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Legislation

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 7 October 2013

on the signing, on behalf of the European Union and its Member States, and provisional application of the Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the participation, as a contracting party, of the Republic of Croatia, following its accession to the European Union

(2013/702/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, in particular Article 207 and Article 352, in conjunction with Article 218(5) and the second subparagraph of Article 218(8) thereof,

Having regard to the Act of Accession of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 14 September 2012, the Council authorised the Commission to open negotiations with the Republic of San Marino for the adaptation, through the negotiation of a Protocol, of the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part ⁽¹⁾, regarding Croatia's participation as a contracting party, in view of its accession to the Union ('the Protocol').
- (2) The negotiations on the Protocol were conducted by the Commission and were recently concluded.
- (3) The Protocol should be signed on behalf of the Union, subject to its conclusion at a later date.
- (4) Croatia acceded to the Union on 1 July 2013.
- (5) In view of Croatia's accession to the Union and to ensure its participation as a contracting party to the Agreement from the date of its accession, the Protocol should be applied provisionally from that date,

HAS ADOPTED THIS DECISION:

Article 1

The signing on behalf of the European Union and its Member States of the Protocol to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding Croatia's participation as a contracting party, following its accession to the European Union, is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol, on behalf of the Union.

Article 3

The Protocol shall be applied on a provisional basis, in accordance with its Article 5, as from 1 July 2013, pending the completion of the procedures for its conclusion.

Article 4

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

Done at Brussels, 7 October 2013.

For the Council
The President
J. BERNATONIS

⁽¹⁾ OJ L 84, 28.3.2002, p. 43.

PROTOCOL

to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, regarding the Republic of Croatia's participation as a contracting party following its accession to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN, AND

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

hereinafter 'the Member States'

and

THE EUROPEAN UNION,

of the one part,

and

THE REPUBLIC OF SAN MARINO,

of the other part,

Having regard to the Agreement on Cooperation and Customs Union between the European Community and its Member States, of the one part, and the Republic of San Marino, of the other part, of 16 December 1991 ('the Agreement'), which entered into force on 1 April 2002,

Having regard to the Republic of Croatia's accession to the European Union on 1 July 2013,

Whereas the Republic of Croatia is to become a contracting party to the Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Croatia hereby accedes as a Contracting Party to the Agreement.

Article 2

This Protocol shall be an integral part of the Agreement.

Article 3

1. This Protocol shall be approved by the Contracting Parties, in accordance with their respective procedures.

2. The Parties shall notify each other of the completion of these procedures. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 4

This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

Article 5

This Protocol shall apply provisionally from 1 July 2013.

Article 6

The text of the Agreement and the Declarations annexed to it are drawn up in the Croatian language⁽¹⁾. They are equally authentic with the texts in the other languages in which the Agreement and the Declarations annexed to it are drawn up.

Article 7

This Protocol is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

⁽¹⁾ The Croatian-language version of the Agreement and the Declarations attached to it are published in the Official Journal, Special Edition, 2013, Chapter 02, Volume 17, page 111.

Съставено в Брюксел на двадесет и девети октомври две хиляди и тринадесета година.

Hecho en Bruselas, el veintinueve de octubre de dos mil trece.

V Bruselu dne dvacátého devátého října dva tisíce třináct.

Udfærdiget i Bruxelles den niogtyvende oktober to tusind og tretten.

Geschehen zu Brüssel am neunundzwanzigsten Oktober zweitausenddreizehn.

Kahe tuhande kolmeteistkümnenda aasta oktoobrikuu kahekümne üheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι εννέα Οκτωβρίου δύο χιλιάδες δεκατρία.

Done at Brussels on the twenty-ninth day of October in the year two thousand and thirteen.

Fait à Bruxelles, le vingt-neuf octobre deux mille treize.

Sastavljeno u Bruxellesu dvadeset devetog listopada dvije tisuće trinaeste.

Fatto a Bruxelles, addì ventinove ottobre duemilatreddici.

Briselē, divi tūkstoši trīspadsmitā gada divdesmit devītajā oktobrī.

Priimta du tūkstančiai trylikų metų spalio dvidešimt devintą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-tizenharmadik év október havának huszonkilencedik napján.

Magħmul fi Brussell, fid-disgħa u ghoxrin jum ta' Ottubru tas-sena elfejn u tlettax.

Gedaan te Brussel, de negenentwintigste oktober tweeduizend dertien.

Sporządzono w Brukseli dnia dwudziestego dziewiątego października roku dwa tysiące trzynastego.

Feito em Bruxelas, em vinte e nove de outubro de dois mil e treze.

Întocmit la Bruxelles la douăzeci și nouă octombrie două mii treisprezece.

V Bruseli dvadsiateho deviateho oktobra dvetisíctrinásť.

V Bruslju, dne devetindvajsetega oktobra leta dva tisoč trinajst.

Tehty Brysselissä kahdentenakymmenentenäyhdeksäntenä päivänä lokakuuta vuonna kaksituhattakolme-toista.

Som skedde i Bryssel den tjugonionde oktober tjugohundratreton.

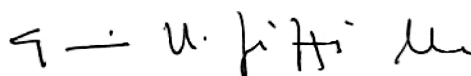
За държавите-членки
 Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Za države članice
 Per gli Stati membri
 Dalībvalstu vārdā –
 Valstybių narių vardu
 A tagállamok részéről
 Ghall-Istati Membri
 Voor de lidstaten
 W imieniu Państw Członkowskich
 Pelos Estados-Membros
 Pentru statele membre
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 För medlemsstaterna



За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen



За Република Сан Марино
 Por la República de San Marino
 Za Republiku San Marino
 For Republikken San Marino
 Für die Republik San Marino
 San Marino Vabariigi nimel
 Για τη Δημοκρατία του Αγίου Μαρίνου
 For the Republic of San Marino
 Pour la République de Saint-Marin
 Za Republiku San Marino
 Per la Repubblica di San Marino
 Sanmarīno Republikas vārdā –
 San Marino Respublikos vardu
 A San Marino Köztársaság részéről
 Ghar-Repubblika ta' San Marino
 Voor de Republiek San Marino
 W imieniu Republiki San Marino
 Pela República de São Marino
 Pentru Republica San Marino
 Za Sanmarínsku republiku
 Za Republiko San Marino
 San Marinon tasavallan puolesta
 För Republiken San Marino



REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1228/2013

of 28 November 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92⁽²⁾. That period should be set at three months.

(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 which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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, 28 November 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⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
The article is a rectangular box made of solid paperboard with an outer surface of plastic sheeting not exceeding half of the total thickness. The box is constructed like a chest holding a single drawer which pulls away from inside the box and is designed to display a bottle when the box is opened. The drawer is made to hold a bottle of wine of specific dimensions. On the inside of the drawer a circular button is fixed to one wall and a ring-like structure is fixed to the opposite wall. The ring-like structure is designed to enclose the top of a bottle and the circular button to fit into the hollow part of the bottom of a bottle. Moreover, inside the drawer a paperboard sleeve is fixed to the side wall to hold a leaflet. (*)	4202 92 19	Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, note 2(h) to Chapter 48 and the wording of CN codes 4202, 4202 92 and 4202 92 19. Classification under heading 4819 as a box of paperboard is excluded, as the article is not just a simple box of paperboard of that heading but, due to its design, its solidity, the plastic sheeting and the internal structure to accommodate a bottle of specific dimensions, it is recognizable as a bottle-case of paperboard and sheeting of plastics, covered by the second part of the text of heading 4202. The article is therefore to be classified under CN code 4202 92 19 as a "bottle-case".

(*) The photograph is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) No 1229/2013
of 28 November 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may continue to be invoked for a certain period by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92⁽²⁾. That period should be set at three months.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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, 28 November 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⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

ANNEX

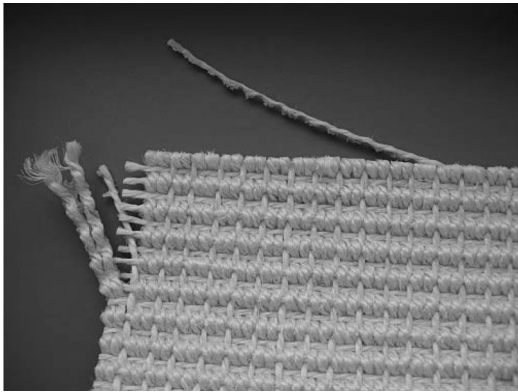
Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
Article consisting of a wooden platform (measuring approximately 40 to 40 cm) covered on the upper and edges with a felt lined woven fabric of synthetic fibres (polypropylene). The fabric has a backing of cellular plastic. In the centre of the platform, there is a 60 cm high tube made of cardboard, with a cover on both ends. The cover at the bottom end is made of hard plastic, and a screw is passed through the wooden platform into that plastic cover in order to attach the platform to the tube. The cover at the top end of the tube consists of a round piece of wooden material having a diameter of approximately 12 cm and being covered with a woven pile fabric (a plush of 60% polyacryl and 40% polyester). The tube is covered with a sisal mat glued to it and fixed to it by staples. The sisal mat consists of a latex backing applied to a woven fabric of spun vegetable fibres of sisal (see photo no 668B). The spun strings of sisal fibres measure more than 20 000 decitex each. (See photographs nos. 668A and 668B) (*)	6307 90 98	Classification is determined by general rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature (GIR), note 7(f) to Section XI and the wording of CN code 6307, 6307 90 and 6307 90 98. Given its objective characteristics, the article is an article for cats and is designed to attract cats and to keep them away from furniture that they would otherwise scratch and occupy. Classification as furniture under heading 9403 is excluded because that heading covers products of a different nature which are used for private dwellings, hotels, offices, schools, churches, shops, laboratories, etc. (see also the Harmonised System Explanatory Notes (HSEN) to heading 9403 of the HS). Classification as toys under heading 9503 is also excluded because the article is identifiable as intended exclusively for animals and thus not covered by that heading in accordance with note 5 to Chapter 95. The textile material is essential to attract cats (e.g. to scratch their claws on it, sit on it and play with it) and consequently essential to the use of the article as a scratching and playing facility for cats. Thus, it is the textile material (not the wood, paperboard or plastic) that gives the article its essential character within the meaning of GIR 3(b). The sisal fibres of heading 5305 have been spun into twine of heading 5607 within the meaning of note 3 (A) (e) to Section XI of the CN (see also the HSEN to heading 5305, first paragraph, and the distinction between yarns and twine in table I, type; of other vegetable fibres, in the HSEN to Section XI, General, (1) (B) (2)). However, the woven sisal fabric cannot be classified in heading 5609 as an article of twine, because this heading does not cover textile articles covered by a more specific heading for textile fabrics such as heading 6307 (see also the HSEN to heading 5609, first paragraph and third paragraph, point (c)). Neither the sisal mat nor the felt lined woven fabric of synthetic fibres with its backing of cellular plastic can be classified in Chapter 57 within the meaning of note 1 to that Chapter as those materials are part of a cat scratcher and do not have a furnishing purpose (see also the HSEN to Chapter 57, General, first paragraph).

(1)	(2)	(3)
		Consequently, a made-up article consisting of woven sisal fabric, woven pile fabric, and felt lined woven fabric of synthetic fibres, should be classified under heading 6307. The article should therefore be classified under CN code 6307 90 98 as "other made-up textile articles".

(*) The photographs are purely for information.



668A



668B

COMMISSION IMPLEMENTING REGULATION (EU) No 1230/2013
of 28 November 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92⁽²⁾. That period should be set at three months.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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, 28 November 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⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
The product is put up for retail sale in tablet form with a total weight of ca. 900 mg each, one tablet consisting of (mg): — alpha-lipoic acid 300, — calcium (as dibasic calcium phosphate) 88,5, — microcrystalline cellulose, hydroxypropyl ethylcellulose, colloidal silicon dioxide and magnesium stearate ca. 511. According to the label, the product is presented as a food supplement for human consumption. The recommended daily dose indicated on the label is one tablet per day.	3004 90 00	Classification is determined by the General Rules 1 and 6 for the interpretation of the Combined Nomenclature and the wording of CN codes 3004 and 3004 90 00. Although the product is presented as a food supplement, it has effects in the field of the prevention or treatment of diseases or ailments. Its classification under heading 2106 as a food preparation not elsewhere specified or included is therefore excluded (see also Harmonized System Explanatory Notes to heading 2106, point (16)). The product is put up for retail sale in measured doses and exhibits clearly defined prophylactic or therapeutic properties, e.g. against polyneuropathy. It is therefore to be classified as a medicament put up in measured doses for retail sale of heading 3004.

COMMISSION IMPLEMENTING REGULATION (EU) No 1231/2013
of 28 November 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92⁽²⁾. That period should be set at three months.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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, 28 November 2013.

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

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

ANNEX

Description of goods	Classification (CN code)	Reasons
(1)	(2)	(3)
Treated distillate aromatic extract (TDAE) having the following physico-chemical properties: — content of aromatic constituents between 74,2 % and 75 % by weight, as determined by the chromatography column process described in Annex A to Chapter 27 of the Explanatory Notes to the Combined Nomenclature (CNEN); — density at 15 °C between 0,9521 and 0,9590 g/cm³; — not more than 4 % by volume distils up to 300 °C, as determined by the ASTM D 86-67 (EN ISO 3405) method. TDAE is an extract that is the result of the refining of lubricants from vacuum distillation residues. The aromatic constituents are produced as by-products in the refining of lubricating oil base stocks and waxes. The product is used as plasticizer for non-vulcanised rubber compounds that constitute raw materials in the manufacture of tyres and other vulcanised rubber products.	2707 99 99	Classification is determined by the General Rules 1, and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 2707, 2707 99 and 2707 99 99. As the product has not been directly obtained by distillation or refining of crude petroleum oils or of crude oils obtained from bituminous materials and the weight of the aromatic constituents in the product exceeds that of the non-aromatic constituents, classification under heading 2710 as petroleum oils and oils obtained from bituminous minerals, other than crude, preparations not elsewhere specified or included containing by weight 70 % or more of petroleum oils and oils obtained from bituminous minerals or waste oils is excluded (see Note 2 to Chapter 27). As the product has not been directly obtained from petroleum, petroleum oils or from oils of bituminous minerals and the content of aromatic constituents in the product is less than 80 %, classification under heading 2713 as petroleum coke, petroleum bitumen or other residues therefrom is excluded (see also the Explanatory Notes to the Combined nomenclature (CNEN) to subheadings 2713 90 10 and 2713 90 90). The product is an aromatic extract obtained by the refining of lubricants from vacuum distillation residues. Due to its content of aromatic constituents, it belongs to the category of oils or similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents (see also the CNEN to subheadings 2707 99 91 and 2707 99 99, item 2). It is therefore to be classified under CN code 2707 99 99.

COMMISSION IMPLEMENTING REGULATION (EU) No 1232/2013
of 28 November 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 issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992⁽²⁾. That period should be set at three months.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months from the date of entry into force of this Regulation.

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, 28 November 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⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

ANNEX

Description of the goods	Classification (CN code)	Reasons
(1)	(2)	(3)
A non-alcoholic beverage ready for immediate consumption consisting of (% by weight): Peach puree 31 Carrot juice concentrate 28 Apple juice concentrate 12 Pear puree 7 Pineapple juice concentrate 7 Grape juice concentrate 4 Pear juice concentrate 3 and orange pulp, acerola cherry puree concentrate, apple fibre and lemon juice concentrate. The ingredients of this product are pasteurised and filled in small containers (100 ml) for retail sale.	2202 90 10	Classification is determined by the General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 3 to Chapter 22 and the wording of CN codes 2202, 2202 90 and 2202 90 10. As the product is obtained from a mixture of several fruit juice concentrates and a vegetable juice concentrate with the addition of fruit purees, the product has lost the original character of a fruit juice of heading 2009 (see also the Harmonized System Explanatory Notes to heading 2009). The product is presented as a non-alcoholic beverage consisting of fruit juice concentrates, a vegetable juice concentrate and fruit purees. The product is therefore to be classified under CN code 2202 90 10.

COMMISSION IMPLEMENTING REGULATION (EU) No 1233/2013

of 29 November 2013

establishing a derogation from Regulation (EC) No 1967/2006 as regards the minimum distance from coast and the minimum sea depth for boat seines fishing for transparent and Ferrer's gobies (*Aphia minuta* and *Pseudaphia ferreri*) and Lowbody picarel (*Spicara smaris*) in certain territorial waters of Spain (Balearic Islands)

THE EUROPEAN COMMISSION,

equal or minor capacity in terms of tonnage and power will be able to replace it in the census.

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

(1) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears within 3 nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.

(2) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and (9) are fulfilled.

(3) On 8 October 2012 the Commission received a request for derogation from Spain to Article 13(1) of that Regulation, for the use of boat seines fishing for Transparent and Ferrer's gobies (*Aphia minuta* and *Pseudaphia ferreri*) and lowbody picarel (*Spicara smaris*), within its territorial waters in the Autonomous Community of the Balearic Islands.

(4) The request covers vessels registered in the maritime census managed by the Directorate-General for Rural and Marine Environment of the Balearic Islands which have a track record in the fishery of more than five years and will operate under a management plan regulating boat seines fishing for transparent and Ferrer's gobies (*Aphia minuta* and *Pseudaphia ferreri*) and lowbody picarel (*Spicara smaris*).

(5) The management plan guarantees no future increase in the fishing effort, foreseeing that whenever one of the 60 authorised vessels stops the activity only a vessel with an

(6) The Scientific, Technical and Economic Committee for Fisheries (STECF) has assessed the derogation requested by Spain and the related draft management plan at its plenary session held from 5 to 9 November 2012.

(7) Spain has adopted the management plan by Decree 44/2013 of 4 October, establishing a multi-island Management Plan for traditional boat seine fisheries in the waters of the Balearic Islands ⁽²⁾ in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

(8) The derogation requested by Spain complies with the conditions set out in Article 13(5) and (9) of Regulation (EC) No 1967/2006.

(9) In particular, given both the limited size of the continental shelf and the spatial distribution of the target species, which is exclusively limited to certain zones in the coastal areas at depths of less than 50 meters, the fishing grounds are limited.

(10) Moreover, the fishery cannot be undertaken with other gears, has no significant impact on protected habitats and is very selective, since the seines are hauled in the water column and do not touch the seabed. Indeed collection of material from the seabed would damage the target species and make the selection of the fished species virtually impossible due to their very small size.

(11) The derogation requested by Spain affects a limited number of vessels, since only 60 vessels are involved.

(12) The fishing activities concerned fulfil the requirements of Article 4 of Regulation (EC) No 1967/2006 concerning protected habitats since the related Spanish management plan explicitly prohibits fishing above those protected habitats.

⁽¹⁾ OJ L 409, 30.12.2006, p. 11.

⁽²⁾ Decreto 44/2013, de 4 de octubre, por el que establece el Plan de Gestión Pluriinsular para la PESCA con Artes de Tiro Tradicionales en Aguas de las Illes Balears. Butlletí Oficial de les Illes Balears No 137, 5.10.2013, pg. 47345.

- (13) The requirements of Article 8(1)(h) of Regulation (EC) No 1967/2006 are not applicable since they relate to trawlers.
- (14) Since the fishing activities concerned are highly selective, have a negligible effect on the environment and are not affected by provisions in Article 4(5) of Regulation (EC) No 1967/2006, they are eligible for the derogation to the minimum mesh size referred to in Article 9(7) of Regulation (EC) No 1967/2006. Therefore, the minimum mesh size rules set by Article 9(3) do not apply.
- (15) The Spanish management plan includes measures for the monitoring of fishing activities, thus fulfilling the conditions set out in the third subparagraph of article 13(9) of Regulation (EC) No 1967/2006 and in Article 14 of the Council Regulation (EC) No 1224/2009 ⁽¹⁾.
- (16) The fishing activities concerned take place at a very short distance from the coast and therefore do not interfere with the activities of other vessels.
- (17) The Spanish management plan ensures that catches of species mentioned in Annex III to Regulation (EC) No 1967/2006 are minimal and that the fishing activities do not target cephalopods.
- (18) Therefore, the requested derogation should be granted.
- (19) Spain should report to the Commission in due time and in accordance with the monitoring plan provided for in the Spanish management plan.
- (20) In line with the request by Spain, a limitation in duration of the derogation will allow ensuring prompt corrective management measures in case the report to the Commission will show a poor conservation status of the exploited stock while providing scope to improve the scientific basis for an improved management plan.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply, in territorial waters of Spain adjacent to the coast of the the Autonomous Community of the Balearic Islands, to fishing for Transparent and Ferrer's gobies (*Aphia minuta* and *Pseudaphia ferreri*) and lowbody picarel (*Spicara smaris*) by boat seines which are used by vessels:

- (a) registered in the maritime census managed by the Directorate-General for Rural and Marine Environment of the Balearic Islands,
- (b) having a track record in the fishery of more than five years and not involving any future increase in fishing effort provided; and
- (c) holding a fishing authorization and operating under the management plan adopted by Spain in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

This derogation shall apply for a period of three years following the date of entry into force of this Regulation.

Article 2

Monitoring plan and report

Spain shall communicate to the Commission, within three years following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the management plan referred to in Article 1(c).

Article 3

Entry into force

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

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

Done at Brussels, 29 November 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 1234/2013**of 2 December 2013****amending Implementing Regulation (EU) No 1020/2012 adopting the plan allocating to the Member States resources to be charged to the 2013 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the European Union**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular points (f) and (g) of Article 43, in conjunction with Article 4 thereof,

Whereas:

(1) Article 27 of Regulation (EC) No 1234/2007 as amended by Regulation (EU) No 121/2012 of the European Parliament and of the Council ⁽²⁾ has established for 2012 and 2013 a scheme for the distribution of food to the most deprived persons in the Union, which applies until the completion of the 2013 annual plan.

(2) Commission Implementing Regulation (EU) No 1020/2012 ⁽³⁾ adopted the plan for the supply of food to the most deprived persons and allocated the adequate financial resources in charge of 2013 budget year. In accordance with Article 3(1) of Commission Regulation (EU) No 807/2010 ⁽⁴⁾, the implementation period of an annual plan is to begin on 1 October and to finish on 31 December of the following year. In order to ensure a smooth transition to the Fund for European Aid to the Most Deprived when it is established in 2014, notably in

terms of delivery of support, and in accordance with the requests that the Commission received from Spain, Poland and Slovenia an extension of the implementation period of the 2013 annual plan for the distribution of food for the benefit of the most deprived persons seems appropriate. In order to ensure equal treatment, the extension should be applicable for all Member States.

(3) As a result of judicial procedures launched against tender procedures, Greece has faced delays in the signature of public procurement contracts and has accordingly requested the extension of the deadline to submit payment requests mentioned in the first paragraph of Article 4 of Implementing Regulation (EU) No 1020/2012. In view of this request and of the difficult financial situation faced by Greece, it is appropriate to allow this extension. In order to ensure equal treatment, the derogation should apply to all Member States. As the deadline for the submission of payment requests was set at 30 September, this derogation should apply retrospectively.

(4) For accounting purposes, the advances paid by the Paying Agencies to beneficiaries as well as the clearing of advances at beneficiary level should be booked in the Commission's annual accounts. Therefore, it is appropriate for the Member States to fix the date by which the beneficiaries of those payments should submit costs statements and certain other information related to advance payments. In addition, it is appropriate to set the deadline of the data provision from the Member States to the Commission as 1 February 2014, which corresponds to the deadline applicable to the provision of accounting information referred to in Article 7(2) of Commission Regulation (EC) No 885/2006 ⁽⁵⁾.

(5) Implementing Regulation (EU) No 1020/2012 should be amended accordingly.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ Regulation (EU) No 121/2012 of the European Parliament and of the Council of 15 February 2012 amending Council Regulations (EC) No 1290/2005 and (EC) No 1234/2007 as regards distribution of food products to the most deprived persons in the Union (OJ L 44, 16.2.2012, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 1020/2012 of 6 November 2012 adopting the plan allocating to the Member States resources to be charged to the 2013 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the European Union and derogating from certain provisions of Regulation (EU) No 807/2010 (OJ L 307, 7.11.2012, p. 62).

⁽⁴⁾ Commission Regulation (EU) No 807/2010 of 14 September 2010 laying down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Union (OJ L 242, 15.9.2010, p. 9).

⁽⁵⁾ Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD (OJ L 171, 23.6.2006, p. 90).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1020/2012 is amended as follows:

(1) the following Article 1a is inserted:

'Article 1a

By way of derogation from Article 3(1) of Regulation (EU) No 807/2010, the implementation period of the 2013 annual distribution plan shall finish on 28 February 2014.;

(2) in Article 4, the first paragraph is replaced by the following:

'By way of derogation from Article 9 of Regulation (EU) No 807/2010, for the 2013 distribution plan, requests for payment shall be submitted to the competent authorities of each Member State by 15 October 2013.;

(3) Article 5 is amended as follows:

(a) in paragraph 1, point (b) is replaced by the following:

'(b) they have taken all measures to ensure that the implementation shall be completed not later than 28 February 2014.;

(b) the following paragraph 5a is inserted:

'5a. The operators selected in accordance with Article 4(4) and (6) of Regulation (EU) No 807/2010 and the designated organisations referred to in Article 27(1) of Regulation (EC) No 1234/2007 shall provide to the competent authority of the Member State which granted the advance payment the following information:

(a) costs statements justifying, by cost item, the use of the advances until 15 October 2013; and

(b) a confirmation, by cost item, of the balance of unused advances remaining on 15 October 2013.

Member States shall fix the date of transmission of the information referred to in the first subparagraph to allow it to be included in the notification referred to in paragraph 6.;

(c) paragraph 6 is replaced by the following:

'6. No later than 1 February 2014, Member States shall notify the Commission, with the information referred to in Article 7(2) of Commission Regulation (EC) No 885/2006 (*), of the total amount of the advance payments made by 15 October 2013 in accordance with paragraph 2 of this Article which have not been cleared and which relate to operations that have not yet been completed.

(*) Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD (OJ L 171, 23.6.2006, p. 90).'

Article 2

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

Point 2 of Article 1 shall apply from 30 September 2013.

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

Done at Brussels, 2 December 2013.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1235/2013**of 2 December 2013****amending the Annex to Regulation (EU) No 37/2010 on pharmacologically active substances and their classification regarding maximum residue limits in foodstuffs of animal origin, as regards the substance diclazuril****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) The maximum residue limit ('MRL') for pharmacologically active substances intended for use in the Union in veterinary medicinal products for food-producing animals or in biocidal products used in animal husbandry are established in accordance with Regulation (EC) No 470/2009.
- (2) Pharmacologically active substances and their classification regarding MRLs in foodstuffs of animal origin are set out in the Annex to Commission Regulation (EU) No 37/2010⁽²⁾.
- (3) Diclazuril is currently included in Table 1 of the Annex to Regulation (EU) No 37/2010 as an allowed substance, for all ruminants and porcine species, for oral use only,

and for poultry, applicable to muscle, skin and fat, liver and kidney, excluding animals from which eggs are produced for human consumption.

- (4) An application for the extension of the existing entry for diclazuril applicable to rabbits has been submitted to the European Medicines Agency.
- (5) The Committee for Medicinal Products for Veterinary Use recommended the establishment of a MRL for diclazuril for rabbits, applicable to muscle, fat, liver and kidney.
- (6) Regulation (EU) No 37/2010 should therefore be amended to include the MRL for diclazuril in respect of rabbits.
- (7) It is appropriate to provide for a reasonable period of time for the stakeholders concerned to take measures that may be required to comply with the newly set MRL.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

It shall apply from 3 February 2014.

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

Done at Brussels, 2 December 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 152, 16.6.2009, p. 11.

⁽²⁾ OJ L 15, 20.1.2010, p. 1.

ANNEX

In Table 1 of the Annex to Regulation (EU) No 37/2010, the entry for diclazuril is replaced by the following:

Pharmacologically active Substance	Marker residue	Animal Species	MRL	Target Tissues	Other Provisions (according to Article 14(7) of Regulation (EC) No 470/2009)	Therapeutic Classification
'Diclazuril	NOT APPLICABLE	All ruminants, porcine	No MRL required	NOT APPLICABLE	For oral use only	NO ENTRY
	Diclazuril	Poultry	500 µg/kg	Muscle	Not for use in animals from which eggs are produced for human consumption	Antiparasitic agents/Agents acting againsts protozoa'
			500 µg/kg	Skin and fat in natural proportions		
			1 500 µg/kg	Liver		
			1 000 µg/kg	Kidney		
		Rabbit	150 µg/kg	Muscle		
			300 µg/kg	Fat		
			2 500 µg/kg	Liver		
			1 000 µg/kg	Kidney		

COMMISSION REGULATION (EU) No 1236/2013

of 2 December 2013

concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and amending Regulation (EU) No 321/2013

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency ⁽²⁾ requires the European Railway Agency (hereinafter 'the Agency') to ensure that the technical specifications for interoperability (hereinafter 'the TSIs') are adapted to technical progress, market trends and social requirements and to propose to the Commission the amendments to the TSIs which it considers necessary.
- (2) By Decision C(2007) 3371 of 13 July 2007, the Commission gave the Agency a framework mandate to perform certain activities under Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system ⁽³⁾ and Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system ⁽⁴⁾. Under the terms of that framework mandate, the Agency was requested to revise the TSI on freight wagons.

- (3) On 25 March 2013, the Agency issued a recommendation on amendments to the TSI on freight wagons (ERA/REC/01-2013/INT).
- (4) It is therefore necessary to amend Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union ⁽⁵⁾.
- (5) The measures provided for in this Regulation are in conformity with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 321/2013 is amended as follows:

- (1) Article 8(4) is replaced by the following:

'4. After a transitional period of one year following the entry into force of this Regulation, newly produced interoperability constituents of "rear-end signals", shall be covered by the required EC declaration of conformity.'

- (2) the Annex is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2014.

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

Done at Brussels, 2 December 2013.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ OJ L 191, 18.7.2008, p. 1.

⁽²⁾ OJ L 164, 30.4.2004, p. 1.

⁽³⁾ OJ L 235, 17.9.1996, p. 6.

⁽⁴⁾ OJ L 110, 20.4.2001, p. 1.

⁽⁵⁾ OJ L 104, 12.4.2013, p. 1.

ANNEX

The Annex to Regulation (EU) No 321/2013 (WAG TSI) is amended as follows:

- (1) the text of point 1.2 'Geographical scope' is replaced by the following:

The geographical scope of this TSI is the network of the whole rail system, composed of:

- the trans-European conventional rail system network (TEN) as described in Annex I section 1.1 'Network' of Directive 2008/57/EC,
- the trans-European high-speed rail system network (TEN) as described in Annex I section 2.1 'Network' of Directive 2008/57/EC,
- other parts of the network of the whole rail system, following the extension of scope as described in Annex I section 4 of Directive 2008/57/EC,

and excludes the cases referred to in Article 1(3) of Directive 2008/57/EC;

- (2) in point 4.2.3.5.2 'Running dynamic behaviour', the fourth paragraph is replaced by the following:

'Running dynamic behaviour is permitted to be assessed at interoperability constituent level in accordance with point 6.1.2.1. In this case a specific test or simulation at subsystem level is not required.';

- (3) in point 4.2.3.6.1 'Structural design of bogie frame', the second paragraph is replaced by the following:

'The integrity of the structure of a bogie frame is permitted to be assessed at interoperability constituent level in accordance with point 6.1.2.1. In this case a specific test or simulation at subsystem level is not required.';

- (4) in point 4.2.4.3.2.1 'Service brake':

- (a) the text of the second paragraph, second bullet point is replaced by the following:

— UIC leaflet 544-1:2013';

- (b) the text of the third paragraph is replaced by the following:

'The calculation shall be validated by tests. Brake performance calculation in accordance with UIC 544-1 shall be validated as set out in UIC 544-1:2013';

- (5) in point 4.2.4.3.2.2 'Parking brake', the second paragraph, third bullet point, is replaced by the following:

— the minimum parking brake performance, considering no wind, shall be determined by calculations as defined in Clause 6 of EN 14531-6:2009.';

- (6) in point 4.2.4.3.3 'Thermal capacity', the second paragraph is replaced by the following:

'The thermal load that the unit is capable of withstanding without any adverse loss of brake performance due to thermal or mechanical effects, shall be defined and expressed in terms of speed, axle load, gradient and brake distance.';

- (7) in point 4.2.4.3.4 'Wheel slide protection (WSP)' the text of the fourth paragraph is replaced by the following:

The following types of units shall be fitted with WSP:

- types of units equipped with all types of brake blocks except composite brake blocks, for which the maximum mean utilisation of adhesion is greater than 0,12,
- types of units equipped with disc brakes only and/or with composite brake blocks, for which the maximum mean utilisation of adhesion is greater than 0,11.';

- (8) the text of point 4.2.6.3 'Attachment devices for rear-end signal' is replaced by the following:

'On all units designed to receive a rear-end signal, two devices at the end of the unit shall provide for the installation of two lamps or two reflective plates as set out in Appendix E at the same height above rail and not higher than 2 000 mm. The dimensions and clearance of these attachment devices shall be as described in chapter 1 of ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the ERA website (<http://www.era.europa.eu>).';

- (9) in point 4.3.3 'Interface with the subsystem control, command and signalling' the Table 7 'Interface with control, command and signalling subsystem' is replaced by the following:

Reference in this TSI	Reference Commission Decision 2012/88/EU Annex A, Table A2, index 77
4.2.3.3 a) Rolling stock characteristics compatible with train detection system based on track circuits	— axle distances (3.1.2.1, 3.1.2.4, 3.1.2.5 and 3.1.2.6), — vehicle axle load (3.1.7.1), — impedance between wheels (3.1.9), — use of composite brake blocks (3.1.6).
4.2.3.3 b) Rolling stock characteristics compatible with train detection system based on axle counters	— axle distances (3.1.2.1, 3.1.2.2, 3.1.2.5 and 3.1.2.6), — wheel geometry (3.1.3.1-3.1.3.4), — metal/inductive components-free space between wheels (3.1.3.5) — wheel material (3.1.3.6).
4.2.3.3 c) Rolling stock characteristics compatible with train detection system based on loop equipment	— vehicle metal construction (3.1.7.2).

(10) in point 4.4 'Operating rules', the third paragraph, first bullet point, is replaced by the following:

‘— a description of operation in normal mode, including the operational characteristics and limitations of the unit (e.g. vehicle gauge, maximum design speed, axle loads, brake performance, compatibility with train detection systems, permitted environmental conditions).’;

(11) in point 4.7 'Health and safety conditions' the first paragraph is replaced by the following:

'The provisions for health and safety of staff required for the operation and maintenance of units are covered by essential requirements 1.1.5, 1.3.1, 1.3.2, 2.5.1 and 2.6.1 set out in Annex III to Directive 2008/57/EC.';

(12) point 4.8 'Parameters to be recorded in the technical file' is amended as follows:

(a) the title is replaced by the following:

'4.8 Parameters to be recorded in the technical file and European register of authorised types of vehicles';

(b) the text of the 18th bullet point is replaced by the following:

‘— Thermal load of the brake components expressed in terms of speed, axle load, gradient and brake distance.’;

(c) the following second paragraph is added at the end:

'The rolling stock data that must be recorded in the 'European register of authorised types of vehicles (ERATV)' are set out in the Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (*).

(*) OJ L 264, 8.10.2011, p. 32.;

(13) in point 6.1.2.1 'Running gear', the first paragraph is replaced by the following:

'The demonstration of conformity for the running gear is set out in chapter 2 of ERA technical document ERA/TD/2013/01/INT version 1.0 of 11.2.2013 published on the ERA website (<http://www.era.europa.eu>);

(14) in point 6.1.2.3 'Wheel' the text in indent (b), the second paragraph is replaced by the following:

'A verification procedure shall exist to ensure at the production phase that no defects may adversely affect safety due to any change in the mechanical characteristics of the wheels. The tensile strength of the material in the wheel, the hardness of the rim, the fracture toughness (only for tread-braked wheels), the resistance to impact, the material characteristics and the material cleanliness shall be verified. The verification procedure shall specify the batch sampling used for each characteristic to be verified.';

(15) the text of point 6.1.2.4 'Axle' is replaced by the following:

'In addition to the requirement for the assembly above, the demonstration of conformity of the mechanical resistance and fatigue characteristics of the axle shall be based on Clauses 4, 5 and 6 of EN13103:2009 + A2:2012.

The decision criteria for the permissible stress are specified in Clause 7 of EN EN13103:2009 + A2:2012. A verification procedure shall exist to ensure at the production phase that no defects may adversely affect safety due to any change in the mechanical characteristics of the axles. The tensile strength of the material in the axle, the resistance to impact, the surface integrity, the material characteristics and the material cleanliness shall be verified. The verification procedure shall specify the batch sampling used for each characteristic to be verified.;

- (16) in point 6.2.2.3 'Running dynamic behaviour', the fourth paragraph is replaced by the following:

'When an on-track test with normal measuring method is required the unit shall be assessed against the limit values set out in sections 1.2 and 1.3 of ERA technical document ERA/TD/2013/01/INT version 1.0 of 11.2.2013 published on the ERA website (<http://www.era.europa.eu>);

- (17) in point 6.2.2.5 'Running gear for manual change of wheelsets', the text of paragraph 'Changeover between 1 435 mm and 1 668 mm track gauges' is replaced by the following:

'The technical solutions described in the following figures of UIC leaflet 430-1:2012 are deemed to be compliant with the requirements in point 4.2.3.6.7:

- for axle units: Figures 9 and 10 of Annex B.4, and Figure 18 of Annex H of UIC leaflet 430-1:2012,
- for bogie units: Figure 18 of Annex H of UIC leaflet 430-1:2012.;

- (18) in point 6.3 the title shall read 'Subsystem containing components corresponding to interoperability constituents not holding an EC declaration' and the first paragraph is replaced by the following:

'A Notified Body is permitted to issue an EC certificate of verification of a subsystem, even if one or more of the components corresponding to interoperability constituents incorporated within the subsystem are not covered by a relevant EC declaration of conformity in accordance with this TSI (non-certified ICs), if the constituent was manufactured before the entry into force of this TSI and the type of constituent has been:

- used in a subsystem already approved, and
- placed in service in at least one Member State before the entry in force of this TSI.;

- (19) in point 6.5 'Constituents holding an EC declaration of conformity', indent b) is replaced by the following:

'(b) The EC certificates of conformity, EC-type examination certificates and EC-design examination certificates of the following ICs shall remain valid under this TSI until their expiry:

- Wheelset;
- Wheel;
- Axle.;

- (20) Appendix B 'Specific procedures for running dynamics' is replaced by the following:

'Appendix B

Not used.'

- (21) Appendix C 'Additional optional conditions' is amended as follows:

- (a) the first paragraph of point '1. Manual coupling system' is amended as follows:

- (i) the fifth bullet point is replaced by the following:

— The clearance for the draw hook shall be in accordance with chapter 2 of ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the Agency website (<http://www.era.europa.eu>);

- (ii) the ninth bullet point is replaced by the following:

— The space for shunting staff operation shall be in accordance with chapter 3 of ERA technical document ERA/TD/2012-04/INT version 1.2 of 18 January 2013 published on the Agency website (<http://www.era.europa.eu>);

- (b) the text of point '2. UIC footsteps and handrails' is replaced by the following:

'The unit shall be equipped with footsteps and handrails in accordance with chapter 4 of ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the Agency website (<http://www.era.europa.eu>);

- (c) Table C.3 'Minimum braking performance for brake modes G and P' is replaced by the following:

Braking mode	Command Equipment	unit type	Load status	Requirement for running speed at 100 km/h		Requirement for running speed at 120 km/h	
				Maximum braking distance	Minimum braking distance	Maximum braking distance	Minimum braking distance
Braking mode 'P'	Changeover ⁽²⁾	'S1' ⁽²⁾	Empty	$S_{\max} = 700 \text{ m}$ $\lambda_{\min} = 65 \%$ $a_{\min} = 0,60 \text{ m/s}^2$	$S_{\min} = 390 \text{ m}$ $\lambda_{\max} = 125 \%, (130 \%) (*)$ $a_{\max} = 1,15 \text{ m/s}^2$	$S_{\max} = 700 \text{ m}$ $\lambda_{\min} = 100 \%$ $a_{\min} = 0,88 \text{ m/s}^2$	$S_{\min} = 580 \text{ m}$ $\lambda_{\max} = 125 \%, (130 \%) (*)$ $a_{\max} = 1,08 \text{ m/s}^2$
			Inter-mediate	$S_{\max} = 810 \text{ m}$ $\lambda_{\min} = 55 \%$ $a_{\min} = 0,51 \text{ m/s}^2$	$S_{\min} = 390 \text{ m}$ $\lambda_{\max} = 125 \%$ $a_{\max} = 1,15 \text{ m/s}^2$		
			Loaded	$S_{\max} = 700 \text{ m}$ $\lambda_{\min} = 65 \%$ $a_{\min} = 0,60 \text{ m/s}^2$	$S_{\min} = \text{Max} [(S = 480 \text{ m}, \lambda_{\max} = 100 \%, a_{\max} = 0,91 \text{ m/s}^2) (S \text{ obtained with a mean retardation force of } 16,5 \text{ kN per axle})]^{(5)}$		
	Variable load Relay ⁽¹⁰⁾	'S2' ⁽²⁾	Empty	$S_{\max} = 480 \text{ m}$ $\lambda_{\min} = 100 \%^{(1)}$ $a_{\min} = 0,91 \text{ m/s}^2^{(1)}$	$S_{\min} = 390 \text{ m}$ $\lambda_{\max} = 125 \%, (130 \%) (*)$ $a_{\max} = 1,15 \text{ m/s}^2$	$S_{\max} = 700 \text{ m}$ $\lambda_{\min} = 100 \%$ $a_{\min} = 0,88 \text{ m/s}^2$	$S_{\min} = 580 \text{ m}$ $\lambda_{\max} = 125 \%, (130 \%) (*)$ $a_{\max} = 1,08 \text{ m/s}^2$
			Loaded	$S_{\max} = 700 \text{ m}$ $\lambda_{\min} = 65 \%$ $a_{\min} = 0,60 \text{ m/s}^2$	$S_{\min} = \text{Max} [(S = 480 \text{ m}, \lambda_{\max} = 100 \%, a_{\max} = 0,91 \text{ m/s}^2) (S \text{ obtained with a mean retardation force of } 16,5 \text{ kN per axle})]^{(6)}$		
		'SS' ⁽⁴⁾	Loaded (18 t per axle for brake blocks)			$S_{\max}^{(8)} = \text{Max} [S = 700 \text{ m}, \lambda_{\max} = 100 \%, a_{\max} = 0,88 \text{ m/s}^2] (S \text{ obtained with a mean retardation force of } 16 \text{ kN per axle})^{(7)}$	
Braking mode 'G'				There shall be no separate assessment of the braking performance of units in position G. A unit's braked weight in position G is the result of the braked weight in position P (see UIC 544-1:2013)			

(*) Only for two stage load brake (changeover command) and P10 (cast iron blocks with 10 ‰ phosphor)- or LL-brake blocks

⁽¹⁾ 'a' = $\frac{((\text{Speed (km/h)})/3,6)^2}{2 \times (S - ((T_e) \times (\text{Speed (km/h)})/3,6))}$, with $T_e = 2 \text{ sec}$. Distance calculation in accordance with EN 14531-1:2005 section 5.11

⁽²⁾ An 'S1' unit is a unit with empty/load device. The maximum load per axle is 22,5 t.

⁽³⁾ An 'S2' unit is a unit with a variable load relay. The maximum load per axle is 22,5 t.

⁽⁴⁾ An 'SS' unit shall be equipped with a variable load relay. The maximum load per axle is 22,5 t.

- (⁵) The maximum mean retardation force allowed (for running speed at 100 km/h) is $18 \times 0,91 = 16,5$ kN/axle. This value comes from the maximum braking energy input permitted on a clasp braked wheel with a nominal new diameter in the range of [920 mm; 1 000 mm] during braking (the brake weight shall be limited to 18 tonnes/axle).
- (⁶) The maximum mean retardation force allowed (for running speed at 100 km/h) is $18 \times 0,91 = 16,5$ kN/axle. This value comes from the maximum braking energy input permitted on a clasp braked wheel with a nominal new diameter in the range of [920 mm; 1 000 mm] during braking (the brake weight shall be limited to 18 tonnes/axle). Usually a unit, with $V_{\max} = 100$ km/h and fitted with a variable relay is designed to obtain $\lambda = 100\%$ up to 14,5 t/axle.
- (⁷) The maximum mean retardation force allowed (for running speed at 120 km/h) is $18 \times 0,88 = 16$ kN/axle. This value comes from the maximum braking energy input permitted on a clasp braked wheel with a nominal new diameter in the range of [920 mm; 1 000 mm] during braking (the brake weight shall be limited to 18 tonnes). The mass/axle is limited to 20 t/axle and the corresponding λ is 90 %. If it is required that $\lambda > 100\%$ with mass/axle > 18 t then it is necessary to consider another kind of brake.
- (⁸) λ must not exceed 125 %, considering for braking only on wheels (brake blocks), the maximum mean retardation force allowed of 16 kN/axle (for running speed at 120 km/h).
- (⁹) Changeover in accordance with EN 15624:2008 + A1:2010
- (¹⁰) Variable load relay in accordance with EN 15611:2008 + A1:2010 in combination with a variable load sensing device in accordance with EN 15625:2008 + A1:2010;

(22) Appendix D 'Standards or normative documents referred to in this TSI' is amended as follows:

- (a) First table — the text 'Content of prEN 16235 included in Appendix B of this TSI' in the cell in the column 'Reference to mandatory standards', 17th row, is replaced by the following:
'ERA technical document ERA/TD/2013/01/INT version 1.0 of 11.2.2013 published on the Agency website (<http://www.era.europa.eu>).';
- (b) First table — the text 'Content of prEN 16235 included in Appendix B of this TSI' in the cell in the column 'Reference to mandatory standards', 20th row, is replaced by the following:
'ERA technical document ERA/TD/2013/01/INT version 1.0 of 11.2.2013 published on the Agency website (<http://www.era.europa.eu>).';
- (c) First table — the text 'EN 13103:2009 + A1:2010' in the cell in the column 'Reference to mandatory standards', 28th row, is replaced by the following:
'EN13103:2009 + A2:2012';
- (d) First table — the text 'UIC 430-1:2006' in the cell in the column 'Reference to mandatory standards', 32nd row, is replaced by the following:
'UIC leaflet 430-1:2012';
- (e) First table — the text 'UIC 544-1:2012' in the cell in the column 'Reference to mandatory standards', 35th row, is replaced by the following:
'UIC 544-1:2013';
- (f) First table — the text 'ERA technical document ERA/TD/2012-04/INT version 1.0 of 4.6.2012' in the cell in the column 'Reference to mandatory standards', last row, is replaced by the following:
'ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the Agency website (<http://www.era.europa.eu>).';
- (g) Second table — the text 'ERA technical document ERA/TD/2012-04/INT version 1.0 of 4.6.2012' in the cell in the column 'Standard/UIC leaflet', fourth row, is replaced by the following:
'ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the Agency website (<http://www.era.europa.eu>).';
- (h) Second table — the text 'ERA technical document ERA/TD/2012-04/INT version 1.0 of 4.6.2012' in the cell in the column 'Standard/UIC leaflet', sixth row, is replaced by the following:
'ERA technical document ERA/TD/2012-04/INT version 1.2 of 18.1.2013 published on the Agency website (<http://www.era.europa.eu>).';

COMMISSION IMPLEMENTING REGULATION (EU) No 1237/2013**of 2 December 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, 2 December 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	AL	49,2
	MA	50,7
	TR	86,5
	ZZ	62,1
0707 00 05	AL	47,7
	EG	200,0
	MA	158,2
	TR	92,5
	ZZ	124,6
0709 91 00	EG	200,0
	ZZ	200,0
0709 93 10	MA	134,5
	TR	158,8
	ZZ	146,7
0805 20 10	AU	135,8
	MA	62,5
	PE	131,0
	TR	100,8
	ZA	150,1
	ZZ	116,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	59,5
	PE	74,3
	SZ	43,6
	TR	68,9
	UY	92,4
	ZZ	67,7
0805 50 10	TR	82,8
	ZZ	82,8
0808 10 80	AU	125,0
	BA	45,7
	MK	41,5
	US	152,0
	ZA	93,4
	ZZ	91,5
0808 30 90	TR	112,1
	ZZ	112,1

⁽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 19 November 2013

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

(2013/703/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) The Council granted financial assistance to Portugal, at the latter's request, on 17 May 2011 by means of Council Implementing Decision 2011/344/EU ⁽²⁾. Such financial assistance was granted in support of a strong economic and financial reform programme (the 'Programme') which aims to restore confidence, enable the return of the economy to sustainable growth, and safeguard 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), has conducted, between 16 September and 3 October 2013, the combined eighth and ninth reviews of the Portuguese authorities' progress on the implementation of the agreed measures under the Programme.
- (3) Quarterly real gross domestic product (GDP) growth returned into positive territory in the second quarter of this year and short-term indicators also point to a progressive bottoming out of the recession. Real GDP is expected to contract by 1,8 % this year and to grow by 0,8 % and 1,5 % in 2014 and 2015, respectively. Tensions in the labour market are expected to ease

somewhat. Still, the unemployment rate is expected to peak at 17,7 % next year before starting to decrease progressively. Uncertainties with regard to the macro-economic outlook are high as the sustainability of the projected recovery in 2014 and 2015 is contingent on positive trade and financial market developments, which remain fragile.

- (4) Up to August 2013 the government cash deficit recorded an improvement of 0,6 percentage points of GDP (net of extraordinary factors) compared with the same period of the preceding year. Solid tax revenue performance and tight execution of most expenditure items are supporting the budgetary execution. However, some deviations have been identified with respect to the fiscal outlook of the seventh review of the Portuguese authorities' progress on the implementation of the agreed measures under the Programme ('seventh review'). These deviations include shortfalls related to the reprogramming of Union funds and the postponement of the sale of a port concession (one-offs) and other factors, such as the higher than expected contribution to the Union budget, the under-performance of some non-tax revenue, the transfer to Greece of dividends from Greek bonds holdings in Banco de Portugal's investment portfolio, the lower than expected social contributions to the public employees' pension scheme and overruns in the wage bill and intermediate consumption. After the use of the provisional budget allocations (0,3 % of GDP), the net effect of the deviations is estimated to increase the 2013 deficit by 0,5 % of GDP. In addition, a capital injection into BANIF — Banco Internacional do Funchal, SA amounting to 0,4 % of GDP also increased the budget gap although this operation should not be considered for Programme purposes.
- (5) The Government is taking corrective measures to ensure attainment of the 5,5 % of GDP programme deficit target, in particular through the reduction of available funds for investment and tighter control on the intermediate consumption of line ministries (0,1 % of GDP). In addition, the Government announced a one-off tax-and-social-security-contributions debt recovery scheme, which is expected to recover revenue of about 0,4 % of GDP and is accompanied by increased sanctions for criminal tax offenders.

⁽¹⁾ OJ L 118, 12.5.2010, p. 1.

⁽²⁾ Council Implementing Decision 2011/344/EU of 17 May 2011 on granting Union financial assistance to Portugal (OJ L 159, 17.6.2011, p. 88).

- (6) The updated fiscal projections show a fiscal effort for 2013, measured by the improvement in the structural balance, of 0,5 % of GDP — slightly below the 0,6 % of GDP envisaged at the seventh review. The projected underperformance is mainly explained by delays in the implementation of the initially planned consolidation package and its partial replacement by one-offs while unexpected pressure has weighed on the budget reserves. The implementation delays are due to several constraints, including the political crisis in July and the subsequent government reshuffle; the challenge of responding to the Constitutional Court ruling of 29 August deeming some provisions of the draft law for a new requalification system unconstitutional and the technical difficulties in implementing certain measures, in particular the redesigned social security contributions from unemployment and sickness benefits above a minimum level, following the Constitutional Court ruling of 5 April.
- (7) The Government has reaffirmed its commitment to the deficit target of 4 % of GDP in 2014. In this respect, the Government has adopted consolidation measures amounting to about 2,3 % of GDP, which also cover for part of the slippages in 2013 that will carry over into 2014. The consolidation measures are to a large extent included in the draft Budget Law, whilst some measures are implemented through specific legislation. The measures are primarily of a permanent nature and rest predominantly on expenditure savings. Overall, the cumulative value of the consolidation package necessary to achieve the envisaged fiscal adjustment has not changed with respect to the seventh review — approximately EUR 4,7 billion of permanent saving measures over 2013-2014, or 2,8 percent of GDP. However, part of the consolidation effort is now back-loaded to 2014 as a result of the aforementioned implementation delays in 2013.
- (8) Most of the consolidation in 2014 — about 1,8 percent of GDP — should be drawn from the public expenditure review, which was carried out over the past year with the objective of increasing equity and efficiency in the provision of social transfers and public services. The main public expenditure review measures will be along three principal axes: (1) limiting outlays in the public sector wage bill by reducing 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; (2) pension reform; and (3) sectoral expenditure cuts across line ministries and programmes.
- (9) To compensate for the negative carry-over from the 2013 budgetary execution and achieve the 4 % of GDP deficit target, the public expenditure review package is to be complemented by other permanent measures aiming to further improve the efficiency and equity of the current tax and benefit structure (worth 0,4 % of GDP). Moreover, a number of one-off measures worth 0,2 % of GDP will be implemented, more than offsetting the costs arising from the one-off upfront payments related to the introduction of a mutual agreement redundancy scheme in the public sector.
- (10) The debt-to-GDP ratio is expected to peak at 127,8 % in 2013 and to decline thereafter. The upward revision with respect to the seventh review is explained by the correction of the 2012 debt data, which is now slightly higher, and the non-realisation of some short-term debt-reducing operations. In particular, the Social Security Stabilisation Fund is now expected to increase its holdings of Portuguese Government bonds more gradually and General Government payables to Parpublica will be higher than previously foreseen until the new ESA 2010 enters into force and the status of the company is defined. Moreover, the Treasury cash balance at the end of the year is estimated to be higher than previously assumed (by about EUR 4 billion).
- (11) 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 is bringing the budgetary framework, including at central, regional and local government levels, in line with best practices in public finance management. The new commitment control system is showing results but implementation needs to be monitored closely to ensure that commitments are covered by available funding. Reforms in the public administration continue with a view to modernising and rationalising public sector employment and entities. Progress in the reform agenda of the revenue administration is enhancing monitoring and strengthening revenue compliance. The renegotiation of public-private partnerships (PPPs) has made good progress and significant savings are projected for 2013 and beyond. State-owned enterprises (SOEs) reached operational balance on average by the end of 2012 and additional reforms are foreseen to avoid a renewed

deterioration of their results. Reforms in the health care sector are producing significant savings and implementation is continuing broadly in line with targets.

(12) The banks' capital ratios increased substantially in the past year allowing them to meet the European Bank Authority regulatory capital buffers as well as the 10 % core tier 1 Programme target. This capital buffer remains adequate across the board when using the new Capital Requirements Directive (CRD) IV rules for evaluating the banks' own funds. These new capital rules will apply from January 2014 onwards. Banco de Portugal is currently developing a transition approach to introduce CRD IV. The indicative loan-to-deposit target of 120 % by 2014 is likely to be met, with some banks already below this threshold. Efforts to diversify the sources of funding for the corporate sector are being strengthened. Building on the recent external audit of the existing government-sponsored credit lines and on a set of policy recommendations, the authorities submitted a plan with measures aiming to improve the performance and governance of those instruments. The crisis management toolkit is being finalised. The bank resolution fund is functioning, early intervention powers have been introduced and the recapitalisation law is being amended to reflect the Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis ⁽¹⁾.

(13) Further progress has been made in implementing growth and competitiveness-enhancing structural reforms. A new reduction of severance payments entered into force on 1 October 2013 and two compensation funds have been established with the purpose of a partial financing of severance payments. Additional steps have been taken to strengthen active labour market policies. Additional measures have been adopted in the area of education, in which progress is overall satisfactory.

(14) The implementation of Directive 2006/123/EC of the European Parliament and the Council ⁽²⁾, which aims to reduce barriers to entry and boost competition and economic activity by facilitating access for new entrants to the market in the different economic regimes, is proceeding at a good pace and its transposition is now

close to completion. The framework law for improving the functioning of the regulated professions involving a professional body was adopted and the revision of the statutes of the eighteen professions concerned is the next step to complete this reform. The 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 entered already into force and the bylaws of the various sectoral regulators are to be adopted soon. Implementation of the measures to reduce the electricity tariff debt has been delayed, though the Government has recently presented a new levy to partially deal with this matter. Some legal provisions which aim to ease licensing procedures and other administrative burdens have been adopted such as the proposal of the new base law for soil, spatial planning and urbanism.

(15) Further progress is still necessary to make the transport sector more sustainable and open to competition. There has been some improvement in the financial position of the rail infrastructure manager, but significant additional effort is needed to bring it to operational balance by 2015. The reforms in ports need to be stepped up.

(16) Some additional measures have been adopted to improve the liquidity conditions of the business sector, in particular Small and Medium Enterprises (SMEs).

(17) Reforms of the judicial system are close to completion. Progress has been achieved in reducing the backlog of cases and landmark reforms such as the geographical reorganisation of the court districts and the reform of the Code of Civil Procedure have been or are on the way to being completed. Continued improvement of the functioning of the judicial system, which is essential for the proper and fair functioning of the economy, through: (i) ensuring effective and timely enforcement of contracts and competition rules; (ii) increasing efficiency by restructuring the court system, and adopting new court management models; (iii) further reducing the slowness of the courts in dealing with cases (including tax court cases) is nevertheless necessary.

(18) In the light of these developments, Implementing Decision 2011/344/EU should be amended,

⁽¹⁾ OJ C 216, 30.7.2013, p. 1.

⁽²⁾ Directive 2006/123/EC of the European Parliament and the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

HAS ADOPTED THIS DECISION:

Article 1

In Article 3 of Implementing Decision 2011/344/EU, 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. 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 consolidation measures included in the 2013 budget and supplementary budget shall be implemented rigorously throughout the rest of the year. In addition, should further slippages arise in budgetary execution, the Government shall implement additional corrective measures;
- (b) Portugal shall continue implementing its privatisation programme;
- (c) Portugal shall complete the implementation of the strategy of shared services in public administration;
- (d) 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 ensure the implementation of the multiyear action plan for hospital reorganisation;
- (e) following the adoption of the amendments to the Law 6/2006 on new urban leases and the decree law which simplifies the administrative procedure for renovations, Portugal shall undertake a comprehensive review of the functioning of the housing market;
- (f) Portugal shall develop a nationwide land registration system to allow a more equal distribution of benefits and costs in the execution of urban planning;
- (g) while respecting the Constitutional Court's ruling of 26 September 2013, Portugal shall devise and implement alternative reform options of the labour market with similar effects to those that were declared unconstitutional in that ruling;

- (h) Portugal shall promote wage developments which are 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;
- (i) 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;
- (j) Portugal shall continue to implement the measures set out in its action plans to improve the quality of secondary and vocational education and training; in particular the Government shall present plans to make the funding framework of schools more effective and the professional schools of reference shall be established;
- (k) 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 (*);
- (l) the Government shall submit to the Portuguese Parliament the professional bodies' amended statutes;
- (m) Portugal shall approve the corresponding amendments to the bylaws of the National Regulatory Authorities;
- (n) Portugal shall publish quarterly reports on recovery rates; duration and costs of corporate insolvency cases; duration and cost of tax cases and on the clearance rate of enforcement court cases;
- (o) Portugal shall improve the business environment by completing pending reforms on the reduction of administrative burden (fully operational Points 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 postal and telecommunications sectors;
 - (r) Portugal shall implement the measures enhancing the functioning of the transport system;
 - (s) Portugal shall implement the measures eliminating the energy tariff debt;
 - (t) 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;
 - (u) Portugal shall continue to focus on measures to combat tax fraud and evasion and strengthen taxpayers' compliance.
8. Portugal shall adopt the following measures during 2014, in line with specifications in the Memorandum of Understanding:
- (a) the general government deficit shall not exceed 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. To achieve this objective Portugal shall deliver consolidation measures worth 2,3 % of GDP, primarily through the 2014 Budget Law. Measures shall be mainly of a permanent nature and tilted towards the expenditure savings side;
 - (b) the consolidation package shall build on 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 1,8 % of GDP in 2014 and shall include:
 - (i) limiting outlays on the public wage bill by reducing the size of the public-sector work force while changing its composition towards higher-skilled employees, notably through a requalification programme and a voluntary redundancy scheme; further convergence of public and private sector work rules (including the increase in working hours and reduction in holiday entitlements) and the introduction of a single wage scale as well as the streamlining of wage supplements. Beneficiaries' contributions to the special health insurance schemes shall be increased and thereby contribute to enhance the equity and efficiency of public spending;
 - (ii) reforms of the pension system by an increase in the statutory retirement age *via* changes to the sustainability factor; an alignment of the rules for pension benefit calculations between the civil servants' pension regime (CGA) and the general pension system, while protecting benefits below minimum thresholds; and streamlining survivors' pensions of both CGA and the general pension regime in cases where these accumulate with other pensions;
 - (iii) savings in intermediate consumption and expenditure programmes across line ministries. In view of political and legal risks, some of the measures may be partly or fully replaced by others of equivalent size and quality;
 - (c) the public expenditure review package shall be completed with other permanent revenue measures which aim to further improve the efficiency and equity of the current tax and benefit structure (worth 0,4 % of GDP). In particular, the taxation on expenses related to company cars shall be increased and environmental and health-related taxation shall be improved by changing the taxation of passenger diesel cars and by increasing excises on tobacco and on alcoholic beverages. Tax exemptions in property taxation for pension funds and real estate funds shall be reduced. The caps to the social security contributions of members of statutory bodies shall be removed. A special levy on the energy sector shall be imposed curbing excessive rents from the energy sector. Part of the income generated by this levy shall be used to reduce the tariff debt. Online gambling licences shall be sold with a view to the regularisation of this market and this activity shall also be taxed. A special fee on media spectrum shall be introduced and the levy on financial institutions shall be increased. Moreover, a number of one-off measures shall be implemented, more than offsetting the costs arising from the one-off upfront payments related to the introduction of the mutual agreement redundancy scheme in the public sector. These include the transfer of the CTT health fund to the government sector, the sale of a port and silos concessions as well as special dividends from the sale of excessive oil reserves from a public company;

- (d) Portugal shall present a report with the following objectives:
- (i) to identify overlaps of services and jurisdictions and other sources of inefficiencies between the central and the local levels of government; and
 - (ii) to reorganise the network of decentralised services of ministries mainly through the 'Lojas do Cidadão' (administration and utilities single points of contact) network and other approaches, encompassing more efficient geographical areas and intensifying the use of shared services and digital government;
- (e) 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 ensure the implementation of the multiyear action plan for hospital reorganisation;
- (f) Portugal shall implement the plan to create an independent gas and electricity logistics operator company;
- (g) Portugal shall implement the measures enhancing the functioning of the transport system;
- (h) Portugal shall assess the impact of the optional VAT cash accounting regime;
- (i) Portugal shall carry out an inventory and an analysis of the cost of regulations that are likely to have a higher impact on economic activity.
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) monitor the banks' transition to the new capital rules as laid down in the Capital Requirements Directive IV package (CRD IV) and ensure that capital buffers remain commensurate with the challenging operating environment;
 - (b) advise banks to strengthen their collateral buffers on a sustainable basis;
 - (c) 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;
 - (d) encourage the diversification of financing alternatives for the corporate sector, and in particular SMEs, through an array of measures aiming to improve their access to the capital markets;
 - (e) continue to streamline the state-owned CGD group;
 - (f) outsource the management of the BPN credits currently held by Parvalorem to the firms selected through the bidding process with a mandate to gradually recover the assets; and ensure timely disposal of the subsidiaries of, and the assets in, the other two state-owned special purpose vehicles;
 - (g) on the basis of the proposals to encourage the diversification of financing alternatives to the corporate sector, develop and implement solutions that provide financing alternatives to traditional bank credit for the corporate sector; and assess the scope for improving the performance and governance of the existing government-sponsored credit lines building on the results of the recent external audit and the submitted roadmap;
 - (h) 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. The Government shall submit to the Portuguese Parliament the necessary amendments to the recapitalisation law reflecting the Communication from the Commission on the application, from 1 August 2013, of State aid rules to support measures in favour of banks in the context of the financial crisis;
 - (i) implement the framework for financial institutions to engage in out-of-court debt restructuring for households, smoothen the application for restructuring of corporate debt and implement an action plan to raise public awareness of the restructuring tools;

- (j) prepare quarterly reports on the implementation of the new restructuring tools; on the basis of the recently conducted survey, 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 a difficult economic situation or imminent or actual insolvency).

Article 2

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

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 19 November 2013.

(*) Directive 2006/123/EC of the European Parliament and the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).'

For the Council

The President

L. LINKEVIČIUS

COUNCIL IMPLEMENTING DECISION**of 19 November 2013****approving the update of the macroeconomic adjustment programme of Portugal**

(2013/704/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 472/2013 of the European Parliament and of the Council of 21 May 2013 on the strengthening of economic and budgetary surveillance of Member States in the euro area experiencing or threatened with serious difficulties with respect to their financial stability⁽¹⁾, and in particular Article 7(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 472/2013 applies to Member States that are, at the time of its entry into force, already in receipt of financial assistance, including from the European Financial Stabilisation Mechanism (EFSM) and/or the European Financial Stability Facility (EFSF).
- (2) Regulation (EU) No 472/2013 sets rules for the approval of macroeconomic adjustment programmes for Member States in receipt of such financial assistance, which need to be applied in conjunction with the provisions of Council Regulation (EU) No 407/2010⁽²⁾ when the Member State concerned receives assistance both from the EFSM and from other sources.
- (3) Portugal has been granted financial assistance both from the EFSM, by Council Implementing Decision 2011/344/EU⁽³⁾, and from the EFSF.
- (4) For reasons of consistency, the approval of the update of the macroeconomic adjustment programme for Portugal under Regulation (EU) No 472/2013 should be done by reference to the relevant provisions of Implementing Decision 2011/344/EU.

(5) In line with Article 3(10) of Implementing Decision 2011/344/EU, the Commission, together with the International Monetary Fund and in liaison with the European Central Bank, has conducted the combined eighth and ninth reviews to assess the progress made by the Portuguese authorities on the implementation of the agreed measures under the macroeconomic adjustment programme, as well as their effectiveness and economic and social impact. As a consequence of that review, some changes need to be made to the existing macroeconomic adjustment programme.

(6) Those changes are set out in the relevant provisions of Implementing Decision 2011/344/EU as amended by Council Implementing Decision 2013/703/EU of 19 November 2013 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

The measures laid down in Article 3(7) to (9) of Implementing Decision 2011/344/EU to be taken by Portugal as part of its macroeconomic adjustment programme are hereby approved.

Article 2

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

Article 3

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 19 November 2013.

For the Council

The President

L. LINKEVIČIUS

⁽¹⁾ OJ L 140, 27.5.2013, p. 1.

⁽²⁾ Council Regulation (EU) No 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism (OJ L 118, 12.5.2010, p. 1).

⁽³⁾ Council Implementing Decision 2011/344/EU of 17 May 2011 on granting Union financial assistance to Portugal (OJ L 159, 17.6.2011, p. 88).

⁽⁴⁾ See page 31 of this Official Journal.

COMMISSION IMPLEMENTING DECISION

of 29 November 2013

authorising the placing on the market of rooster comb extract as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council*(notified under document C(2013) 8319)***(Only the Spanish text is authentic)**

(2013/705/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 8 February 2011 the company Bioiberica S.A. made a request to the competent authorities of the United Kingdom to place rooster comb extract on the market as a novel food ingredient.
- (2) On 25 October 2011 the competent food assessment body of the United Kingdom issued its initial assessment report. In that report it came to the conclusion that rooster comb extract for use in certain foods at the levels proposed by the applicant meets the criteria set out in Article 3(1) of Regulation (EC) No 258/97.
- (3) On 10 November 2011 the Commission forwarded the initial assessment report to the other Member States.
- (4) Reasoned objections were raised within the 60 day period laid down in the second subparagraph of Article 6(4) of Regulation (EC) No 258/97. In particular, questions concerning the specifications and possible allergenicity of the product were raised.
- (5) On 22 May 2012 the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for rooster comb extract as food ingredient in accordance with Regulation (EC) No 258/97.

- (6) On 31 May 2013 the Authority adopted a Scientific Opinion on the rooster comb extract⁽²⁾, concluding that it is safe under the proposed uses and use levels.
- (7) The Scientific Opinion gives sufficient grounds to establish that rooster comb extract in the proposed uses and use levels complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Rooster comb extract as defined and specified in Annex I may be placed on the market as a novel food ingredient for the uses defined and at the maximum levels established in Annex II.

Article 2

The designation of rooster comb extract, authorised by this Decision on the labelling of the foodstuffs containing it shall be 'rooster comb extract' or 'cockereel comb extract'.

Article 3

This Decision is addressed to Bioiberica S.A., Plaça Francesc Macià, 7. 8B, 08029 Barcelona Spain.

Done at Brussels, 29 November 2013.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ EFSA Journal 2013; 11(6):3260.

ANNEX I

SPECIFICATION OF ROOSTER COMB EXTRACT

Definition

Rooster comb extract is obtained from *Gallus gallus* by enzymatic hydrolysis of rooster comb and by subsequent filtration, concentration and precipitation steps. The principal constituents of rooster comb extract are the glycosaminoglycans hyaluronic acid, chondroitin sulphate A and dermatan sulphate (chondroitin sulphate B).

Hyaluronic acid	60-80 %
Chondroitin sulphate A	Not more than 5 %
Dermatan sulphate (chondroitin sulphate B)	Not more than 25 %

Description

White or almost white hygroscopic powder.

Identification

pH	5,0-8,5
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Purity

Chlorides	Not more than 1 %
Nitrogen	Not more than 8 %
Loss on drying (105 °C for 6 hours)	Not more than 10 %
Mercury	Not more than 0,1 mg/kg
Arsenic	Not more than 1 mg/kg
Cadmium	Not more than 1 mg/kg
Chromium	Not more than 10 mg/kg
Lead	Not more than 0,5 mg/kg

Microbiological criteria

Total viable aerobic count	Not more than 10 ² cfu/g
<i>Escherichia coli</i>	Absent in 1 g
<i>Salmonella</i> spp.	Absent in 1 g
<i>Staphylococcus aureus</i>	Absent in 1 g
<i>Pseudomonas aeruginosa</i>	Absent in 1 g

ANNEX II

Authorised uses of rooster comb extract

Food category	Maximum use level (mg/100 g or mg/100 ml)
Milk-based drinks	40
Milk based fermented drinks	80
Yoghurt-type products	65
<i>Fromage frais</i>	110

COMMISSION IMPLEMENTING DECISION

of 29 November 2013

amending Annex I to Decision 2009/177/EC as regards the disease-free status of Denmark for viral haemorrhagic septicaemia and of Ireland and Northern Ireland territory of The United Kingdom for Koi herpes virus disease

*(notified under document C(2013) 8385)***(Text with EEA relevance)**

(2013/706/EU)

THE EUROPEAN COMMISSION,

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

continental territory of Denmark. The declaration complies with the requirements for a declaration of freedom of disease laid down in Directive 2006/88/EC. Accordingly, the whole continental territory of Denmark should be declared free of viral haemorrhagic septicaemia (VHS).

Having regard to Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽¹⁾, and in particular the first subparagraph of Article 44(1), the first subparagraph of Article 44(2), 49(1) and Article 50(3) thereof,

(4) In December 2009, Ireland submitted to the Commission a multiannual surveillance programme as regards to Koi herpes virus (KHV) covering the whole territory of Ireland. The area covered by this programme has been inserted in Part A of the list set out in Annex I to Decision 2009/177/EC.

Whereas:

(1) Commission Decision 2009/177/EC⁽²⁾ sets out a list of Member States, zones and compartments subject to approved surveillance and eradication programmes, with regard to one or more of the non-exotic diseases listed in Part II of Annex IV to Directive 2006/88/EC. Decision 2009/177/EC also sets out a list of Member States, zones and compartments declared disease-free with regard to one or more of those diseases.

(5) Ireland has notified to the Commission a declaration of freedom from Koi herpes virus disease (KHV). The declaration complies with the requirements for a declaration of freedom of disease laid down in Directive 2006/88/EC. Accordingly the whole territory of Ireland should be declared free of Koi herpes virus (KHV) disease.

(2) Denmark has submitted to the Commission a multi-annual programme for the eradication of viral haemorrhagic septicaemia (VHS) pursuant to Council Decision 90/424/EEC⁽³⁾ for the period from 1 January 2009 to 31 December 2013. The zones covered by that programme have been inserted in Part B of the list set out in Annex I to Decision 2009/177/EC.

(6) The United Kingdom has submitted to the Commission a multiannual surveillance programme as regards to Koi herpes virus (KHV) disease in the Northern Ireland territory of The United Kingdom in January 2010.

(3) Denmark has notified to the Commission a declaration regarding finalisation of a multi-annual programme for the eradication of viral haemorrhagic septicaemia (VHS) and of its successful eradication from the whole

(7) In February 2013, The United Kingdom notified to the Commission a declaration of freedom from Koi herpes virus disease (KHV) in Northern Ireland territory of The United Kingdom. The declaration complies with the requirements for a declaration of freedom of disease laid down in Directive 2006/88/EC. Accordingly, the Northern Ireland territory of The United Kingdom should be declared free of Koi herpes virus (KHV) disease.

(8) Parts A, B and C of Annex I to Decision 2009/177/EC should therefore be amended accordingly.

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

⁽¹⁾ OJ L 328, 24.11.2006, p. 14.

⁽²⁾ Commission Decision 2009/177/EC of 31 October 2008 implementing Council Directive 2006/88/EC as regards surveillance and eradication programmes and disease-free status of Member States, zones and compartments (OJ L 63, 7.3.2009, p. 15).

⁽³⁾ Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field (OJ L 224, 18.8.1990, p. 19).

HAS ADOPTED THIS DECISION:

Article 1

Annex I to Decision 2009/177/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 November 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

Annex I to Decision 2009/177/EC is amended as follows:

(1) Part A,

The entry for Ireland concerning Koi herpes virus (KHV) disease is deleted.

(2) Part B,

The entry for Denmark concerning viral haemorrhagic septicaemia (VHS) is deleted.

(3) Part C,

(a) The entry for Denmark concerning viral haemorrhagic septicaemia (VHS) is replaced by the following:

'Denmark	DK	Whole continental territory'
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(b) The following entry for Ireland concerning Koi herpes virus (KHV) disease is inserted:

'Ireland	IE	Whole territory'
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(c) The following entry for United Kingdom concerning Koi herpes virus (KHV) disease is inserted:

'The United Kingdom	UK	Northern Ireland territory'
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2013/705/EU:

★ **Commission Implementing Decision of 29 November 2013 authorising the placing on the market of rooster comb extract as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council** (*notified under document C(2013) 8319*)..... 39

2013/706/EU:

★ **Commission Implementing Decision of 29 November 2013 amending Annex I to Decision 2009/177/EC as regards the disease-free status of Denmark for viral haemorrhagic septicaemia and of Ireland and Northern Ireland territory of The United Kingdom for Koi herpes virus disease** (*notified under document C(2013) 8385*) ⁽¹⁾ 42



⁽¹⁾ Text with EEA relevance

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