicable power demand requirements for a sleep mode. 2.2. Power demand in sleep mode shall not exceed 5,00 W in desktop computers and integrated desktop computers and 3,00 W in notebook computers. 2.3. Desktop computers and integrated desktop computers where idle state power demand is less than or equal to 10,00 W are not required to have a discrete system sleep mode. 2.4. Where a product is placed on the market with a WOL functionality enabled in sleep mode: (a) an additional allowance of 0,70 W can be applied; (b) it must be tested with a WOL functionality both enabled and disabled and must comply with both requirements. 2.5. Where a product is placed on the market without Ethernet capability, it shall be tested without WOL enabled.
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3. LOWEST POWER STATE

Desktop computer, integrated desktop computer and notebook computer	3. As of the entry into force of the Regulation 3.1. Power demand in the lowest power state shall not exceed 0,50 W. 3.2. A product shall provide a power state or mode which does not exceed the applicable power demand requirements for the lowest power state when it is connected to the mains power source. 3.3. Where a product is placed on the market with an information or status display, an additional allowance of 0,50 W can be applied.
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4. OFF MODE

Desktop computer, integrated desktop computer and notebook computer	4. From 1 July 2014 4.1. Power demand in off mode shall not exceed 1,00 W. 4.2. A product shall provide off mode and/or another condition which does not exceed the applicable power demand requirements for off mode when it is connected to the mains power source. 4.3. Where a product is placed on the market with a WOL functionality enabled in off mode: (a) an additional allowance of 0,70 W can be applied; (b) it must be tested with a WOL functionality both enabled and disabled and must comply with both requirements. 4.4. Where a product is placed on the market without Ethernet capability, it shall be tested without WOL enabled.
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5. INTERNAL POWER SUPPLY EFFICIENCY

Desktop computer, integrated desktop computer, desktop thin client, workstation, and small-scale server	5.1. From 1 July 2014 All computer internal power supplies shall not perform at less than: (a) 85 % efficiency at 50 % of rated output power; (b) 82 % efficiency at 20 % and 100 % of rated output power; (c) power factor = 0,9 at 100 % of rated output power. Internal power supplies with a maximum rated output power of less than 75 W are exempt from the power factor requirement.
Computer servers	5.2. From 1 July 2014 5.2.1. All multi-output (AC-DC) power supplies shall not perform at less than: (a) 85 % efficiency at 50 % of rated output; (b) 82 % efficiency at 20 % and 100 % of rated output. 5.2.2. All multi-output (AC-DC) power supplies shall not perform at less than: (a) power factor 0,8 at 20 % of rated output; (b) power factor 0,9 at 50 % of rated output; (c) power factor 0,95 at 100 % of rated output. 5.2.3. All single output (AC-DC) power supplies with rated output of not more than 500 W shall not perform at less than: (a) 70 % efficiency at 10 % of rated output; (b) 82 % efficiency at 20 % of rated output; (c) 89 % efficiency at 50 % of rated output; (d) 85 % efficiency at 100 % of rated output. 5.2.4. All single output (AC-DC) power supplies with rated output of not more than 500 W shall not perform at less than: (a) power factor 0,8 at 20 % of rated output; (b) power factor 0,9 at 50 % of rated output; (c) power factor 0,95 at 100 % of rated output. 5.2.5. All single output (AC-DC) power supplies with rated output greater than 500 W but not more than 1 000 W shall not perform at less than: (a) 75 % efficiency at 10 % of rated output; (b) 85 % efficiency at 20 % and 100 % of rated output; (c) 89 % efficiency at 50 % of rated output.

	5.2.6. All single output (AC-DC) power supplies with rated output greater than 500 W but not more than 1 000 W shall not perform at less than: (a) power factor 0,65 at 10 % of rated output; (b) power factor 0,8 at 20 % of rated output; (c) power factor 0,9 at 50 % of rated output; (d) power factor 0,95 at 100 % of rated output. 5.2.7. All single output (AC-DC) power supplies with rated output of more than 1 000 W shall not perform at less than: (a) 80 % efficiency at 10 % of rated output; (b) 88 % efficiency at 20 % and 100 % of rated output; (c) 92 % efficiency at 50 % of rated output. 5.2.8. All single output (AC-DC) power supplies with rated output of more than 1 000 W shall not perform at less than: (a) power factor 0,8 at 10 % of rated output; (b) power factor 0,9 at 20 % of rated output; (c) power factor 0,9 at 50 % of rated output; (d) power factor 0,95 at 100 % of rated output.
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6. POWER MANAGEMENT ENABLING

Desktop computer, integrated desktop computer and notebook computer	6.1. As of the entry into force of the Regulation The computer shall offer a power management function, or a similar function which, when the computer is not providing the main function or when other energy-using products are not dependent on its functions, automatically switches the computer into a power mode that has a lower power demand than the applicable power demand requirement for sleep mode. 6.2. From 1 July 2014 6.2.1. The computer shall reduce the speed of any active 1 Gigabit per second (Gb/s) Ethernet network links when transitioning to sleep or off-with-WOL mode. 6.2.2. When in sleep mode, the response to 'wake events', such as those via network connections or user interface devices, should happen with a latency of ≤ 5 seconds from the initiation of a wake event to the system becoming fully usable including rendering of display. 6.2.3. The computer shall be placed on the market with the display sleep mode set to activate within 10 minutes of user inactivity. 6.2.4. A computer with Ethernet capability shall have the ability to enable and disable a WOL function, if available, for sleep mode. A computer with Ethernet capability shall have the ability to enable and disable WOL for off mode if WOL from off mode is supported. 6.2.5. Where a distinct sleep mode or another condition that provides sleep mode functionality exists, the mode shall be set to activate within 30 minutes of user inactivity. This power management function shall be activated before placing the product on the market. 6.2.6. Users shall be able to easily activate and deactivate any wireless network connection(s) and users shall be given a clear indication with a symbol, light or equivalent, when wireless network connection(s) have been activated or deactivated.
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7. INFORMATION TO BE PROVIDED BY MANUFACTURERS

Desktop computer, integrated desktop computer, and notebook computer

7.1. From 1 July 2014

7.1.1. Manufacturers shall provide in the technical documentation and make publicly available on free-access websites the following information:

- (a) product type and category as defined in Article 2 (one and only one category);
- (b) manufacturer's name, registered trade name or registered trade mark, and the address at which they can be contacted;
- (c) product model number;
- (d) year of manufacture;
- (e) E_{TEC} value (kWh) and capability adjustments applied when all discrete graphics cards (dGfx) are disabled and if the system is tested with switchable graphics mode with UMA driving the display;
- (f) E_{TEC} value (kWh) and capability adjustments applied when all discrete graphics cards (dGfx) are enabled;
- (g) idle state power demand (Watts);
- (h) sleep mode power demand (Watts);
- (i) sleep mode with WOL enabled power demand (Watts) (where enabled);
- (j) off mode power demand (Watts);
- (k) off mode with WOL enabled power demand (Watts) (where enabled);
- (l) internal power supply efficiency at 10 %, 20 %, 50 % and 100 % of rated output power;
- (m) external power supply efficiency;
- (n) noise levels (the declared A-weighted sound power level) of the computer;
- (o) the minimum number of loading cycles that the batteries can withstand (applies only to notebook computers);
- (p) the measurement methodology used to determine information mentioned in points (e) to (o);
- (q) sequence of steps for achieving a stable condition with respect to power demand;
- (r) description of how sleep and/or off mode was selected or programmed;
- (s) sequence of events required to reach the mode where the equipment automatically changes to sleep and/or off mode;
- (t) the duration of idle state condition before the computer automatically reaches sleep mode, or another condition which does not exceed the applicable power demand requirements for sleep mode;
- (u) the length of time after a period of user inactivity in which the computer automatically reaches a power mode that has a lower power demand requirement than sleep mode;
- (v) the length of time before the display sleep mode is set to activate after user inactivity;
- (w) user information on the energy-saving potential of power management functionality;
- (x) user information on how to enable the power management functionality;
- (y) for products with an integrated display containing mercury, the total content of mercury as X,X mg;

	(z) test parameters for measurements: — test voltage in V and frequency in Hz, — total harmonic distortion of the electricity supply system, — information and documentation on the instrumentation, set-up and circuits used for electrical testing. 7.1.2. If a product model is placed on the market in multiple configurations the product information required under point 7.1.1 may be reported once per product category (as defined in Article 2), for the highest power-demanding configuration available within that product category. A list of all model configurations that are represented by the model for which the information is reported shall be included in the information provided.
Notebook computer	7.2. From 1 July 2014 If a notebook computer is operated by battery/ies that cannot be accessed and replaced by a non-professional user, in addition to the information specified in point 7.1, manufacturers shall provide in the technical documentation, and make available on free-access websites and on the external packaging of the notebook computer, the following information 'The battery[ies] in this product cannot be easily replaced by users themselves'. The information provided on the external packaging of the notebook computer shall be clearly visible and legible and it shall be provided in all the official languages of the country where the product is marketed.
Workstation, mobile workstation, desktop thin client, small-scale server and computer server	7.3. From 1 July 2014 7.3.1. Manufacturers shall provide in the technical documentation and make publicly available on free-access websites the following information: (a) product type as defined in Article 2 (one and only one category); (b) manufacturer's name, registered trade name or registered trade mark, and the address at which they can be contacted; (c) product model number; (d) year of manufacture; (e) internal/external power supply efficiency; (f) test parameters for measurements: — test voltage in V and frequency in Hz, — total harmonic distortion of the electricity supply system, — information and documentation on the instrumentation, set-up and circuits used for electrical testing. (g) maximum power (Watts); (h) idle state power (Watts); (i) sleep mode power (Watts); (j) off mode power (Watts); (k) noise levels (the declared A-weighted sound power level of the computer); (l) the measurement methodology used to determine information mentioned in points (e) to (k). 7.3.2. If a product model is placed on the market in multiple configurations the product information required under point 7.3.1 may be reported once per product category (as defined in Article 2), for the highest power-demanding configuration available within that product category. A list of all model configurations that are represented by the model for which the information is reported shall be included in the information provided.

ANNEX III

Measurements and verification procedure for market surveillance**1. MEASUREMENTS**

For the purposes of compliance and verification of compliance with the applicable requirements of this Regulation, measurements and calculations shall be made using harmonised standards, the reference numbers of which have been published in the *Official Journal of the European Union*, or using other reliable, accurate and reproducible methods which take into account the generally recognised state of the art, and produce results deemed to be of low uncertainty.

Computers placed on the market without an operating system capable of supporting an Advanced Configuration and Power Interface (ACPI) system or similar, shall be tested with an ACPI (or similar) supporting operating system.

2. VERIFICATION PROCEDURE

When performing the market surveillance checks referred to in Article 3(2) of Directive 2009/125/EC, the authorities of the Member States shall apply the following verification procedure for the ecodesign requirements set out in Annex II to this Regulation:

 E_{TEC} sleep mode, off mode and lowest power state:

- 2.1. For power demand requirements larger than 1,00 W, or where energy consumption requirements formulated in E_{TEC} result in a power demand requirement larger than 1,00 W in at least one power mode, Member State authorities shall test one single unit as follows:

The model configuration shall be considered to comply with the applicable requirements set out in points 1.1, 1.2, 1.3, 1.4 and 2.3 of Annex II if the test results for the applicable limit values do not exceed them by more than 7 %.

The model configuration shall be considered to comply with the applicable requirements set out in point 2.2 of Annex II if the test results for the applicable limit values do not exceed them by more than 7 %. An additional allowance as set out in point 2.4 of Annex II can be added to the test results if the model configuration is placed on the market with a WOL functionality enabled in sleep mode. The model configuration should be tested with WOL functionality both enabled and disabled and should comply with both requirements. The model configuration placed on the market without Ethernet capability shall be tested without WOL enabled.

If the test results referred to above are not achieved, three additional units of the same model configuration shall be tested.

After three additional units of the same model and configuration have been tested, the model configuration shall be considered to comply with the applicable requirements set out in points 1.1, 1.2, 1.3, 1.4, 2.2 and 2.3 of Annex II if the average of the test results of the latter three units for the applicable limit values does not exceed them by more than 7 %.

If the test results referred to above are not achieved, the model configuration and all models that are covered by the same product information (mentioned in Annex II, points 7.1.2 and 7.3.2) shall be considered not to comply with the applicable requirements set out in points 1.1, 1.2, 1.3, 1.4, 2.2 and 2.3 of Annex II.

- 2.2. For power demand requirements smaller than or equal to 1,00 W, Member State authorities shall test one single unit as follows:

The model configuration shall be considered to comply with the applicable requirements set out in point 3.1 of Annex II if the test results for the applicable limit values do not exceed them by more than 0,10 W. An additional allowance as set out in point 3.3 of Annex II can be added to the test results if the model configuration is placed on the market with an 'information or status display'.

The model configuration shall be considered to comply with the applicable requirements set out in point 4.1 of Annex II if the test results for the applicable limit values do not exceed them by more than 0,10 W. An additional allowance as set out in point 4.3 of Annex II can be added to the test results if the model configuration is placed on the market with a WOL functionality enabled in off mode. The model configuration should be tested with WOL functionality both enabled and disabled and should comply with both requirements. The model configuration placed on the market without Ethernet capability shall be tested without WOL enabled.

If the test results referred to above are not achieved, three additional units of the same model configuration shall be tested.

After three additional units of the same model and configuration have been tested, the model configuration shall be considered to comply with the applicable requirements set out in points 3.1 and 4.1 of Annex II if the average of the test results of the latter three tests for the applicable limit values does not exceed them by more than 0,10 W.

If the test results referred to above are not achieved, the model configuration and all models that are covered by the same product information (mentioned in Annex II, points 7.1.2 and 7.3.2) shall be considered not to comply with the applicable requirements set out in points 3.1 and 4.1 of Annex II.

Internal power supply efficiency

2.3. Authorities of the Member States shall test one single unit.

The model shall be considered to comply with the provisions set out in point 5 of Annex II if:

- (a) the arithmetic average of efficiency at load conditions as defined in Annex II does not fall below the applicable limit value for average active efficiency by more than 2 %; and
- (b) the arithmetic average of the power factor as defined in Annex II does not fall below the applicable limit value for the power factor by more than 10 %.

If the results referred to above are not achieved, three additional units of the same model shall be tested.

After three additional units of the same model have been tested, the model shall be considered to comply with the provisions set out in point 5 of Annex II if:

- (a) the average of the arithmetic averages of efficiency at load conditions as defined in Annex II does not fall below the applicable limit value for average active efficiency by more than 2 %; and
- (b) the arithmetic average of the power factor as defined in Annex II does not fall below the applicable limit value for the power factor by more than 10 %.

If the results referred to above are not achieved, the model configuration and all models that are covered by the same product information (mentioned in Annex II, points 7.1.2 and 7.3.2) shall be considered not to comply with the applicable requirements set out in point 5 of Annex II.

Power management enabling

2.4. For the requirements set out in point 6.1 of Annex II, Member State authorities shall use the applicable procedure to measure the power demand after the power management function, or a similar function, has switched the equipment into the applicable power mode.

2.5. For the requirements set out in points 6.2.1 to 6.2.6 of Annex II, Member State authorities shall test one single unit as follows:

The model configuration shall be considered to comply with the applicable requirements set out in point 6.2.1 if the speed of any active 1 Gigabit per second (Gb/s) Ethernet network links is reduced when a desktop computer, integrated desktop computer or notebook computer transitions to sleep or off-with-WOL mode.

The model configuration shall be considered to comply with the applicable requirements set out in point 6.2.2 if a desktop computer, integrated desktop computer or notebook computer becomes fully usable, including rendering of any connected display, within 5 seconds after a wake event is initiated during sleep mode.

The model configuration shall be considered to comply with the applicable requirements set out in point 6.2.3 if a display connected to a desktop computer, integrated desktop computer or notebook computer enters sleep mode within 10 minutes of user inactivity.

The model configuration shall be considered to comply with the applicable requirements set out in point 6.2.4 if a WOL function for sleep and off mode can be enabled and disabled.

The model configuration shall be considered to comply with the applicable requirements set out in point 6.2.5 if a desktop computer, integrated desktop computer or notebook computer enters sleep mode within 30 minutes of user inactivity.

The model configuration shall be considered to comply with the applicable requirements set out in point 6.2.6 if users are able to easily activate and deactivate any wireless network connection(s) and users are given a clear indication with a symbol, light or equivalent, when wireless network connection(s) have been activated or deactivated.

If the test results referred to above are not achieved, three additional units of the same model configuration should be tested.

After three additional units of the same model and configuration have been tested, the model configuration shall be considered to comply with the applicable requirements set out in points 6.2.1 to 6.2.6 of Annex II if all three of the additional units meet the requirements.

If the results referred to above are not achieved, the model configuration and all models that are covered by the same product information (mentioned in Annex II, points 7.1.2 and 7.3.2) shall be considered not to comply with the applicable requirements set out in points 6.2.1 to 6.2.6 of Annex II.

The verification tolerances defined in this Annex relate only to the verification of the measured parameters by Member State authorities and shall not be used by the manufacturer as an allowed tolerance on the values in the technical documentation to achieve compliance with the requirements. Declared values shall not be more favourable for the manufacturer than the values reported in the technical documentation.

ANNEX IV

Indicative benchmarks

The following indicative benchmarks are identified for the purpose of Part 3, point 2 of Annex I to Directive 2009/125/EC.

They refer to the best available technology at the time of drafting this Regulation.

The best current performance for computers on the market is:

- E_{TEC} varies by category — see table below;
- Sleep mode 0,4 W;
- Off mode 0,0 W.

Table

 E_{TEC} best current performance

		E_{TEC} (kWh/year) ⁽¹⁾
Desktop computer and integrated desktop computer	Category A	33,4
	Category B	28,7
	Category C	75,8
	Category D	63,5
Notebook computer	Category A	10,9
	Category B	18,1
	Category C	26,3

⁽¹⁾ Latest data as at 20 March 2012.

COMMISSION IMPLEMENTING REGULATION (EU) No 618/2013

of 26 June 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,

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 missions to 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 Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.
- (4) In particular, for consignments of dried beans from Nigeria the relevant sources of information indicate the emergence of new risks warranting the introduction of an increased level of official controls. An entry concerning those consignments should therefore be included in the list.
- (5) The list should also be amended by increasing the frequency of official controls for the commodities for which the same sources of information show a higher degree of non-compliance with the relevant Union legislation thereby warranting an increased level of official

controls. The entry in the list concerning *Brassica oleracea* from China should therefore be amended accordingly.

- (6) Similarly, the list should be amended by decreasing the frequency of official controls for commodities for which the available information indicates an overall improvement in the degree of compliance with the relevant Union legislation and for which the current level of official controls is therefore no longer justified. The entry in the list concerning Brassica vegetables from Thailand should therefore be amended accordingly.
- (7) In addition, the list should be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entries in the list concerning groundnuts from South Africa and pomegranates from Egypt should therefore be amended accordingly.
- (8) In the interest of clarity, it is necessary to amend the list of pesticide residues in the endnotes set out in Annex I to Regulation (EC) No 669/2009 in order to ensure that they are consistent with the definition provided for in Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽³⁾.
- (9) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.
- (10) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (11) 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

Annex I to Regulation (EC) No 669/2009 is replaced by the text set out in the Annex to this Regulation.

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ OJ L 194, 25.7.2009, p. 11.

⁽³⁾ OJ L 70, 16.3.2005, p. 1.

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 July 2013.

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

Done at Brussels, 26 June 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

'ANNEX I

Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (Food)	0806 20		Afghanistan (AF)	Ochratoxin A	50
Hazelnuts (in shell or shelled) (Feed and food)	0802 21 00; 0802 22 00		Azerbaijan (AZ)	Aflatoxins	10
Watermelon (Food)	0807 11 00		Brazil (BR)	Salmonella	10
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Brazil (BR)	Aflatoxins	10
Strawberries (frozen) (Food)	0811 10		China (CN)	Norovirus and hepatitis A	5
<i>Brassica oleracea</i> (other edible Brassica, 'Chinese Broccoli') ⁽²⁾ (Food — fresh or chilled)	ex 0704 90 90	40	China (CN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽³⁾	20
Dried Noodles	ex 1902 11 00; ex 1902 19 10; ex 1902 19 90; ex 1902 20 10; ex 1902 20 30; ex 1902 20 91; ex 1902 20 99; ex 1902 30 10; ex 1902 30 10	10 10 10 10 10 10 10 10 91	China (CN)	Aluminium	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
(Food)					
Pomelos	ex 0805 40 00	31; 39	China (CN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁴⁾	20
(Food — fresh)					
Tea, whether or not flavoured	0902		China (CN)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁵⁾	10
(Food)					
— Aubergines	— 0709 30 00; ex 0710 80 95	72	Dominican Republic (DO)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁶⁾	10
— Bitter melon (<i>Momordica charantia</i>)	— ex 0709 99 90; ex 0710 80 95	70 70			
(Food — fresh, chilled or frozen vegetables)					
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Dominican Republic (DO)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁶⁾	20
— Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.)	— 0709 60 10; ex 0709 60 99	20			
(Food — fresh, chilled or frozen vegetables)	— 0710 80 51; ex 0710 80 59	20			
— Oranges (fresh or dried)	— 0805 10 20; 0805 10 80		Egypt (EG)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁷⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Strawberries (Food <i>fresh fruits</i>)	— 0810 10 00				
Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) (Food — <i>fresh, chilled or frozen</i>)	0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59	20 20	Egypt (EG)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁸⁾	10
— <i>Capsicum annuum</i> , whole — <i>Capsicum annuum</i> , crushed or ground — Dried fruit of the genus <i>Capsicum</i> , whole, other than sweet peppers (<i>Capsicum annuum</i>) — Curry (chilli products) — Nutmeg (<i>Myristica fragrans</i>) — Mace (<i>Myristica fragrans</i>) — Ginger (<i>Zingiber officinale</i>) — <i>Curcuma longa</i> (turmeric) (Food — <i>dried spices</i>)	— 0904 21 10 — ex 0904 22 00 — 0904 21 90 — 0910 91 05 — 0908 11 00; 0908 12 00 — 0908 21 00; 0908 22 00 — 0910 11 00; 0910 12 00 — 0910 30 00	10	India (IN)	Aflatoxins	10
— Nutmeg (<i>Myristica fragrans</i>) — Mace (<i>Myristica fragrans</i>) (Food — <i>dried spices</i>)	— 0908 11 00; 0908 12 00 — 0908 21 00; 0908 22 00		Indonesia (ID)	Aflatoxins	20
— Peas with pods (unshelled)	— ex 0708 10 00	40	Kenya (KE)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽⁹⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Beans with pods (unshelled) (Food — fresh and chilled)	— ex 0708 20 00	40			
Mint (Food — fresh herb)	ex 1211 90 86	30	Morocco (MA)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁰⁾	10
Dried beans (Food)	0713 39 00		Nigeria (NG)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹¹⁾	50
Watermelon (<i>Egusi</i> , <i>Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh)	ex 0709 60 99	20	Thailand (TH)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹²⁾	10
— Coriander leaves — Basil (holy, sweet) — Mint (Food — fresh herbs)	— ex 0709 99 90 — ex 1211 90 86 — ex 1211 90 86	72 20 30	Thailand (TH)	Salmonella ⁽¹³⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— 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 ⁽¹⁴⁾	10
— Basil (holy, sweet)	— ex 1211 90 86	20			
(Food — fresh herbs)					
Brassica vegetables	0704;		Thailand (TH)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁴⁾	10
(Food — fresh, chilled or frozen vegetables)	ex 0710 80 95	76			
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Thailand (TH)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁴⁾	20
— Aubergines	— 0709 30 00; ex 0710 80 95	72			
(Food — fresh, chilled or frozen vegetables)					
— Sweet Peppers (<i>Capsicum annuum</i>)	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues analysed with multi- residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁵⁾	10
— Tomatoes	— 0702 00 00; 0710 80 70				
(Food — fresh, chilled or frozen vegetables)					
Dried grapes (vine fruit)	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
(Food)					

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Coriander leaves	— ex 0709 99 90	72	Vietnam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁶⁾	20
— Basil (holy, sweet)	— ex 1211 90 86	20			
— Mint	— ex 1211 90 86	30			
— Parsley	— ex 0709 99 90	40			
<i>(Food — fresh herbs)</i>					
— Okra	— ex 0709 99 90	20	Vietnam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods ⁽¹⁶⁾	20
— Peppers (other than sweet) (<i>Capsicum</i> spp.)	— ex 0709 60 99	20			
<i>(Food — fresh)</i>					

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked "ex".

⁽²⁾ Species of *Brassica oleracea* L. convar. *botrytis* (L.) Alef var. *italica* Plenck, cultivar *alboglabra*. Also known as "Kai Lan", "Gai Lan", "Gailan", "Kailan", "Chinese bare Jielan".

⁽³⁾ In particular residues of: Chlorfenapyr, Fipronil (sum of fipronil + sulfone metabolite (MB46136) expressed as fipronil), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Acetamiprid, Dimethomorph and Propiconazole.

⁽⁴⁾ In particular residues of: Triazophos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Phenthoate, Methidathion.

⁽⁵⁾ In particular residues of: Buprofezin; Imidacloprid; Fenvalerate and Esfenvalerate (Sum of RS & SR isomers); Profenofos; Trifluralin; Triazophos; Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).

⁽⁶⁾ In particular residues of: Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorfenapyr, Chlorpyrifos, Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Diafenthiuron, Diazinon, Dichlorvos, Dicofof (sum of p, p' and o,p' isomers), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan), Fenamidone, Imidacloprid, Malathion (sum of malathion and malaoxon expressed as malathion), Methamidophos, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Oxamyl, Profenofos, Propiconazole, Thiabendazole, Thiacloprid.

⁽⁷⁾ In particular residues of: Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) Cyprodinil, Diazinon, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Phenthoate, Thiophanate-methyl.

⁽⁸⁾ In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Cyproconazole, Dicofof (sum of p, p' and o,p' isomers), Difenconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Profenofos, Propiconazole, Thiophanate-methyl and Triforine.

⁽⁹⁾ In particular residues of: Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Chlorpyrifos, Acephate, Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Diafenthiuron, Indoxacarb as sum of the isomers S and R.

⁽¹⁰⁾ In particular residues of: Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expressed as endosulfan), Hexaconazole, Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Flutriafol, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Flubendiamide, Myclobutanyl, Malathion (sum of malathion and malaoxon expressed as malathion).

- (¹¹) In particular residues of Dichlorvos.
- (¹²) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Triazophos, Malathion (sum of malathion and malaaxon expressed as malathion), Profenofos, Prothiofos, Ethion, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Triforine, Procymidone, Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride).
- (¹³) Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).
- (¹⁴) In particular residues of: Acephate, Carbaryl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Malathion (sum of malathion and malaaxon expressed as malathion), Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)), Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Profenofos, Prothiofos, Quinalphos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Triazophos, Dicrotophos, EPN, Triforine.
- (¹⁵) In particular residues of: Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Clofentezine, Diafenthiuron, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride), Malathion (sum of malathion and malaaxon expressed as malathion), Procymidone, Tetradifon, Thiophanate-methyl.
- (¹⁶) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorpyrifos, Profenofos, Permethrin (sum of isomers), Hexaconazole, Difenconazole, Propiconazole, Fipronil (sum fipronil + sulfone metabolite (MB46136) expressed as fipronil), Propargite, Flusilazole, Phenthoate, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Quinalphos, Pencycuron, Methidathion, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Fenbuconazole.'

COMMISSION IMPLEMENTING REGULATION (EU) No 619/2013

of 26 June 2013

prohibiting fishing activities for purse seiners flying the flag of or registered in France, Greece, Italy, Malta and Spain fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and in the Mediterranean Sea

THE EUROPEAN COMMISSION,

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

more gears or fleets, the Commission shall inform the Member State(s) concerned thereof and shall prohibit fishing activities for the respective area, gear, stock, group of stocks or fleet involved in those specific fishing activities.

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

(5) The information in the Commission's possession indicates that the fishing opportunities for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea allocated to purse seiners flying the flag of or registered in France, Greece, Italy, Malta and Spain have been exhausted.

Whereas:

(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⁾ fixes the amount of bluefin tuna which may be fished in 2013 in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea by European Union fishing vessels and traps.

(6) On the 3, 5, 8 and 17 June, France informed the Commission of the fact that it had imposed a stop on the fishing activities of its 17 purse seine vessels active in the 2013 bluefin tuna fishery with effect from 3 June for 10 vessels, with effect from 5 June for four vessels, with effect from 8 June for two vessels, and with effect from 17 June for the remaining vessel resulting in the prohibition of all the activities as of 17 June 2013 at 17:22.

(2) Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multiannual recovery plan for bluefin tuna in the Eastern Atlantic and Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007, ⁽³⁾ requires Member States to inform the Commission of the individual quota allocated to their vessels over 24 metres. For catching vessels less than 24 metres and for traps, Member States need to inform the Commission at least of the quota allocated to producer organisations or groups of vessels fishing with similar gear.

(7) On the 3 June, Greece informed the Commission of the fact that it had imposed a stop on the fishing activities of its purse seine vessel active in the 2013 bluefin tuna fishery with effect from 3 June 2013 at 8:00.

(3) The Common Fisheries Policy is designed to ensure the long-term viability of the fisheries sector through sustainable exploitation of living aquatic resources based on the precautionary approach.

(8) On the 13 June, Italy informed the Commission of the fact that it had imposed a stop on the fishing activities of its 12 purse seine vessels active in the 2013 bluefin tuna fishery with effect from 5 June for four vessels, with effect from 6 June for four vessels, with effect from 9 June for three vessels, and with effect from 13 June for the remaining vessel resulting in the prohibition of all the activities as of 13 June 2013 at 15:27.

(4) In accordance with Article 36, paragraph 2 of Council Regulation (EC) No 1224/2009, where the Commission finds that, on the basis of information provided by Member States and of other information in its possession, fishing opportunities available to the European Union, a Member State or group of Member States are deemed to have been exhausted for one or

(9) On the 8 June, Malta informed the Commission of the fact that it had imposed a stop on the fishing activities of its purse seine vessel active in the 2013 bluefin tuna fishery with effect from 8 June 2013 at 21:56.

(10) On the 3 and 17 June, Spain informed the Commission of the fact that it had imposed a stop on the fishing activities of its six purse seine vessels active in the 2013 bluefin tuna fishery with effect from 3 June for five vessels and with effect from 17 June for the remaining vessel resulting in the prohibition of all the activities as of 17 June 2013 at 00:00.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1

⁽²⁾ OJ L 23, 25.1.2013, p. 1

⁽³⁾ OJ L 96, 15.4.2009, p. 1

- (11) Without prejudice to the actions by France, Greece, Italy, Malta and Spain mentioned above, it is necessary that the Commission confirms the prohibition of fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W and the Mediterranean Sea by purse seiners flying the flag of or registered in the EU Member States concerned with effect from 17 June 2013 at 17:22 at the latest for France, with effect from 3 June 2013 at 8:00 for Greece, with effect from 13 June 2013 at 15:27 at the latest for Italy, with effect from 8 June 2013 at 21:56 for Malta and with effect from 17 June 2013 at 00:00 at the latest for Spain.

HAS ADOPTED THIS REGULATION:

Article 1

Fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea by purse seiners flying the flag of or registered in France shall be prohibited as from 17 June 2013 at 17:22 at the latest.

Bluefin tuna caught by those vessels as from that date shall not be retained on board, placed in cages for fattening or farming, transhipped, transferred or landed.

Article 2

Fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea by purse seiners flying the flag of or registered in Greece shall be prohibited as from 3 June 2013 at 08:00.

Bluefin tuna caught by those vessels as from that date shall not be retained on board, placed in cages for fattening or farming, transhipped, transferred or landed.

Article 3

Fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea by purse seiners flying the flag of or registered in Italy shall be prohibited as from 13 June 2013 at 15:27 at the latest.

Bluefin tuna caught by those vessels as from that date shall not be retained on board, placed in cages for fattening or farming, transhipped, transferred or landed.

Article 4

Fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea by purse seiners flying the flag of or registered in Malta shall be prohibited as from 8 June 2013 at 21:56.

Bluefin tuna caught by those vessels as from that date shall not be retained on board, placed in cages for fattening or farming, transhipped, transferred or landed.

Article 5

Fishing for bluefin tuna in the Atlantic Ocean, east of longitude 45° W, and the Mediterranean Sea by purse seiners flying the flag of or registered in Spain shall be prohibited as from 17 June 2013 at 00:00 at the latest.

Bluefin tuna caught by those vessels as from that date shall not be retained on board, placed in cages for fattening or farming, transhipped, transferred or landed.

Article 6

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, 26 June 2013.

*For the Commission,
On behalf of the President,
Maria DAMANAKI
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) No 620/2013**of 26 June 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, 26 June 2013.

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

*Jerzy PLEWA
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	MK	49,2
	TR	98,7
	ZZ	74,0
0707 00 05	MK	29,3
	TR	116,3
	ZZ	72,8
0709 93 10	MA	102,6
	TR	127,4
	ZZ	115,0
0805 50 10	AR	86,5
	BR	96,4
	TR	78,7
	ZA	99,9
	ZZ	90,4
0808 10 80	AR	167,5
	BR	116,6
	CL	130,8
	CN	105,7
	NZ	144,4
	US	156,1
	ZA	128,3
0809 10 00	IL	342,4
	TR	218,5
	ZZ	280,5
0809 29 00	TR	335,5
	ZZ	335,5
0809 30	TR	179,1
	ZZ	179,1
0809 40 05	CL	216,9
	IL	308,9
	ZA	377,9
	ZZ	301,2

⁽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 IMPLEMENTING DECISION

of 21 June 2013

amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal

(2013/323/EU)

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 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism ⁽¹⁾, and in particular Article 3(2) thereof.

Having regard to the proposal from the European Commission,

Whereas:

- (1) Upon a request by Portugal, the Council granted financial assistance to it on 17 May 2011 (Council Implementing Decision 2011/344/EU ⁽²⁾) in support of a strong economic and financial reform programme ("Programme") aiming at restoring confidence, enabling the return of the economy to sustainable growth, and safeguarding financial stability in Portugal, the euro area and the Union.
- (2) In line with Article 3(10) of Implementing Decision 2011/344/EU, the Commission, together with the International Monetary Fund (IMF) and in liaison with the European Central Bank (ECB), conducted the seventh review of the Portuguese authorities' progress on the implementation of the agreed measures under the Programme between 25 February and 14 March. Subsequently, between 14 and 17 April 2013 and between 8 and 11 May 2013, an additional assessment of some fiscal measures was carried out.
- (3) An extension of the maximum average maturity of the Union loans would be beneficial as it would support Portugal's efforts to regain full market access and to successfully exit the Programme. In order to take full benefit from the extension of the maximum average maturity of the Union loan, the Commission should be authorised to extend the maturity of instalments and tranches.

(4) Real gross domestic product (GDP) fell by 3,2 % in 2012 after an unexpectedly large contraction of economic activity and employment in the final quarter of the year. These developments required a downward revision of the economic outlook: real GDP is now forecast to contract by 2,3 % in 2013 due to the more negative carry-over from 2012, stronger contraction in domestic consumption on the back of higher than previously anticipated unemployment, and a weaker outlook for external demand. The economic recovery is also forecast to be more muted than previously expected with real GDP forecast to bottom out in the second half of the year and to grow in 2014 at an annual average rate of 0,6 %. Real GDP growth in 2015 is expected to reach 1,5 %. The unemployment rate is expected to peak at 18½ % of the labour force in 2014.

(5) The general government deficit reached 6,4 % of GDP in 2012, which is above the Programme target of 5 % of GDP. The headline deficit was affected by a number of large one-off operations, the budgetary impact of which was not known at the previous review. The operations include the capital injection into the state-owned bank CGD (0,5 % of GDP), the re-routing through the Government of the conversion into equity of shareholder loans of Parública to SAGESTAMO, two companies outside the general government perimeter (0,5 % of GDP), and the impairments associated with the transfer of assets from BPN (0,1 % of GDP). In addition, following advice by Eurostat, the revenues from the sale of the operating concession for the major airports in Portugal were treated as equity withdrawal and hence not impacting the general government balance, contrary to what the Government had provided for in the budget (0,7 % of GDP). Excluding the impact of these one-off factors from the headline balance, the general government deficit would have amounted to 4,7 % of GDP, below the target. Confining the deficit to this level was challenging as the macro-economically driven underperformance of revenues had to be compensated by higher-than-budgeted savings, in particular in the public wage bill, intermediate consumption and appropriations for new investment projects.

(6) Overall, the fiscal effort in 2012, measured by the improvement in the structural balance, reached 2,4 % of GDP and is in line with the Council Recommendation of 9 October 2012 with a view to bringing an end to the situation of an excessive government deficit in Portugal. The improvement in the structural primary balance was even higher at 2,7 % of GDP.

⁽¹⁾ OJ L 118, 12.5.2010, p. 1.

⁽²⁾ OJ L 159, 17.6.2011, p. 88.

- (7) Following the developments in 2012, the new 2013 budgetary baseline assumes that revenue shortfalls and increased social transfers in kind are carried over whereas a large part of the expenditure savings in the last quarter of 2012 are considered non-permanent, leading to a negative carry-over of about 0,4 % of GDP in 2013. Furthermore, the significant deterioration in the macro-economic outlook in 2013 lowered the budgetary baseline by another 0,5 % of GDP. In view of these developments, the budgetary targets as specified at the fifth review of the Programme (4,5 % of GDP in 2013 and 2,5 % of GDP in 2014) are no longer feasible. As the deviation is assessed to be essentially outside the control of the Government, a revision of the budgetary adjustment seems appropriate.
- (8) The deficit targets have therefore been adjusted to 5,5 % of GDP in 2013, 4,0 % of GDP in 2014 and 2,5 % of GDP in 2015. This fiscal path has been recalibrated so as to maintain a structural primary adjustment of close to 9 % over the period 2011-2015, while allowing the operation of automatic stabilisers and taking into consideration financing and debt constraints as well as the social costs of the adjustment. Even under the revised targets a sizable amount of consolidation measures of 3,5 % of GDP in 2013 and 2 % of GDP in 2014 will be necessary. A range of structural spending and revenue measures underpin the envisaged adjustment over the Programme period. The consolidation path is expected to continue beyond the Programme period so as to bring the deficit clearly below the 3 % threshold by 2015.
- (9) The 2013 budget law included discretionary measures of a structural nature worth slightly more than 3 % of GDP, after accounting for the reinstatement of one of the two bonus payments for public workers and 1,1 times the two bonus payments for pensioners which had been cut in 2012. On 5 April 2013, however, the Constitutional Court ruled against some of the 2013 budget provisions, including the remaining cut of one bonus payment for public workers, 0,9 times of the bonus payment for pensioners, and a new surcharge on unemployment and sick leave benefits, thereby creating a budgetary gap of 0,8 % of GDP. To close this gap and to underpin the required fiscal adjustment in 2014 and 2015, the Government adopted, in the course of April and May, a package of permanent expenditure-reducing measures with a cumulative yield of EUR 4,7 billion or 2,8 % of GDP over 2013-2014, of which measures worth 0,8 % of GDP are frontloaded into 2013. In 2014, the balance between revenue- and expenditure-based consolidation will be re-established.
- (10) Also, as a consequence of the full reinstatement of the two bonus payments for public workers and pensioners, revenue increases account for more than two thirds of the overall fiscal consolidation effort in 2013 while expenditure cuts account for less than one third, contrary to original intention to focus the consolidation on expenditure.
- (11) In 2013, revenue measures include a restructuring of the personal income tax; a surcharge of 3,5 % on the part of taxable income exceeding the minimum wage; a solidarity surcharge on the highest levels of income; the broadening of the tax base and other revenue-raising changes in corporate taxation; higher excises on tobacco, alcohol and natural gas; a broadening of the property tax base after the revaluation of properties and an extraordinary solidarity contribution on pensions to cope with ageing-related sustainability challenges. On the expenditure side, the measures envisage a sizeable reduction in the public-sector wage bill by optimising the allocation of resources and resizing the public-sector work force and by reducing over-time payments, fringe benefits and compensations during extraordinary leave. Other expenditure-saving measures include the continuation of rationalisation efforts in the health sector; the streamlining of social benefits and better targeting of social support; the reduction of intermediate consumption across line ministries; and savings from the renegotiation of public-private partnership (PPP) contracts and from further restructuring efforts in state-owned enterprises (SOE). Some of the envisaged savings will result from a frontloading of the measures which have been devised in the framework of the public expenditure review.
- (12) Whilst the measures mentioned above are of a permanent nature, the Government will also adopt non-permanent measures including *inter alia* through the transfer of Cohesion Fund resources from less mature projects to more advanced ones, and a further reduction in capital expenditure (Polis programme).
- (13) On top of the consolidation measures included in the supplementary budget, all other legislative changes and legislative proposals required to implement the reforms linked to the public expenditure review will be adopted by the Government or submitted to the Parliament, as the case may be, by the end of the legislative session in mid-July 2013.
- (14) For 2014, the fiscal adjustment will proceed on the basis of the public expenditure review which the Government has undertaken over the past months and includes permanent expenditure-reducing measures of 2 % of GDP in 2014. The main impact of the public expenditure review measures will be along three main axes: (1) reduction of the public-sector wage bill; (2) reduction of pension benefits; and (3) sectoral expenditure cuts across line ministries and programmes. The public expenditure review measures are part of a wider effort to

reform the state with the objective of increasing equity and efficiency in the provision of social transfers and public services. The reduction in the wage bill in 2014 aims at reducing the size of the public-sector work force while shifting its composition towards higher-skilled employees, aligning the public-sector work rules with those of the private sector and making the remuneration policy more transparent and merit-based. Specific reforms include the transformation of the special mobility scheme into a requalification programme, aligning public-sector working hours with those in the private sector (i.e. increase in the working week from 35 to 40 hours), introduction of a "bank of hours", reduction in holiday entitlements, the implementation of a voluntary redundancy scheme (which is estimated to generate one-time upfront cost of about 0,3 % of GDP) and the introduction of a single wage and supplement scale. A comprehensive pension reform will generate another important part of the savings and will be based on equity principles and income progressivity, thereby protecting the lowest pensions. Specifically, the reforms will aim at reducing the current differences between the civil servants' system (CGA) and the general system, increasing the statutory retirement age by changes to the demographic sustainability factor and introducing, if strictly needed, a progressive sustainability contribution. Finally, savings in intermediate consumption and expenditure programmes across line ministries will be stepped up.

- (15) In view of political and legal risks in the implementation process, some of the public expenditure review measures may be replaced by others of equivalent size and quality during the ongoing consultation process with social and political partners.
- (16) The budgetary adjustment process is flanked by a range of fiscal structural measures to enhance control over government expenditure and improve revenue collection. In particular, a comprehensive reform of the budgetary framework, including at central, regional and local government levels, is bringing it in line with best practices in budgetary procedures and management. The Budgetary Framework Law was amended to incorporate the reinforced Union fiscal governance framework, by transposing the requirements set out in the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union and in the economic governance package known as the "six-Pack". The new commitment control system is showing results but implementation needs to be monitored closely to ensure that commitments are in line with funding. Reforms in the public administration will continue with an important rationalisation of public employment and public entities. Progress in the reform agenda of the revenue

administration continues and the authorities are enhancing monitoring and strengthening revenue compliance. The renegotiation of PPPs has started and significant savings are projected for 2013 and beyond. SOEs reached operational balance on average by the end of 2012 and additional efficiency seeking reforms are foreseen to further improve the results. Reforms in the health care sector are producing significant savings and implementation is continuing broadly in line with targets.

- (17) Under the Commission's current projections for nominal GDP growth (– 1,0 % in 2013, 1,6 % in 2014 and 3,3 % in 2015) and the general government deficit of 5,5 % of GDP in 2013, 4,0 % of GDP in 2014 and 2,5 % of GDP in 2015, the debt-to-GDP ratio is expected to develop as follows: 122,9 % of GDP in 2013, 124,2 % of GDP in 2014 and 123,1 % of GDP in 2015. Hence, the debt-to-GDP ratio would be placed on a downward path after 2014, assuming further progress in the reduction of the deficit. Debt dynamics are affected by several below-the-line operations, including sizeable acquisitions of financial assets, in particular for possible bank recapitalisation and financing to SOEs and differences between accrued and cash interest payments.
- (18) In 2012, the bank capital augmentation exercise was completed and allowed the participating banks to meet the European Banking Authority regulatory capital buffers as well as the end-of-year target for 2012 of a Core Tier 1 ratio of 10 %, which was fulfilled by mid-2012. The indicative loan-to-deposit target of 120 % by 2014 is likely to be met, with some banks already below this threshold by end-2012. Efforts to diversify the sources of funding for the corporate sector are being strengthened. The scope for improving the performance and governance of existing government-sponsored credit lines is being assessed. The banks' recovery plans are being analysed and resolution plans prepared.
- (19) Further progress has been made in implementing growth- and competitiveness-enhancing structural reforms. In addition to strengthening active labour market policies, the authorities have adopted a comprehensive labour market reform. With a view to promoting labour market flexibility and job creation, the new legal framework reduces severance payments, eases condition of fair dismissals, increases working time flexibility, enlarges possibilities for bargaining at firm level and revises the unemployment insurance benefits system to increase incentives for a rapid return to work, while guaranteeing a sufficient level of protection. The implementation of the action plans on secondary school and vocational training is overall progressing as scheduled.

- (20) The implementation of Directive 2006/123/EC of the European Parliament and the Council of 12 December 2006 on services in the internal market ⁽¹⁾ aiming at reducing barriers to entry and boosting competition and economic activity, by facilitating access for new entrants to the market in the different economic regimes, is proceeding at good pace. A framework law to set the main principles of the functioning of the most important national regulatory authorities, including their endowment with strong independence and autonomy is to be submitted to the Parliament. Significant progress has been made in the transposition of the Third Energy Package and the electricity tariff debt reduction to ensure the sustainability of the system is on-going. Licensing procedures and other administrative burdens are being simplified in different economic sectors such as environment and territorial planning, agriculture and rural development, industry, tourism, and geology.
- (21) A comprehensive reform of the housing rental market has entered into force in November 2012 which should make the housing market more dynamic. Reforms of the judicial system are advancing according to the agreed schedule. Progress has been achieved on the reduction of backlog cases and on broader reforms such as the geographical reorganisation of the court districts and the reform of the Code of Civil Procedure.
- (22) In the light of these developments, Implementing Decision 2011/344/EU should be amended,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2011/344/EU is hereby amended as follows:

- (1) Article 1 is amended as follows:

- (a) Paragraph 1 is replaced by the following:

'1. The Union shall make available to Portugal a loan amounting to a maximum of EUR 26 billion, with a maximum average maturity of 19,5 years. The maturity of individual tranches of the loan facility may be of up to 30 years.'

- (b) The following paragraph is added:

'9. At the request of Portugal, the Commission may extend the maturity of an instalment or a tranche, provided that the maximum average maturity as set out in paragraph 1 is respected. The Commission may refinance all or part of its borrowing for that purpose. Any amounts borrowed in advance shall be kept on an account with the ECB that the Commission has opened for the administration of the financial assistance.'

- (2) Article 3 is amended as follows:

- (a) Paragraphs 3 and 4 are replaced by the following:

'3. The general government deficit shall not exceed 5,9 % of GDP in 2011, 5,0 % of GDP in 2012, 5,5 % of GDP in 2013 and 4 % of GDP in 2014. For the calculation of this deficit, the possible budgetary costs of bank support measures in the context of the Government's financial sector strategy shall not be taken into account. The budgetary consolidation shall be achieved by means of high-quality permanent measures and minimising the impact of consolidation on vulnerable groups.

4. Portugal shall adopt the measures specified in paragraphs 5 to 8 before the end of the indicated year, with exact deadlines for the years 2011-2014 being specified in the Memorandum of Understanding. Portugal shall stand ready to take additional consolidation measures to achieve the deficit targets throughout the Programme period.'

- (b) Paragraphs 7 to 9 are replaced by the following:

'7. Portugal shall adopt the following measures during 2013, in line with specifications in the Memorandum of Understanding:

- (a) The general government deficit shall not exceed 5,5 % of GDP in 2013. The consolidation measures included in the 2013 budget, including in the supplementary budget submitted to the Parliament by end-May, shall be implemented throughout the year. Revenue-raising measures shall include a reform of the personal income tax that simplifies the tax structure, broadens the tax base through the elimination of some tax benefits and increases the average tax rate, while preserving progressivity; a broadening of the corporate income tax base; an increase in excise taxes and in recurrent property taxation and a extraordinary solidarity contribution on pensions. Expenditure-saving measures shall include a rationalisation of public administration, education, healthcare and social benefits; a reduction of the wage bill by decreasing permanent and temporary staff and reducing overtime pay; a lowering of operational and capital expenditures by SOEs; renegotiations of contracts with PPPs; and cutbacks in intermediate consumption across line ministries;

- (b) Some of the measures resulting from the public expenditure review shall be frontloaded to 2013. These mainly consist in a further reduction in public employment through the transformation of the special mobility scheme into a requalification programme, the convergence of public and private sector working rules, especially by

⁽¹⁾ OJ L 376, 27.12.2006, p. 36.

- increasing the public-sector working week from 35 to 40 hours; the increase of public employees' contributions to the special health insurance schemes and the reduction of fringe benefits. Rationalisation efforts across line ministries shall be deepened beyond the original budget plans and social spending shall be further streamlined. In addition, the above-mentioned permanent measures shall be complemented by temporary measures, to be replaced by permanent ones in 2014, consisting in the transfer of Cohesion Fund resources from less-mature projects to more advanced ones and a further reduction in capital expenditure (Polis programme);
- (c) On top of the consolidation measures included in the supplementary budget, all other legislative changes and legislative proposals required to implement the reforms linked to the public expenditure review shall be adopted by the Government or submitted to the Parliament, as the case may be, by the end of the legislative session in mid-July 2013;
- (d) Portugal shall continue implementing its privatisation programme;
- (e) Portugal shall coordinate the exchange of information across levels of government to facilitate revenue forecasting for the 2014 budgets of the Autonomous Regions and the local authorities;
- (f) Portugal shall deepen the use of shared services in public administration;
- (g) Portugal shall reduce the number of local branches of line ministries (e.g. tax, social security, justice) by merging them into the 'Lojas do Cidadão' (administration and utilities single points of contact) and developing further the e-administration over the duration of the Programme;
- (h) Portugal shall continue the reorganisation and rationalisation of the hospital network through specialisation, concentration and downsizing of hospital services, joint management and joint operation of hospitals and shall finalise the implementation of the action plan by the end of 2013;
- (i) With the support of internationally-renowned experts and following the adoption of the amendments to Law 6/2006 on New Urban Lease and the decree law which simplifies the administrative procedure for renovation, Portugal shall undertake a comprehensive review of the functioning of the housing market;
- (j) Portugal shall develop a nationwide land registration system to allow a more equal distribution of benefits and costs in the execution of urban planning;
- (k) Portugal shall implement the measures set out in its action plans to improve the quality of secondary and vocational education and training, in particular the management tool to analyse, monitor and assess the results and impacts of education and training policies shall be made fully operational and the professional schools of reference shall be established;
- (l) Portugal shall complete the adoption of the outstanding sectorial amendments necessary to fully implement Directive 2006/123/EC of the European Parliament and the Council of 12 December 2006 on services in the internal market (*);
- (m) Portugal shall implement targeted measures to achieve a steady reduction of the backlogged enforcement cases with a view to resolving the backlog of court cases;
- (n) the Government shall submit to the Parliament a framework law on the main national regulatory authorities in order to guarantee their full independence and financial, administrative and management autonomy;
- (o) Portugal shall improve the business environment by completing pending reforms on the reduction of administrative burden (fully operational Point of Single Contact provided for by Directive 2006/123/EC and 'Zero Authorisation' projects) and by carrying out further simplification of existing licensing procedures, regulations and other administrative burdens in the economy which are a major obstacle for the development of economic activities;
- (p) Portugal shall complete the reform of the ports' governance system, including the overhaul of port operation concessions;
- (q) Portugal shall implement the measures enhancing the functioning of the transport system;
- (r) Portugal shall implement the measures eliminating the energy tariff debt and fully transpose the Third EU Energy Package;
- (s) Portugal shall ensure that the new legal and institutional PPP framework is applied and the PPP road contracts continue to be renegotiated in line with the strategic plan presented by the Government and with the regulatory framework revision, in order to obtain substantial fiscal gains, particularly in 2013;
- (t) Portugal shall continue to focus on measures to combat tax fraud and evasion and strengthen taxpayers' compliance;
- (u) Portugal shall introduce adjustments to the severance payments regime in accordance with the provisions of the Memorandum of Understanding;
- (v) Portugal shall promote wage developments consistent with the objectives of fostering job

creation and improving firms' competitiveness with a view to correcting macroeconomic imbalances. Over the Programme period, any increase in minimum wages shall take place only if justified by economic and labour market developments;

- (w) Portugal shall continue to improve the effectiveness of its active labour market policies in line with the results of the assessment report and the action plan to improve the functioning of the public employment services.

8. The general government deficit shall not exceed 4,0 % of GDP in 2014. To achieve this objective Portugal shall implement the expenditure-reducing measures that were prepared in the framework of the public expenditure review. Overall, the amount of these measures shall add up to 2 % of GDP in 2014 and shall include the reduction in the wage bill aimed at reducing the size of the public-sector work force while changing its composition towards higher-skilled employees; further convergence of public and private sector work rules, i.e. increase in working hours, introduction of a bank of hours, reduction in holiday entitlements; the implementation of a voluntary redundancy scheme and the introduction of a single wage and supplement scale; a reduction of the current differences between the civil servants' pension regime (CGA) and the general pension system; an increase in the statutory retirement age; and, if strictly needed, a progressive sustainability contribution on pensions. Furthermore, savings in intermediate consumption and expenditure programmes across line ministries shall be stepped up. Some of the measures may be partly or fully replaced by others of equivalent size and quality.

9. With a view to restoring confidence in the financial sector, Portugal shall aim to maintain an adequate level of capital in its banking sector and ensure an orderly deleveraging process in compliance with the deadlines set in the Memorandum of Understanding. In that regard, Portugal shall implement the strategy for the Portuguese banking sector agreed with the Commission, the ECB and the IMF so that financial stability is preserved. In particular, Portugal shall:

- (a) advise banks to strengthen their collateral buffers on a sustainable basis;
- (b) ensure a balanced and orderly deleveraging of the banking sector, which remains critical in permanently eliminating funding imbalances and reducing the reliance on Eurosystem funding in the medium-term. Banks funding and capital plans shall be reviewed quarterly;
- (c) encourage the diversification of financing alternatives for the corporate sector, and in particular

the SMEs, through an array of measures aiming at improving their access to the capital markets and export credit insurance;

- (d) continue to streamline the state-owned CGD group;
- (e) optimise the process for recovering the assets transferred from BPN to the three state-owned special purpose vehicles through the outsourcing to a professional third party of the management of the assets, with a mandate to gradually recover the assets over time; select the party managing the credits through the ongoing competitive bidding process and include adequate incentives to maximise the recoveries and minimise operational costs into the mandate; and ensure timely disposal of the subsidiaries and the assets in the other two state-owned special purpose vehicles;
- (f) on the basis of the set of preliminary proposals to encourage the diversification of financing alternatives to the corporate sector presented, develop and implement solutions that provide financing alternatives to traditional bank credit for the corporate sector; assess the effectiveness of government-sponsored export credit insurance schemes with a view to taking appropriate measures compatible with Union law to promote exports;
- (g) analyse banks' recovery plans and issue guidelines to the system on recovery plans and prepare resolution plans on the basis of the reports submitted by the banks; ensure that the initial and annual funding arrangements for the Resolution Fund are settled; and prioritise, in the implementation of the recovery and resolution plans of banks, those banks that are of systemic importance;
- (h) implement the framework for financial institutions to engage in out-of-court debt restructuring for households, smooth the application for restructuring of corporate debt, and implement an action plan to raise public awareness of the restructuring tools;
- (i) prepare quarterly reports on the implementation of the new restructuring tools and conduct a survey of insolvency stakeholders to inquire about the appropriateness of the existing debt restructuring tools and possible gaps or bottlenecks, explore alternatives to increase the successful recovery of companies adhering to the PER (the Special Revitalisation Procedure, for companies in serious financial distress) and the SIREVE (the Companies' Recovery System through Extrajudicial Agreements, for companies in difficult economic situation or imminent or actual insolvency);

- (j) assess the scope for improving the performance and governance of existing government-sponsored credit lines, establish a quarterly monitoring and reporting mechanism on the allocation of the government sponsored credit lines aimed at facilitating access to finance to SMEs; conduct an external audit of the National Guarantee System.

(*) OJ L 376, 27.12.2006, p. 36.'

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Luxembourg, 21 June 2013.

For the Council
The President
M. NOONAN

COUNCIL DECISION**of 21 June 2013****amending Decision 98/481/EC approving the external auditors of the European Central Bank**

(2013/324/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular to Article 27.1 thereof,

Having regard to Recommendation ECB/2013/9 of the European Central Bank of 19 April 2013 to the Council of the European Union on the external auditors of the European Central Bank ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) The mandate of the ECB's external auditors ended following the audit for the financial year 2012. It is therefore necessary to appoint external auditors from the financial year 2013.
- (3) The ECB has selected Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft as its external auditors for the financial years 2013 to 2017.

(4) The Governing Council of the ECB recommended that Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft be appointed as the external auditors of the ECB for the financial years 2013 to 2017.

(5) It is appropriate to follow the recommendation of the Governing Council of the ECB and amend Council Decision 98/481/EC ⁽²⁾ accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision 98/481/EC is replaced by the following:

"Article 1

Ernst & Young GmbH Wirtschaftsprüfungsgesellschaft is hereby approved as the external auditors of the ECB for the financial years 2013 to 2017."

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the ECB.

Done at Luxembourg, 21 June 2013.

For the Council
The President
M. NOONAN

⁽¹⁾ OJ C 122, 27.4.2013, p. 1.

⁽²⁾ OJ L 216, 4.8.1998, p. 7.

COUNCIL DECISION

of 21 June 2013

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Suomen Pankki

(2013/325/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular to Article 27.1 thereof,

Having regard to Recommendation ECB/2013/12 of the European Central Bank of 26 April 2013 to the Council of the European Union on the external auditors of Suomen Pankki ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) The mandate of Suomen Pankki's external auditors ended following the audit for the financial year 2012. It is therefore necessary to appoint external auditors from the financial year 2013.
- (3) Suomen Pankki has selected PricewaterhouseCoopers Oy as its external auditors for the financial years 2013 to 2019.

(4) The Governing Council of the ECB recommended that PricewaterhouseCoopers Oy be appointed as the external auditors of Suomen Pankki for the financial years 2013 to 2019.

(5) It is appropriate to follow the recommendation of the Governing Council of the ECB and amend Council Decision 1999/70/EC ⁽²⁾ accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1(11) of Decision 1999/70/EC is replaced by the following:

"11. PricewaterhouseCoopers Oy is hereby approved as the external auditors of Suomen Pankki for the financial years 2013 to 2019."

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the ECB.

Done at Luxembourg, 21 June 2013.

For the Council
The President
M. NOONAN

⁽¹⁾ OJ C 126, 3.5.2013, p. 1.

⁽²⁾ OJ L 22, 29.1.1999, p. 69.

COUNCIL DECISION

of 21 June 2013

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of the Österreichische Nationalbank

(2013/326/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular to Article 27.1 thereof,

Having regard to Recommendation ECB/2013/8 of the European Central Bank of 17 April 2013 to the Council of the European Union on the external auditors of the Österreichische Nationalbank ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the ECB's Governing Council and approved by the Council of the European Union.
- (2) Following an amendment, the Law on the Österreichische Nationalbank now provides that the Österreichische Nationalbank elects one external auditor and one alternate external auditor each year instead of two external auditors and two alternate external auditors. The alternate external auditor will be mandated only in the event that the external auditor is unable to perform the audit.
- (3) The mandates of the external auditors and alternate external auditors of the Österreichische Nationalbank ended following the audit for the financial year 2012. It is therefore necessary to appoint external auditors from the financial year 2013.
- (4) The Österreichische Nationalbank has selected KPMG Wirtschaftsprüfungs- und Steuerberatungs AG as its external auditors and PwC Wirtschaftsprüfung GmbH as its alternate external auditors for the financial year 2013.

- (5) The mandates of the external auditors and the alternate external auditors are renewable on an annual basis, neither mandate exceeding a total term of five years.
- (6) The Governing Council of the ECB recommended that KPMG Wirtschaftsprüfungs- und Steuerberatungs AG be appointed as external auditors and PwC Wirtschaftsprüfung GmbH as alternate external auditors of the Österreichische Nationalbank for the financial years 2013 to 2017.
- (7) It is appropriate to follow the recommendation of the Governing Council of the ECB and amend Council Decision 1999/70/EC ⁽²⁾ accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1(9) of Decision 1999/70/EC is replaced by the following:

"9. KPMG Wirtschaftsprüfungs- und Steuerberatungs AG is hereby approved as the external auditors and PwC Wirtschaftsprüfung GmbH as the alternate external auditors of the Österreichische Nationalbank for the financial years 2013 to 2017."

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the ECB.

Done at Luxembourg, 21 June 2013.

For the Council
The President
M. NOONAN

⁽¹⁾ OJ C 115, 23.4.2013, p. 1.

⁽²⁾ OJ L 22, 29.1.1999, p. 69.

COMMISSION IMPLEMENTING DECISION

of 25 June 2013

authorising the placing on the market of food containing or consisting of genetically modified oilseed rape Ms8, Rf3 and Ms8 × Rf3, or food and feed produced from those genetically modified organisms pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

*(notified under document C(2013) 3873)***(Only the German text is authentic)****(Text with EEA relevance)**

(2013/327/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽¹⁾, and in particular Articles 7(3), 11(3), 19(3) and 23(3) thereof,

Whereas:

- (1) On 17 April 2007, Bayer CropScience AG submitted to the Commission an application, in accordance with Articles 8(4) and 20(4) of Regulation (EC) No 1829/2003, for renewal of the authorisation of existing food (processed oil) and feed produced from Ms8, Rf3 and Ms8 × Rf3 oilseed rape.
- (2) On 22 September 2009, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003. It concluded that it is unlikely that the continued marketing of the food and feed produced from oilseed rape Ms8, Rf3 and Ms8 × Rf3 as described in the application will have any adverse effects on human or animal health or the environment in the context of their intended uses⁽²⁾.
- (3) On 4 June 2010, Bayer CropScience AG submitted to the competent authority of Belgium an application, in accordance with Articles 5 and 17 of Regulation (EC) No 1829/2003, for the placing on the market of foods and food ingredients containing, consisting of, or produced from oilseed rape Ms8, Rf3 and Ms8 × Rf3 with the exception of processed oil.
- (4) In accordance with Articles 5(5) and 17(5) of Regulation (EC) No 1829/2003, that application includes the data and information required by Annexes III and IV to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified

organisms and repealing Council Directive 90/220/EEC⁽³⁾ and information and conclusions about the risk assessment carried out in accordance with the principles set out in Annex II to Directive 2001/18/EC. It also includes a monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.

- (5) On 26 September 2012, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Articles 6 and 18 of Regulation (EC) No 1829/2003. It concluded that oilseed rape Ms8, Rf3 and Ms8 × Rf3, as described in the application, is as safe as its non-genetically modified counterpart with respect to potential effects on human and animal health or the environment. Therefore, it concluded that it is unlikely that the placing on the market of the foods and food ingredients containing, consisting of, or produced from oilseed rape Ms8, Rf3 and Ms8 × Rf3 as described in the application will have any adverse effects on human or animal health or the environment in the context of their intended uses⁽⁴⁾.
- (6) In its opinion, EFSA also concluded that the environmental monitoring plan, consisting of a general surveillance plan, submitted by the applicant is in line with the intended uses of the products.
- (7) In both opinions, EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultations of the national competent authorities as provided for in Articles 6(4) and 18(4) of Regulation (EC) No 1829/2003.
- (8) The use of feed containing or consisting of Ms8, Rf3, Ms8 × Rf3 oilseed-rape and products other than food and feed containing it or consisting of it with the exception of cultivation, have already been authorised by Commission Decision 2007/232/EC⁽⁵⁾.
- (9) Taking into account those considerations, authorisation should be granted to the foods and food ingredients containing, consisting of Ms8, Rf3, Ms8 × Rf3 oilseed rape and food and feed produced from Ms8, Rf3, Ms8 × Rf3 oilseed rape.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2009-00748>

⁽³⁾ OJ L 106, 17.4.2001, p. 1.

⁽⁴⁾ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2012-00794>

⁽⁵⁾ OJ L 100, 17.4.2007, p. 20.

- (10) A unique identifier should be assigned to each genetically modified organism (hereinafter 'GMO') as provided for in Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms ⁽¹⁾.
- (11) On the basis of the two EFSA opinions, no specific labelling requirements other than those provided for in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, appear to be necessary for foods, food ingredients containing or consisting of, and food and feed produced from oilseed rape Ms8, Rf3 and Ms8 × Rf3.
- (12) Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC ⁽²⁾, lays down labelling requirements in Article 4(6) for products containing or consisting of GMOs. Traceability requirements for products containing or consisting of GMOs are laid down in paragraphs 1 to 5 of Article 4 of that Regulation and those for food and feed produced from GMOs are laid down in Article 5 of that Regulation.
- (13) The authorisation holder should submit annual reports on the implementation and the results of the activities set out in the monitoring plan for environmental effects. Those results should be presented in accordance with Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council ⁽³⁾. The EFSA opinions do not justify the imposition of specific conditions or restrictions for the placing on the market and/or specific conditions or restrictions for the use and handling, including post-market monitoring requirements for the use of the food and feed, or of specific conditions for the protection of particular ecosystems/environment and/or geographical areas, as provided for in point (e) of Article 6(5) and in Article 18(5) of Regulation (EC) No 1829/2003.
- (14) All relevant information on the authorisation of the products should be entered in the Community register of genetically modified food and feed, as provided for in Regulation (EC) No 1829/2003.
- (15) This Decision is to be notified through the Biosafety Clearing-House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity,

pursuant to Article 9(1) and point (c) of Article 15(2) of Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on trans-boundary movements of genetically modified organisms ⁽⁴⁾.

- (16) The applicant has been consulted on the measures provided for in this Decision.
- (17) The Standing Committee on the Food Chain and Animal Health has not delivered an opinion within the time-limit laid down by its Chairman. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS DECISION:

Article 1

Genetically modified organism and unique identifiers

Genetically modified oilseed rape (*Brassica napus* L.) Ms8, Rf3 and Ms8 × Rf3, as specified in point (b) of the Annex to this Decision, are assigned the unique identifiers ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 respectively, as provided for in Regulation (EC) No 65/2004.

Article 2

Authorisation

The following products are authorised for the purposes of Articles 4(2) and 16(2) of Regulation (EC) No 1829/2003 in accordance with the conditions set out in this Decision:

- (a) foods and food ingredients containing, consisting of, or produced from ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 oilseed rape;
- (b) feed produced from ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 oilseed rape.

Article 3

Labelling

For the purposes of the labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'oilseed rape'.

Article 4

Monitoring for environmental effects

1. The authorisation holder shall ensure that the monitoring plan for environmental effects, as set out in point (h) of the Annex, is put in place and implemented.

⁽¹⁾ OJ L 10, 16.1.2004, p. 5.

⁽²⁾ OJ L 268, 18.10.2003, p. 24.

⁽³⁾ OJ L 275, 21.10.2009, p. 9.

⁽⁴⁾ OJ L 287, 5.11.2003, p. 1.

2. The authorisation holder shall submit to the Commission annual reports on the implementation and the results of the activities set out in the monitoring plan in accordance with Decision 2009/770/EC.

Article 5

Community register

The information set out in the Annex to this Decision shall be entered in the Community register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003.

Article 6

Authorisation holder

The authorisation holder shall be Bayer CropScience AG.

Article 7

Validity

This Decision shall apply for a period of 10 years from the date of its notification.

Article 8

Addressee

This Decision is addressed to Bayer CropScience AG, Alfred-Nobel-Straße 50, 40789 Monheim am Rhein, Germany,

Done at Brussels, 25 June 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

(a) **Applicant and Authorisation holder**

Name: Bayer CropScience AG

Address: Alfred-Nobel-Straße 50, 40789 Monheim am Rhein — Germany

(b) **Designation and specification of the products**

(1) foods and food ingredients containing, consisting of, or produced from ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 oilseed rape;

(2) feed produced from ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 oilseed rape.

The genetically modified ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 oilseed rape, as described in the applications, express the phosphinothricin acetyl transferase (PAT) protein which confers tolerance to the herbicidal active ingredient glufosinate-ammonium and *barnase* (ACS-BNØØ5-8) and *barstar* (ACS-BNØØ3-6) proteins for male sterility and restorer of fertility.

(c) **Labelling**

For the purposes of the specific labelling requirements laid down in Articles 13(1) and 25(2) of Regulation (EC) No 1829/2003, and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'oilseed rape'.

(d) **Method for detection**

— Event specific real-time PCR based method for the quantification of ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6 oilseed rape;

— Validated on seeds by the EU Reference Laboratory established under Regulation (EC) No 1829/2003, published at <http://gmo-crl.jrc.ec.europa.eu/statusofloss.htm>

— Reference Material: AOCS 0306-B, AOCS 0306-F and AOCS 0306-G are accessible via the American Oil Chemists Society at <http://www.aocs.org/tech/crm>

(e) **Unique identifiers**

ACS-BNØØ5-8, ACS-BNØØ3-6 and ACS-BNØØ5-8 × ACS-BNØØ3-6

(f) **Information required under Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity**

Biosafety Clearing-House [to be entered in the Community register of genetically modified food and feed when notified].

(g) **Conditions or restrictions on the placing on the market, use or handling of the products**

Not required.

(h) **Monitoring plan**

Monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC [to be entered in the Community register of genetically modified food and feed when notified].

(i) **Post market monitoring requirements for the use of the food for human consumption**

Not required.

COMMISSION IMPLEMENTING DECISION

of 25 June 2013

establishing a specific control and inspection programme for fisheries exploiting cod, plaice and sole in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea

(2013/328/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 95 thereof,

Whereas:

- (1) Regulation (EC) No 1224/2009 applies to all activities covered by the common fisheries policy carried out on the territory of Member States or in Union waters or by Union fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States, and lays down in particular that Member States shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.
- (2) Council Regulation (EC) No 1342/2008 of 18 December 2008 establishing a long-term plan for cod stocks and the fisheries exploiting those stocks and repealing Regulation (EC) No 423/2004 ⁽²⁾ lays down the conditions for the sustainable exploitation of cod in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea. Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multi-annual plan for fisheries exploiting stocks of plaice and sole in the North Sea ⁽³⁾ lays down the conditions for the sustainable exploitation of plaice and sole.
- (3) Article 95 of Regulation (EC) No 1224/2009 foresees the possibility for the Commission to determine, in concert with the Member States concerned, the fisheries which are to be subject to a specific control and inspection

programme. Such a specific control and inspection programme has to state the objectives, priorities and procedures as well as benchmarks for inspection activities to be established on the basis of risk management and to be revised periodically after an analysis of the achieved results. Member States concerned are obliged to adopt the necessary measures to ensure the implementation of the specific control and inspection programme, particularly as regards required human and material resources and the periods and zones where these are to be deployed.

- (4) Article 95(2) of Regulation (EC) No 1224/2009 provides that the specific control and inspection programme states benchmarks for inspections activities that are to be established on the basis of risk management. For this purpose, it is appropriate to lay down common risk assessment and management criteria for checking, inspection and verification activities in order to allow timely risk analyses and global assessments of relevant control and inspection information. The common criteria aim at ensuring a harmonised approach to inspection and verification in all Member States and establishing a level playing field for all operators.
- (5) The specific control and inspection programme should be established for the period until 31 December 2018 and should be implemented by Belgium, Denmark, Germany, Ireland, France, the Netherlands, Sweden, and the United Kingdom.
- (6) Article 98(1) and (3) of Commission Implementing Regulation (EU) No 404/2011 ⁽⁴⁾ foresees that, without prejudice to provisions contained in multiannual plans, competent authorities of Member States have to adopt a risk based approach for the selection of targets for inspection, using all available information and, subject to a risk based control and enforcement strategy, carry out the necessary inspection activities in an objective way in order to prevent the retention on board, transshipment, landing, processing, transport, storage, marketing and stocking of fishery products originating from activities that are not in compliance with the rules of the common fisheries policy.
- (7) The European Fisheries Control Agency set up by Council Regulation (EC) No 768/2005 ⁽⁵⁾ (hereafter referred to as 'EFCA') has to coordinate the implementation of the specific control and inspection programme

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 348, 24.12.2008, p. 20.

⁽³⁾ OJ L 157, 19.6.2007, p. 1.

⁽⁴⁾ OJ L 112, 30.4.2011, p. 1.

⁽⁵⁾ OJ L 128, 21.5.2005, p. 1.

through a joint deployment plan, which gives effect to the objectives, priorities, procedures and benchmarks for inspection activities determined in the specific control and inspection programme, and identifies the means of control and inspection which could be pooled by each Member State concerned. Relations between procedures defined by the specific control and inspection programme and those defined by the joint deployment plan, should therefore be clarified.

- (8) In order to harmonise the control and inspection procedures of the fishing activities on cod, plaice and sole, and to ensure the success of the multiannual plans for these stocks and their fisheries, it is appropriate to draw up common rules for the control and inspection activities to be carried out by the competent authorities of the Member States concerned, including mutual access to relevant data. To that end, target benchmarks should determine the intensity of control and inspection activities.
- (9) Joint inspection and surveillance activities between Member States concerned should be carried out, where applicable, in accordance with joint deployment plans established by the EFCA so as to enhance uniformity of control, inspection and surveillance practices and help develop the coordination of control, inspection and surveillance activities between the competent authorities of those Member States.
- (10) The results obtained through the application of the specific control and inspection programme should be assessed by means of annual evaluation reports to be communicated by each Member State concerned to the Commission and to the EFCA.
- (11) The measures provided for in this Decision have been established in concert with the Member States concerned.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Decision establishes a specific control and inspection programme applicable to fisheries exploiting cod in geographical areas of the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea, and plaice and sole in geographical area of the North Sea. The geographical areas hereafter are referred to as 'Areas concerned'.

Article 2

Scope

1. The specific control and inspection programme shall in particular cover the following activities:
 - (a) fishing activities within the meaning of Article 4(1) of Regulation (EC) No 1224/2009 in Areas concerned; and
 - (b) fishing related activities, including the weighing, processing, marketing, transport and storage of fisheries products.
2. The specific control and inspection programme shall apply until 31 December 2018.
3. The specific control and inspection programme shall be implemented by Belgium, Denmark, Germany, Ireland, France, the Netherlands, Sweden, and the United Kingdom (hereafter referred to as 'Member States concerned').

CHAPTER II

OBJECTIVES, PRIORITIES, PROCEDURES AND BENCHMARKS

Article 3

Objectives

1. The specific control and inspection programme shall ensure the uniform and effective implementation of conservation and control measures applicable to stocks referred to in Article 1.
2. Control and inspection activities carried out under the specific control and inspection programme shall in particular aim at ensuring compliance with the following provisions:
 - (a) fishing opportunities management and any specific conditions associated therewith, including the monitoring of quota uptake and effort regime in the Areas concerned;
 - (b) reporting obligations applicable to fishing activities, in particular the reliability of the information recorded and reported;
 - (c) provisions on the high grading ban and obligation to land all catches subject to a quota.

Article 4

Priorities

1. Member States concerned shall carry out control and inspection activities with respect to fishing activities by fishing vessels and fishing related activities by other operators on the basis of a risk management strategy, in conformity with Article 4(18) of Regulation (EC) No 1224/2009 and Article 98 of Implementing Regulation (EU) No 404/2011.
2. Each fishing vessel, group of fishing vessels, fishing gear category, operator, and/or fishing related activity, for each stock referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed pursuant to paragraph 3.

3. Each Member State concerned shall attribute the level of priority on the basis of the results of the risk assessment carried out in accordance with the procedures laid down in Article 5.

Article 5

Procedures for risk assessment

1. This Article shall apply to Member States concerned and, for the sole purposes of application of paragraph 4, to all other Member States.

2. Member States shall assess risks with regard to the stocks and area(s) covered, on the basis of the table set out in Annex I.

3. The risk assessment by each Member State shall consider, on the basis of past experience and using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence(s). By combining these elements, each Member State shall estimate a level of risk ('very low', 'low', 'medium', 'high' or 'very high') for each category for inspection referred to in Article 4(2).

4. In case where a fishing vessel flying the flag of a Member State which is not a Member State concerned, or a third country fishing vessel, operates in the area(s) referred to in Article 1, it shall be attributed a level of risk in accordance with paragraph 3. In the absence of information and unless its flag authorities provide, in the framework of Article 9, the results of their own risk assessment performed according to Article 4(2) and to paragraph 3 leading to a different risk level, it shall be considered as a 'very high' risk level fishing vessel.

Article 6

Risk management strategy

1. On the basis of its risk assessment, each Member State concerned shall define a risk management strategy focused on ensuring compliance. Such strategy shall encompass the identification, description and allocation of appropriate cost-effective control instruments and inspection means, in relation to the nature and the estimated level of each risk, and the achievement of target benchmarks.

2. The risk management strategy referred to in paragraph 1 shall be coordinated at regional level through a joint deployment plan as defined in Article 2(c) of Regulation (EC) No 768/2005.

Article 7

Relation with joint deployment plans procedures

1. In the framework of a joint deployment plan, where applicable, each Member State concerned shall communicate to the EFCA the results of its risk assessment carried out in accordance with Article 5(3) and, in particular, a list of estimated levels of risk with corresponding targets for inspection.

2. Where appropriate, the risk levels and targets lists referred to in paragraph 1 shall be updated by using information collected during joint inspection and surveillance activities. The EFCA shall be informed immediately following completion of each update.

3. The EFCA shall use information received from Member States concerned to coordinate the risk management strategy at regional level, in accordance with Article 6(2).

Article 8

Target benchmarks

1. Without prejudice to target benchmarks defined in Annex I to Regulation (EC) No 1224/2009 and in Article 9(1) of Council Regulation (EC) No 1005/2008⁽¹⁾, the target benchmarks at Union level for 'high' and 'very high' risk level fishing vessels and/or other operators are set out in Annex II.

2. The target benchmarks for 'very low', 'low', and 'medium' risk level fishing vessels and/or other operators shall be determined by Member States concerned through the national control action programmes referred to in Article 46 of Regulation (EC) No 1224/2009 and the national measures referred to in Article 95(4) of Regulation (EC) No 1224/2009.

3. By way of derogation from paragraphs 1 and 2, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels, provided that:

(a) a detailed analysis of the fishing activities or fishing related activities and enforcement related issues justifies the need for setting target benchmarks in the form of improved compliance levels;

(b) the benchmarks expressed in terms of improved compliance levels are notified to the Commission, and this latter does not object to them within 90 days, are not discriminatory, and do not affect objectives, priorities and risk-based procedures defined by the specific control and inspection programme.

4. All target benchmarks shall be assessed annually on the basis of the evaluation reports referred to in Article 13(1) and, where appropriate, be revised accordingly in the framework of the evaluation referred to in Article 13(4).

5. Where applicable, a joint deployment plan shall give effect to target benchmarks referred to in this Article.

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

CHAPTER III

IMPLEMENTATION

Article 9

Cooperation between Member States and with third countries

1. Member States concerned shall cooperate in the implementation of the specific control and inspection programme.
2. Where appropriate, all other Member States shall cooperate with the Member States concerned.
3. Member States may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programme.

Article 10

Joint inspection and surveillance activities

1. For the purpose of increasing the efficiency and effectiveness of their national fisheries control systems, Member States concerned shall undertake joint inspection and surveillance activities in waters under their jurisdiction and, where appropriate, on their territory. Where applicable, such activities shall be carried out in the framework of joint deployment plans referred to in Article 9(1) of Regulation (EC) No 768/2005.
2. For the purpose of joint inspection and surveillance activities, each Member State concerned shall:
 - (a) ensure that officials from other Member States concerned are invited to participate in joint inspection and surveillance activities;
 - (b) establish joint operational procedures applicable to their surveillance crafts;
 - (c) designate contact points referred to in Article 80(5) of Regulation (EC) No 1224/2009, where appropriate.

3. Officials and Union inspectors may participate in joint inspection and surveillance activities.

Article 11

Exchange of data

1. For the purpose of implementing the specific control and inspection programme, each Member State concerned shall ensure the direct electronic exchange of data referred to in Article 111 of Regulation (EC) No 1224/2009 and Annex XII to Implementing Regulation (EU) No 404/2011 with other concerned Member States and the EFCA.
2. Data referred to in paragraph 1 shall be related to fishing activities and fishing related activities carried out in the area(s) covered by the specific control and inspection programme.

Article 12

Information

1. Pending the full implementation of Title XII, Chapter III of Regulation (EC) No 1224/2009, and in accordance with the format set out in Annex III to this Decision, each Member State concerned shall communicate by electronic means to the Commission and to the EFCA, by the 31 January after each calendar year, the following information concerning the preceding year:

- (a) the identification, date, and type of each control and/or inspection operation carried out during the preceding year;
- (b) the identification of each fishing vessel (Union fleet register number), vehicle and/or operator (company name) subject to a control and/or inspection;
- (c) where appropriate, the type of fishing gear inspected; and
- (d) in case where one or several serious infringements were detected:
 - (i) the type(s) of serious infringement(s);
 - (ii) the state of play concerning the follow-up of serious infringement(s) (e.g. case under investigation, pending, under appeal); and
 - (iii) the sanction(s) imposed as follow-up of serious infringement(s): level of fines, value of forfeited fish and/or gear, points assigned in accordance with Article 126(1) of Implementing Regulation (EU) No 404/2011, and/or other type of sanctions.

2. Information referred to in paragraph 1 shall be communicated for each control and/or inspection and shall continue to be listed and updated in each report until the action is concluded under the laws of the Member State concerned. Where no action is taken following the detection of a serious infringement, an explanation shall be included.

Article 13

Evaluation

1. Each Member State concerned shall, by 31 March of the year following the relevant calendar year, send to the Commission and the EFCA an evaluation report concerning the effectiveness of the control and inspection activities carried out under this specific control and inspection programme.
2. The evaluation report referred to in paragraph 1 shall at least include the information listed in Annex IV. Member States concerned may also include in their evaluation report other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators.

3. The EFCA, for its annual assessment of the effectiveness of joint deployment plans referred to in Article 14 of Regulation (EC) No 768/2005, shall take into consideration evaluation reports referred to in paragraph 1.

4. The Commission shall convene once a year a meeting of the Committee for fisheries and aquaculture to evaluate the suitability, adequacy and effectiveness of the specific control and inspection programme and its overall impact on compliance by fishing vessels and other operators, on the basis of evaluation reports referred to in paragraph 1. Target benchmarks set out in Annex II may be reviewed accordingly.

Article 14

Entry into force

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

Done at Brussels, 25 June 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

PROCEDURES FOR RISK ASSESSMENT

Each fishing vessel, group of fishing vessels, fishing gear category, operator, and/or fishing related activity, in different stocks and area(s) referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed. The level of priority shall be attributed depending on the results of the risk assessment carried out by each Member State concerned, or by any other Member State for the sole purposes of application of Article 5(4), on the basis of the following procedure:

Risk description [depending on the risk/fishery/area and data available]	Indicator [depending on the risk/fishery/area and data available]	Step in the fishery/ marketing chain (When and where does the risk appear)	Points to be considered [depending on the risk/fishery/area and data available]	Occurrence in the fishery (*)	Potential consequence(s) (*)	Level of risk (*)
[Note: risks identified by Member States should be in line with objectives defined in Article 3]			Levels of catches/landings distributed by fishing vessels, stocks, and gears, Availability of quota to fishing vessels, distributed by fishing vessels, stocks and gears, Use of standardised boxes, Level and fluctuation of market price for the landed fisheries products (first sale), Number of inspections previously carried out and number of detected infringements for the fishing vessel and/or other operator concerned, Background, and/or potential danger, of fraud linked to port/location/area, and metier, Any other relevant information or intelligence.	<i>Frequent/ Medium/ Seldom cases/or Not significant</i>	<i>Serious/ Significant/ Acceptable/ or Marginal</i>	<i>very low/ low/ medium/ high/or very high</i>

(*) Note: To be assessed by Member States. The risk assessment shall consider, on the basis of past experience and using all available information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence.

ANNEX II

TARGET BENCHMARKS

1. Level of inspections at sea (including aerial surveillance, where applicable)

On a yearly basis, the following target benchmarks ⁽¹⁾ shall be reached for the inspections at sea of fishing vessels engaged in the fishery of cod, plaice and sole in the area, in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Fishery	Inspection at sea of at least 2,5 % of fishing trips by 'high risk' level fishing vessels targeting the fishery in question	Inspection at sea of at least 5 % of fishing trips by 'very high risk' level fishing vessels targeting the fishery in question

(*) expressed in a % of fishing trips in the area by high/very high risk fishing vessels/per year

2. Level of inspections ashore (including document based controls and inspections in ports or at first sale)

On a yearly basis, the following target benchmarks ⁽²⁾ shall be reached for the inspections ashore (including document based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fishery of cod, plaice and sole in the area, in the case that inspections ashore are relevant in relation to the step in the fishery/ marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery	Inspection in port of at least 10 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 15 % of overall landed quantities by 'very high risk' level fishing vessels

(*) expressed in a % of quantities landed by high/very high risk fishing vessels/per year

Inspections made after landing or transshipment shall in particular be used as a complementary cross-checking mechanism to verify the reliability of the information recorded and reported on catches and landings.

⁽¹⁾ For vessels spending less than 24 hours at sea per fishing trip, and according to the risk management strategy, the target benchmarks may be reduced by half.

⁽²⁾ For vessels landing less than 10 tonnes per landing, and according to the risk management strategy, the target benchmarks may be reduced by half.

ANNEX III

PERIODICAL INFORMATION ON THE IMPLEMENTATION OF THE SPECIFIC CONTROL AND INSPECTION PROGRAMME

Format for the communication of the information to be provided according to Article 12 for each inspection to be included in the report:

Element name	Code	Description and content
Identification of inspection	II	ISO alpha2 country code + 9 digits, e.g. DK201200000
Date of inspection	DA	YYYY-MM-DD
Type of inspection or control	IT	Sea, shore, transport, document (to be indicated)
Identification of each fishing vessel, vehicle or operator	ID	Union fleet register number of the fishing vessel, vehicle identification, and/or company name of the operator
Fishing gear type	GE	Gear code based on FAO's International Standard Statistical Classification of the Fishing Gear
Serious infringement	SI	Y = yes, N = no
Type of serious infringement detected	TS	Indicate type of serious infringement detected, in reference to the number (left column) in Annex XXX to Implementing Regulation (EU) No 404/2011. In addition, the serious infringements referred to in Article 90(1)(a), (b) and (c) of the Control Regulation shall be respectively identified by the numbers '13', '14' and '15'.
State of play follow up	FU	Indicate state of play: PENDING, APPEAL or CLOSED
Fine	SF	Fine in EUR, e.g. 500
Confiscation	SC	CATCH/GEAR for physical confiscation. Amount confiscated in case of value of catch/gear in EUR, e.g. 10 000.
Other	SO	In case of withdrawal of license/authorisation, indicate LI or AU + number of days, e.g. AU30
Points	SP	Number of points assigned, e.g. 12
Remarks	RM	In case of no action taken following detection of a serious infringement, explanation why in free text

ANNEX IV

CONTENT OF EVALUATION REPORTS

Evaluation reports shall at least contain the following information:

I. General analysis of control, inspection and enforcement activities carried out (for each Member State concerned)

- Description of risks identified by the concerned Member State and detailed content of its risk management strategy, including a description of the review and revision process.
- Comparison of type of control and inspection tools used and number of inspection means committed/number of means provided in the execution of the specific control and inspection programme, including duration and areas of deployment.
- Comparison of type of control and inspection tools used and number of control activities and inspections carried out (complete on the basis of information sent in accordance with Annex III)/number of serious infringements detected and, where possible, analysis on the motives for committing such infringements.
- Sanctions imposed for serious infringements (complete on the basis on information sent in accordance with Annex III).
- Analysis of other actions (distinct from control, inspection and enforcement activities, e.g. training or information sessions) designed to have an impact on compliance by fishing vessels and/or other operators [EXAMPLE: number of selective gear improvements deployed, numbers of cod/juvenile samples, etc.].

II. Detailed analysis of control, inspection and enforcement activities carried out (for each Member State concerned)

1. Analysis of inspection activities at sea (including aerial surveillance, where appropriate), in particular:
 - comparison of patrol vessels provided/committed,
 - serious infringements rate at sea,
 - proportion of inspections at sea on fishing vessels with a 'very low', 'low', or 'medium' level of risk resulting in one or more serious infringement,
 - proportion of inspections at sea on fishing vessels with a 'high' or 'very high' level of risk resulting in one or more serious infringement,
 - type and level of sanctions/evaluation of the deterrent effect.
2. Analysis of ashore inspection activities (including document based controls and inspections in ports or at first sale, or transshipments), in particular:
 - comparison of ashore-based inspection units provided/committed,
 - ashore serious infringements rate,
 - proportion of inspections ashore on fishing vessels and/or operators with a 'very low', 'low', or 'medium' level of risk resulting in one or more serious infringement,
 - proportion of inspections ashore on fishing vessels and/or operators with a 'high' or 'very high' level of risk resulting in one or more serious infringement,
 - type and level of sanctions/evaluation of the deterrent effect.
3. Analysis of target benchmarks expressed in terms of compliance levels (where applicable), in particular:
 - comparison of inspection means provided/committed,
 - serious infringement rate and trend (by comparison with 2 previous years),
 - proportion of inspections on fishing vessels/operators resulting in one or more serious infringements,
 - type and level of sanctions/evaluation of the deterrent effect.

4. Analysis of other inspection and control activities: transshipment, aerial surveillance, importation/exportation, etc., as well as other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators

III. Proposal(s) for improving effectiveness of control, inspection and enforcement activities carried out (for each Member State concerned)

COMMISSION IMPLEMENTING DECISION

of 26 June 2013

providing the rules for the establishment, management and transparent functioning of the Network of national authorities or bodies responsible for health technology assessment

(2013/329/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare⁽¹⁾, and in particular Article 15(4) thereof,

Whereas:

(1) Article 15 of Directive 2011/24/EU assigned the Union to support and facilitate cooperation and the exchange of information among Member States working within a voluntary network connecting national authorities responsible for health technology assessment ('HTA') designated by Member States (hereinafter 'the HTA Network').

(2) In accordance with Article 15(4) of Directive 2011/24/EU the Commission has an obligation to adopt the necessary rules for the establishment, management and transparent functioning of the HTA Network.

(3) Participation in the HTA Network being voluntary, Member States should be able to join at any time. For organisational purposes, Member States wishing to participate should inform the Commission of this intention in advance.

(4) Personal data should be processed in accordance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽²⁾, Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)⁽³⁾ and 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⁽⁴⁾, as appropriate.

(5) The Union has co-financed actions in the field of HTA through the Public Health Programme established by Decision No 1786/2002/EC of the European Parliament and of the Council⁽⁵⁾ and the Health Programme established by Decision No 1350/2007/EC of the European Parliament and of the Council⁽⁶⁾, thereby supporting scientific and technical cooperation between national and regional organisations responsible for HTA with the acronym EUnetHTA⁽⁷⁾. It has also financed methodological work in the field of HTA through the 7th Research Framework Programme, established by Decision No 1982/2006/EC of the European Parliament and of the Council⁽⁸⁾ and the Competitiveness and Innovation Programme established by Decision No 1639/2006/EC of the European Parliament and of the Council⁽⁹⁾.

(6) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 16 of Directive 2011/24/EU,

HAS ADOPTED THIS DECISION:

*Article 1***Subject matter**

This Decision sets out the necessary rules for the establishment, management and transparent functioning of the Network of national authorities or bodies responsible for health technology assessment, as provided for by Article 15(1) of Directive 2011/24/EU.

*Article 2***Objectives**

In pursuing those objectives assigned to it by Article 15(2) of Directive 2011/24/EU, the HTA Network shall build on the experience gained in previous actions in the field of HTA supported by the Union and ensure relevant synergies with ongoing actions.

*Article 3***Membership — Designation**

1. Members of the HTA Network shall be national authorities or bodies responsible for HTA designated by the participating Member States.

⁽¹⁾ OJ L 88, 4.4.2011, p. 45.

⁽²⁾ OJ L 281, 23.11.1995, p. 31.

⁽³⁾ OJ L 201, 31.7.2002, p. 37.

⁽⁴⁾ OJ L 8, 12.1.2001, p. 1.

⁽⁵⁾ OJ L 271, 9.10.2002, p. 1.

⁽⁶⁾ OJ L 301, 20.11.2007, p. 3.

⁽⁷⁾ www.eunethta.eu; Commission Implementing Decision C2011/7195 on the awarding of grants for proposals for 2011 under the second Health Programme (2008-13).

⁽⁸⁾ OJ L 412, 30.12.2006, p. 1.

⁽⁹⁾ OJ L 310, 9.11.2006, p. 15.

2. Member States wishing to participate in the HTA Network shall notify in writing to the Commission this intention as well as the national authority or body responsible for HTA designated in accordance with Article 15(1) of Directive 2011/24/EU. Member States may designate a second national authority or body as an alternate Member.

3. If deemed necessary by the Member State, it may also designate an expert to accompany the Member.

4. The names of Member States' designated authorities or bodies may be published on the Commission web pages.

5. Personal data shall be collected, processed and published in accordance with Directives 95/46/EC and 2002/58/EC and Regulation (EC) No 45/2001, as appropriate.

Article 4

Rules of Procedure

1. The HTA Network shall adopt by a simple majority of its Members its rules of procedure, on the proposal submitted by the Commission.

2. The rules of procedure shall facilitate appropriate stakeholder consultation and liaison with Union bodies, researchers and international organisations on the work of the Network.

Article 5

Operation

1. The HTA Network shall adopt a strategic multiannual work programme and an evaluation instrument on the implementation of such programme.

2. The HTA Network shall be supported by a scientific and technical cooperation and may initiate or participate in activities involving all or some of its Members, if such involvement contributes to the objectives of the HTA Network.

3. The HTA Network may set up working groups to examine specific questions on the basis of terms of reference defined by the HTA Network. Such working groups shall be disbanded as soon as their mandate is fulfilled.

4. Members of the HTA Network and their representatives, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by Article 339 of the Treaty and its implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal Rules of Procedure⁽¹⁾. Should they fail to respect these obligations, the Chair of the HTA Network may take all appropriate measures.

Article 6

Meetings

1. The HTA Network shall be chaired by the Commission representative. The chair person shall not vote.

2. Commission officials with an interest in the proceedings may attend meetings of the HTA Network and its working groups.

3. Upon request of the Commission, the European Medicines Agency may participate in meetings of the HTA Network and its working groups.

4. The HTA Network may invite European and international organisations to attend meetings as observers.

Article 7

Secretariat of the HTA Network

1. The Secretariat of the HTA Network shall be provided by the Commission, who will draw up the minutes.

2. The Commission shall publish on its website relevant information on the activities carried out by the HTA Network.

Article 8

Expenses

1. Participants in the meetings of the HTA Network shall not be remunerated by the Commission for their services.

2. Travel and subsistence expenses incurred by participants in the activities of the HTA Network shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 9

Entry into force

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

Done at Brussels, 26 June 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 317, 3.12.2001, p. 1.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

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

of 6 June 2013

amending Annexes I and II to the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures

(2013/330/EU)

THE JOINT COMMITTEE,

Having regard to the Agreement of 25 June 2009 between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures ⁽¹⁾ (hereinafter 'the Agreement'), and in particular Article 21(2) thereof,

Whereas, by concluding the Agreement, the contracting parties undertook to guarantee on their respective territories an equivalent level of security through customs measures based on legislation in force in the European Union, in particular the relevant provisions of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾ and Commission Regulation (EEC) No 2454/93 ⁽³⁾ laying down provisions for the implementation of the Community Customs Code.

Whereas since the conclusion of the Agreement, amendments concerning the customs security measures have been made to this legislation, in particular by Commission Regulations (EC) No 312/2009 ⁽⁴⁾, (EU) No 169/2010 ⁽⁵⁾ and (EU) No 430/2010 ⁽⁶⁾.

Whereas the amendments to European Union legislation that are relevant for maintaining an equivalent level of security between the contracting parties should be reflected in the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex I to the Agreement shall be amended as follows:

1. in Article 1, paragraph 2 is replaced by the following:

'2. The entry or exit summary declaration shall contain the information laid down for such declarations in Annex 30a to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of

Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾ (hereinafter referred to as "Regulation (EEC) No 2454/93"), last amended by Commission Regulation (EU) No 430/2010 ⁽²⁾. It shall be completed in accordance with the explanatory notes in the said Annex 30a. It shall be authenticated by the person who completed it.

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 125, 21.5.2010, p. 10.;

2. Article 2 is amended as follows:

(a) point (e) of the first paragraph is replaced by the following:

'(e) goods for which an oral customs declaration or simple crossing of the border is permitted under rules laid down by the Contracting Parties, with the exception of household effects and of pallets, containers, and means of road, rail, air, sea and inland waterway transport used under a transport contract';

(b) point (j) of the first paragraph is replaced by the following:

'(j) the following goods brought into or out of the customs territory of a Contracting Party and transferred directly to or from drilling or production platforms or wind turbines operated by a person established in the customs territory of the Contracting Parties:

— goods which were incorporated into such platforms or wind turbines, for the purposes of their construction, repair, maintenance or conversion,

— goods which were used to fit to or to equip the said platforms or wind turbines; provisions used or consumed on the said platforms or wind turbines, and non-hazardous waste products from the said platforms or wind turbines';

(c) a new point (l) is added to the first paragraph:

⁽¹⁾ OJ L 199, 31.7.2009, p. 24.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 98, 17.4.2009, p. 3.

⁽⁵⁾ OJ L 51, 2.3.2010, p. 2.

⁽⁶⁾ OJ L 125, 21.5.2010, p. 10.

(l) goods brought from Helgoland, the Republic of San Marino and the Vatican City State to the territory of a Contracting Party or sent by a Contracting Party to one of these territories’;

(d) paragraph 3 is replaced by the following:

‘3. An entry or exit summary declaration shall not be required in the Community for goods referred to in points (i) and (j) of Article 181c, points (i) and (j) of Article 592a, and in the cases covered by Article 786(2) and Article 842a(4)(b) and (f) of Regulation (EEC) No 2454/93’;

(e) paragraph 4 is replaced by the following:

‘4. An exit summary declaration shall not be required:

(a) for the following goods:

- spare and replacement parts for incorporation into vessels and aircraft for the purpose of their repair,
- the motor fuels, lubricants and gas necessary for the operation of the vessels or aircraft, and
- foodstuffs, and other items to be consumed or sold on board;

(b) for goods placed under a customs transit procedure when an electronic transit declaration contains the exit summary declaration data, provided that the office of destination is also the customs office of exit;

(c) where, in a port or airport, the goods are not unloaded from the means of transport which carried them into the customs territory of the Contracting Parties and which will carry them out of that territory;

(d) where the goods were loaded at a previous port or airport in the customs territory of the Contracting Parties and remain on the means of transport that will carry them out of that customs territory;

(e) where goods in temporary storage or in a control type I free zone are transhipped from the means of transport that brought them to that temporary storage facility or free zone under the supervision of the same customs office onto a vessel, aircraft or train that will carry them from that temporary storage facility or free zone out of the customs territory of the Contracting Parties, provided that:

(i) the transhipment is undertaken within 14 calendar days from when the goods were presented for temporary storage or at a control type I free zone; in exceptional circumstances, the customs authorities may prolong the period for the time necessary to cope with these circumstances;

(ii) information about the goods is available to the customs authorities; and

(iii) the destination of the goods and the identity of the consignee do not change, to the knowledge of the carrier.’

Article 2

Article 6 second indent of Annex II to the Agreement shall be replaced by the following:

‘— the authorised economic operator may lodge entry or exit summary declarations subject to the reduced requirements regarding the information to be given as laid down in Annex 30a to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽¹⁾, last amended by Commission Regulation (EU) No 430/2010 ⁽²⁾; however, if the authorised economic operator is a carrier, freight forwarder or customs agent, he may benefit from these reduced requirements only if he is involved in the import or export of goods on behalf of an authorised economic operator,

⁽¹⁾ OJ L 253, 11.10.1993, p. 1.

⁽²⁾ OJ L 125, 21.5.2010, p. 10.’

Article 3

This Decision shall take effect on the day following its adoption.

Done at Brussels, 6 June 2013.

The Joint Committee

The Chairman

Antonis KASTRISSIANAKIS

Joint Declaration

Re Annex I, Article 1(2) of the Agreement

As regards the information to be provided in the entry or exit summary declaration, the Contracting Parties confirm that

- the provisions concerning the EORI number and
- the requirements concerning the diversion requests (point 2.6 of Annex 30a — Table 6)

set out in Commission Regulation (EC) No 312/2009 of 16 April 2009 do not apply to declarations lodged with the Swiss customs authorities.

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 131/13/COL

of 18 March 2013

amending the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area listing border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries and repealing EFTA Surveillance Authority Decision No 339/12/COL ⁽¹⁾

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to points 4(B)(1) and (3) and point 5(b) of the Introductory Part of Chapter I of Annex I to the EEA Agreement,

Having regard to the Act referred to at point 4 of Part 1.1 of Chapter I of Annex I to the EEA Agreement (*Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries* ⁽²⁾), as amended and adapted to the EEA Agreement by the sectoral adaptations referred to in Annex I to that Agreement, and in particular to Article 6(2) thereof,

Having regard to College Decision No. 89/13/COL empowering the competent College Member to adopt this decision,

Whereas:

By a series of letters, from 18 December 2012 to 15 January 2013, the Norwegian Food Safety Authority (hereinafter NFSA) informed the Authority about the following changes in the list of Norwegian Border Inspection Posts (BIPs):

- On 18 December 2012, the NFSA informed the Authority that it had suspended BIP Florø EWOS Havn (TRACES-code NO FRO 1) for import of fish meal for non-human consumption;
- On 18 December 2012, the NFSA informed the Authority that it had withdrawn the approval as BIP of BIP Vadsø Port (TRACES-code NO VOS 1) and asked the Authority to

delete the BIP Vadsø Port from the list of border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries;

- On 3 January 2013, the NFSA informed the Authority that it had withdrawn the approval of Inspection Center (IC) Trollebø under BIP Måløy (TRACES-code NO MAY 1) and asked the Authority to delete the IC Trollebø from the list of border inspection posts;
- On 11 January 2013, the NFSA informed the Authority that it had withdrawn the approval of IC Melbu under BIP Sortland Port (TRACES-code NO SLX 1) and asked the Authority to delete the IC Melbu from the list of border inspection posts;
- On 15 January 2013, the NFSA informed the Authority that it had withdrawn the approval as BIP Florø EWOS Havn (TRACES-code NO FRO 1) and asked the Authority to delete the BIP Florø from the list of border inspection posts;
- On 15 January 2013, the NFSA informed the Authority that it had withdrawn the approval of IC Gjesvær under BIP Honningsvåg Port (TRACES-code NO HVG 1) and asked the Authority to delete the IC Gjesvær from the list of border inspection posts.

It is therefore the Authority's obligation to amend the list of border inspection posts in Iceland and Norway and to publish a new list, reflecting the delisting of BIP Vadsø Port, BIP Florø EWOS Havn, IC Trollebø, IC Melbu and IC Gjesvær from the Norwegian list of BIPs ⁽³⁾.

⁽¹⁾ OJ L 350, 20.12.2012, p. 114 and the EEA Supplement No. 71, 20.12.2012, p. 7.

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ Due to the delisting of BIP Florø EWOS Havn, it is not necessary to reflect, in the list, the suspension for import of fish meal for non-human consumption at this BIP (request sent on 18 December 2012)

The Authority, by its Decision No. 89/13/COL, referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority. The Committee approved unanimously the proposed modification to the list. Consequently, the measures provided for in this Decision are in accordance with the unanimous opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority and the final text of the measures remains unchanged.

HAS ADOPTED THIS DECISION:

Article 1

BIP Vadsø Port, BIP Florø EWOS Havn, IC Trollebø, IC Melbu and IC Gjesvær are removed from the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area of border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries.

Article 2

Veterinary checks on live animals and animal products brought into Iceland and Norway from third countries shall be carried out by the competent national authorities at the agreed border inspection posts listed in the Annex to this Decision.

Article 3

The EFTA Surveillance Authority Decision No 339/12/COL of 20 September 2012 is hereby repealed.

Article 4

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

Article 5

This Decision is addressed to Iceland and Norway.

Article 6

This Decision shall be authentic in the English language.

Done at Brussels, 18 March 2013.

For the EFTA Surveillance Authority

Sverrir Haukur GUNNLAUGSSON
College Member

Xavier LEWIS
Director

ANNEX

LIST OF AGREED BORDER INSPECTION POSTS

Country: **Iceland**

1	2	3	4	5	6
Akureyri	IS AKU1	P		HC-T(1)(2)(3), NHC(16)	
Hafnarfjörður	IS HAF 1	P		HC(1)(2)(3), NHC-NT(2)(6)(16)	
Húsavík	IS HUS 1	P		HC-T(FR)(1)(2)(3)	
Ísafjörður	IS ISA1	P		HC-T(FR)(1)(2)(3)	
Keflavík Airport	IS KEF 4	A		HC(2), NHC(2)	O(15)
Reykjavík Eimskip	IS REY 1a	P		HC(2), NHC(2)	
Reykjavík Samskip	IS REY 1b	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3), NHC-NT(2)(6)(16)	
Þorlákshöfn	IS THH1	P		HC-T(FR)(1)(2)(3), HC-NT(6), NHC-NT(6)	

Country: **Norway**

1	2	3	4	5	6
Borg	NO BRG 1	P		HC, NHC	E(7)
Båtsfjord	NO BJF 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Egersund	NO EGE 1	P		HC-NT(6), NHC-NT(6)(16)	
Hammerfest	NO HFT 1	P	Rypefjord	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Honningsvåg	NO HVG 1	P	Honningsvåg	HC-T(FR)(1)(2)(3)	
Kirkenes	NO KKN 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Kristiansund	NO KSU 1	P	Kristiansund	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3) HC-NT(6), NHC-NT(6)	
Larvik	NO LAR 1	P		HC(2)	
Måløy	NO MAY 1	P	Gotteberg	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
Oslo	NO OSL 1	P		HC, NHC	
Oslo	NO OSL 4	A		HC, NHC	U,E,O
Sortland	NO SLX 1	P	Sortland	HC-T(FR)(1)(2)(3)	
Storskog	NO STS 3	R		HC, NHC	U,E,O
Tromsø	NO TOS 1	P	Bukta	HC-T(FR)(1)(2)(3)	
			Solstrand	HC-T(FR)(1)(2)(3)	

1	2	3	4	5	6
Ålesund	NO AES 1	P	Breivika	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Skutvik	HC-T(1)(2)(3), HC-NT(6), NHC-T(FR) (2)(3), NHC-NT(6)	

1 = **Name**2 = **TRACES Code**3 = **Type**

A = Airport

F = Rail

P = Port

R = Road

4 = **Inspection centre**5 = **Products**

HC = All products for human consumption

NHC = Other products

NT = No temperature requirements

T = Frozen/chilled products

T(FR) = Frozen products

T(CH) = Chilled products

6 = **Live Animals**

U = Ungulates: cattle, pigs, sheep, goats, wild and domestic solipeds

E = Registered equidae as defined in Council Directive 90/426/EEC

O = Other animals

5-6 = **Special remarks**

(1) = Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Council Directive 97/78/EC

(2) = Packed products only

(3) = Fishery products only

(4) = Animal proteins only

(5) = Wool hides and skins only

(6) = Only liquid fats, oils, and fish oils

(7) = Icelandic ponies (from April to October only)

(8) = Equidae only

(9) = Tropical fish only

(10) = Only cats, dogs, rodents, lagomorphs, live fish, reptiles and other birds than ratites

(11) = Only feedstuffs in bulk

(12) = For (U) in the case of solipeds, only those consigned to a zoo; and for (O), only day old chicks, fish, dogs, cats, insects, or other animals consigned to a zoo

(13) = Nagylak HU: This is a border inspection post (for products) and crossing point (for Live animals) on the Hungarian Romanian border, subject to transitional measures as negotiated and laid down in the Treaty of Accession for both products and live animals. See Commission Decision 2003/630/EC

(14) = Designated for transit across the European Community for consignments of certain products of animal origin for human consumption, coming to or from Russia under the specific procedures foreseen in relevant Community legislation

(15) = Aquaculture animals only

(16) = Fish meal only

2013/329/EU:

★ Commission Implementing Decision of 26 June 2013 providing the rules for the establishment, management and transparent functioning of the Network of national authorities or bodies responsible for health technology assessment	71
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ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2013/330/EU:

★ Decision No 1/2013 of the EU-Switzerland Joint Committee of 6 June 2013 amending Annexes I and II to the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures	73
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III *Other acts*

EUROPEAN ECONOMIC AREA

★ EFTA Surveillance Authority Decision No 131/13/COL of 18 March 2013 amending the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area listing border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries and repealing EFTA Surveillance Authority Decision No 339/12/COL	76
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