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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 27/2013 of 15 January 2013 establishing a prohibition of fishing for forkbeards in EU and international waters of V, VI and VII by vessels flying the flag of Spain** 1
- ★ **Commission Regulation (EU) No 28/2013 of 15 January 2013 establishing a prohibition of fishing for turbot and brill in EU waters of IIa and IV by vessels flying the flag of the Netherlands** 3
- ★ **Commission Regulation (EU) No 29/2013 of 15 January 2013 establishing a prohibition of fishing for black scabbardfish in EU and international waters of VIII, IX and X by vessels flying the flag of Portugal** 5
- ★ **Commission Implementing Regulation (EU) No 30/2013 of 17 January 2013 amending Regulation (EC) No 288/2009 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards the Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products to children in educational establishments, in the framework of a School Fruit Scheme and derogating from Regulation (EC) No 288/2009** 7
- Commission Implementing Regulation (EU) No 31/2013 of 17 January 2013 establishing the standard import values for determining the entry price of certain fruit and vegetables 11

Price: EUR 3

(Continued overleaf)

EN

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

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

Commission Implementing Regulation (EU) No 32/2013 of 17 January 2013 amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin 13

Commission Implementing Regulation (EU) No 33/2013 of 17 January 2013 fixing the export refunds on poultrymeat 15

DECISIONS

2013/33/EU:

★ **Council Decision of 20 December 2012 appointing four members of the Management Board of the European Medicines Agency (EMA)** 18

★ **Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)** 19

2013/35/EU:

★ **Decision of the European Central Bank of 19 December 2012 on temporary changes to the rules relating to the eligibility of foreign currency denominated collateral (ECB/2012/34)** 22

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 27/2013

of 15 January 2013

**establishing a prohibition of fishing for forkbeards in EU and international waters of V, VI and VII
by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species ⁽²⁾, lays down quotas for 2012.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

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

Article 3

Entry into force

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

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

Done at Brussels, 15 January 2013.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 336, 21.12.2010, p. 1.

ANNEX

No	FS/83/DSS
Member State	Spain
Stock	GFB/567-
Species	Forkbeards (<i>Phycis</i> spp.)
Zone	EU and international waters of V, VI and VII
Date	12.12.2012

COMMISSION REGULATION (EU) No 28/2013**of 15 January 2013****establishing a prohibition of fishing for turbot and brill in EU waters of IIa and IV by vessels flying the flag of the Netherlands**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

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

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**(1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non-EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements ⁽²⁾, lays down quotas for 2012.

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

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

*Article 3***Entry into force**

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

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

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

Done at Brussels, 15 January 2013.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries⁽¹⁾ OJ L 343, 22.12.2009, p. 1.⁽²⁾ OJ L 25, 27.1.2012, p. 55.

ANNEX

No	84/TQ44
Member State	The Netherlands
Stock	Turbot and brill (<i>Psetta maxima</i> and <i>Scophthalmus rhombus</i>)
Species	T/B/2AC4-C
Zone	EU waters of IIa and IV
Date	22.12.2012

COMMISSION REGULATION (EU) No 29/2013**of 15 January 2013****establishing a prohibition of fishing for black scabbardfish in EU and international waters of VIII, IX and X by vessels flying the flag of Portugal**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 1225/2010 of 13 December 2010 fixing for 2011 and 2012 the fishing opportunities for EU vessels for fish stocks of certain deep-sea fish species ⁽²⁾, lays down quotas for 2012.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 15 January 2013.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 336, 21.12.2010, p. 1.

ANNEX

No	85/DSS
Member State	Portugal
Stock	BSF/8910-
Species	Black scabbardfish (<i>Aphanopus carbo</i>)
Zone	EU and international waters of VIII, IX and X
Date	19.12.2012

COMMISSION IMPLEMENTING REGULATION (EU) No 30/2013

of 17 January 2013

amending Regulation (EC) No 288/2009 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards the Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products to children in educational establishments, in the framework of a School Fruit Scheme and derogating from Regulation (EC) No 288/2009

THE EUROPEAN COMMISSION,

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

Having regard to the Treaty of Accession of the Republic of Croatia, and in particular Article 3(4) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 50 thereof,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 103h(f) in conjunction with Article 4 thereof,

Whereas:

- (1) Article 4 of Commission Regulation (EC) No 288/2009 ⁽²⁾ lays down detailed rules on the allocation of Union aid per Member State setting up a School Fruit Scheme. In particular, it provides for indicative allocation amounts for each Member State calculated on the basis of the number of six- to ten-year-old children. Bearing in mind the levels of execution of the programme recorded during the first three years and in order to ensure an appropriate use of Union funds, it is necessary to provide for a mechanism linked to the performance of Member States which would limit the amount of the aid requested above the amount of their indicative allocation.
- (2) Article 12 of Regulation (EC) No 288/2009 provides for the monitoring of the implementation of the Member States' School Fruit Scheme on an annual basis. In order to clarify the obligations of Member States with regard to the evaluation of their School Fruit Scheme, it is necessary to specify that national evaluations have to assess also the impact of the Scheme on children's eating habits.
- (3) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy. It is considered that several notification obligations provided for in Regulation (EC) No 288/2009 can be fulfilled via that system in accordance with Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the

Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽³⁾.

- (4) Annex II to Regulation (EC) No 288/2009 sets the amounts of indicative allocations of Union aid per Member State. That Annex needs to be adapted in view of the accession of Croatia to the European Union.
- (5) Regulation (EC) No 288/2009 should therefore be amended accordingly.
- (6) To take into account the accession of Croatia, specific rules should be laid down as regards the implementation of Regulation (EC) No 288/2009 in the school year 2013/14. In particular, the date for the submission of the national strategy and the aid application by Croatia needs to be fixed and a specific procedure should be established to take into account the timing of the Commission Decision fixing the definitive allocation of Union aid to the Member States and the foreseen date of the accession of Croatia. Exceptionally, due to the timing constraints derived from the need to set the definitive allocation of Union aid for all Member States well before the beginning of the school year, the Commission, when setting the definitive allocations as referred to in Article 4(4) of Regulation (EC) No 288/2009 should have regard to any advance voluntary notification by Croatia of its strategy and aid application where such information is received by 31 January.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 288/2009

Regulation (EC) No 288/2009 is amended as follows:

(1) Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Member States setting up a School Fruit Scheme may apply for the aid referred to in Article 103ga of Regulation (EC) No 1234/2007 for one or more periods

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 94, 8.4.2009, p. 38.

⁽³⁾ OJ L 228, 1.9.2009, p. 3.

running from 1 August to 31 July, by notifying the Commission of their strategy by 31 January of the year in which the first period starts.

The strategy shall be accompanied by an aid application which shall contain the following information:

- (a) indicative allocation of aid referred to in paragraph 3 and set out in Annex II to this Regulation, expressed in EUR;
- (b) capacity to use more than the indicative allocation referred to in paragraph 3 and set out in Annex II;
- (c) where no capacity to use additional funds is indicated as provided for under point (b), the allocation requested, expressed in EUR, must be specified;
- (d) where a capacity to use additional funds is indicated as provided for under point (b), maximum additional allocation requested, expressed in EUR, must be specified;
- (e) total budget requested.

The aid application shall be submitted in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3.;

- (b) in paragraph 4, the second subparagraph is replaced by the following:

‘The reallocation of Union aid referred to in the first subparagraph shall be implemented in proportion to the initial indicative allocation set out in Annex II but within the limits fixed in paragraph 5. However, the limits fixed in paragraph 5 shall not apply during the first two school years of application of the scheme by a Member State.’;

- (c) the following paragraph 5 is added:

‘5. The reallocation shall be limited by the level of execution of the allocation for the school year having ended prior to the aid application, as established on 15 October of the following school year. This shall be established on the basis of the declarations of expenditure sent to the Commission in accordance with Article 4 of Commission Regulation (EC) No 883/2006 (*). The limits shall be as follows:

- (a) when the execution of the allocation is below or equal to 50 % of the final allocation, no additional allocation shall be granted;
- (b) when the execution of the allocation is higher than 50 % but lower or equal to 75 % of the final allocation, the maximum additional allocation shall be capped at 50 % of the indicative allocation;

- (c) when the execution of the allocation is higher than 75 % of the final allocation, the maximum additional allocation shall not be capped.

(*) OJ L 171, 23.6.2006, p. 1.;

- (2) in Article 10(1), point (c) is replaced by the following:

‘(c) the number of children in regular attendance in the respective educational establishments entitled to receive the products covered by the Member State’s School Fruit Scheme during the period covered by the aid application.’;

- (3) in Article 12(2), the first sentence is replaced by the following:

‘Member States shall evaluate the implementation of their School Fruit Scheme and assess its effectiveness, including its impact on children’s eating habits.’;

- (4) Article 15 is replaced by the following:

‘Article 15

Notifications

1. Member States shall notify the Commission, by 30 November of the year in which the period mentioned in Article 4(1) ends, of:

- (a) the results of the monitoring exercise, as provided for in Article 12(1);
- (b) the on-the-spot checks carried out pursuant to Articles 13 and 16 and the related findings.

2. Where a Member State changes the strategy referred to in Article 3, it shall notify the Commission of its new strategy, at the latest by 31 January of the following year.

3. The notifications referred to in this Regulation shall be made in accordance with Regulation (EC) No 792/2009.

4. The Commission shall publish the Member States’ strategies and the results of their monitoring and evaluation exercise on a regular basis.’;

- (5) Annex II is replaced by the text set out in the Annex to this Regulation;

- (6) Annex IIa is deleted.

Article 2

Specific rules for the school year 2013/14

1. By way of derogation from Article 4(4) of Regulation (EC) No 288/2009 in conjunction with Annex II thereto, for the school year 2013/14, the Commission shall decide on the definitive allocation of the Union aid as referred to in the third subparagraph of Article 4(4) taking due account of any

advance information submitted, in view of and subject to the entry into force of the Treaty of Accession of Croatia, by Croatia of its strategy and aid application where such information is provided on a voluntary basis by 31 January.

2. By way of derogation from Article 4(1) of Regulation (EC) No 288/2009, for the school year 2013/14, Croatia will notify its strategy and aid by 10 July 2013 and, by way of derogation from Article 4(4) of that Regulation, the Commission shall decide on the definitive allocation of aid for Croatia by 31 July 2013.

Article 3

Entry into force and application

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

Articles 1(5) and 2(2) shall enter into force subject to and on the date of the entry into force of the Treaty of Accession of Croatia.

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

Done at Brussels, 17 January 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

'ANNEX II

Indicative allocation of Community aid per Member State

Member State	Co-financing rate (in %)	Children 6-10 abs. numbers	EUR
Austria	50	439 035	1 303 700
Belgium	50	592 936	1 760 700
Bulgaria	75	320 634	1 428 200
Croatia	75	249 197	1 110 000
Cyprus	50	49 723	175 000
Czech Republic	73	454 532	1 963 100
Denmark	50	343 807	1 020 900
Estonia	75	62 570	278 700
Finland	50	299 866	890 500
France	51	3 838 940	11 632 700
Germany	52	3 972 476	12 333 000
Greece	59	521 233	1 837 700
Hungary	69	503 542	2 051 800
Ireland	50	282 388	838 500
Italy	58	2 710 492	9 403 100
Latvia	75	99 689	444 100
Lithuania	75	191 033	850 900
Luxembourg	50	29 277	175 000
Malta	75	24 355	175 000
Netherlands	50	985 163	2 925 400
Poland	75	2 044 899	9 108 500
Portugal	68	539 685	2 172 300
Romania	75	1 107 350	4 932 400
Slovakia	73	290 990	1 260 700
Slovenia	75	93 042	414 400
Spain	59	2 006 143	7 073 400
Sweden	50	481 389	1 429 500
United Kingdom	51	3 635 300	11 010 800
EU 28	58	26 169 686	90 000 000'

COMMISSION IMPLEMENTING REGULATION (EU) No 31/2013**of 17 January 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, 17 January 2013.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	67,8
	TN	80,7
	TR	124,7
	ZZ	91,1
0707 00 05	EG	194,1
	MA	158,2
	TR	122,2
	ZZ	158,2
0709 91 00	EG	144,1
	ZZ	144,1
0709 93 10	MA	98,6
	TR	126,5
	ZZ	112,6
0805 10 20	EG	53,7
	MA	63,4
	TR	61,9
	ZA	103,6
	ZZ	70,7
0805 20 10	IL	162,4
	MA	90,3
	ZZ	126,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	119,5
	KR	139,7
	TR	81,7
	ZZ	113,6
0805 50 10	EG	87,0
	TR	75,0
	ZZ	81,0
0808 10 80	CN	90,1
	MK	40,5
	US	200,8
	ZZ	110,5
0808 30 90	CN	61,0
	US	132,9
	ZZ	97,0

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

COMMISSION IMPLEMENTING REGULATION (EU) No 32/2013**of 17 January 2013****amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 143 in conjunction with Article 4 thereof,Having regard to Council Regulation (EC) No 614/2009 of 7 July 2009 on the common system of trade for ovalbumin and lactalbumin ⁽²⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

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

- (3) Regulation (EC) No 1484/95 should be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

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

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 17 January 2013.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 181, 14.7.2009, p. 8.

⁽³⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

'ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security pursuant to Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "70 % chickens", frozen	135,1	0	AR
		121,7	0	BR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	161,6	0	AR
		136,5	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	267,3	10	AR
		271,1	9	BR
		319,6	0	CL
		224,5	23	TH
0207 25 10	Turkeys, not cut in pieces, presented as "80 % turkeys", frozen	193,1	0	BR
0207 27 10	Turkeys, boneless cuts, frozen	329,0	0	BR
		312,8	0	CL
0408 11 80	Egg yolks	569,2	0	AR
0408 91 80	Eggs, not in shell, dried	466,9	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	263,9	7	BR
3502 11 90	Egg albumin, dried	712,1	0	AR

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

COMMISSION IMPLEMENTING REGULATION (EU) No 33/2013
of 17 January 2013
fixing the export refunds on poultrymeat

THE EUROPEAN COMMISSION,

European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs ⁽³⁾.

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

(5) The currently applicable refunds have been fixed by Commission Implementing Regulation (EU) No 962/2012 ⁽⁴⁾. Since new refunds should be fixed, that Regulation should therefore be repealed.

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 164(2) and Article 170, in conjunction with Article 4, thereof,

(6) In order to prevent divergence with the current market situation, to prevent market speculation and to ensure efficient management this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.

Whereas:

(7) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

(1) Article 162(1) of Regulation (EC) No 1234/2007 provides that the difference between prices on the world market for the products referred to in Part XX of Annex I to that Regulation and prices in the Union for those products may be covered by an export refund.

HAS ADOPTED THIS REGULATION:

(2) In view of the current situation on the market in poultrymeat, export refunds should be fixed in accordance with the rules and criteria provided for in Articles 162, 163, 164, 167 and 169 of Regulation (EC) No 1234/2007.

Article 1

1. Export refunds as provided for in Article 164 of Regulation (EC) No 1234/2007 shall be granted on the products and for the amounts set out in the Annex to this Regulation subject to the conditions provided for in paragraph 2 of this Article.

(3) Article 164(1) of Regulation (EC) No 1234/2007 provides that refunds may vary according to destination, especially where the world market situation, the specific requirements of certain markets, or obligations resulting from agreements concluded in accordance with Article 300 of the Treaty make this necessary.

2. The products eligible for a refund under paragraph 1 shall meet the relevant requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 and, in particular, shall be prepared in an approved establishment and comply with the identification marking conditions laid down in Section I of Annex II to Regulation (EC) No 853/2004.

(4) Refunds should be granted only on products which are authorised to move freely in the Union and bear the identification mark provided for in Article 5(1)(b) of Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽²⁾. Those products should also comply with the requirements of Regulation (EC) No 852/2004 of the

Article 2

Implementing Regulation (EU) No 962/2012 is hereby repealed.

Article 3

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 139, 30.4.2004, p. 55.

⁽³⁾ OJ L 139, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 288, 19.10.2012, p. 6.

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

Done at Brussels, 17 January 2013.

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

ANNEX

Export refunds on poultrymeat applicable from 18 January 2013

Product code	Destination	Unit of measurement	Amount of refund
0105 11 11 9000	A02	EUR/100 pcs	0,00
0105 11 19 9000	A02	EUR/100 pcs	0,00
0105 11 91 9000	A02	EUR/100 pcs	0,00
0105 11 99 9000	A02	EUR/100 pcs	0,00
0105 12 00 9000	A02	EUR/100 pcs	0,00
0105 14 00 9000	A02	EUR/100 pcs	0,00
0207 12 10 9900	V03	EUR/100 kg	10,85
0207 12 90 9190	V03	EUR/100 kg	10,85
0207 12 90 9990	V03	EUR/100 kg	10,85

NB: The product codes and the 'A' series destination codes are set out in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24.12.1987, p. 1).

The other destinations are defined as follows:

V03: A24, Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, United Arab Emirates, Jordan, Yemen, Lebanon, Iraq and Iran.

DECISIONS

COUNCIL DECISION

of 20 December 2012

appointing four members of the Management Board of the European Medicines Agency (EMA)

(2013/33/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽¹⁾, and in particular Article 65(1) and (4) thereof,

Having regard to the list of candidates drawn up by the Commission on 8 August 2012,

Having regard to the opinion of the European Parliament,

HAS ADOPTED THIS DECISION:

Article 1

Nikolaos DEDES, born on 15 December 1966, Christophe HUGNET, born on 1 February 1971, Wolf-Dieter LUDWIG,

born on 31 January 1952, and Wim WIENTJES, born on 16 September 1937 shall be appointed as members of the Management Board of the European Medicines Agency for a period of three years.

Article 2

The date on which the three-year period referred to in Article 1 will commence shall be determined by the Management Board of the European Medicines Agency.

Done at Brussels, 20 December 2012.

For the Council

The President

E. FLOURENTZOU

⁽¹⁾ OJ L 136, 30.4.2004, p. 1.

COUNCIL DECISION 2013/34/CFSP**of 17 January 2013****on a European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 23 July 2012, the Council recognised that the dramatic changes in Mali required a review of the actions the Union should undertake in order to support the restoration of democratic government and the rule of law throughout the territory of Mali. It requested the High Representative of the Union for Foreign Affairs and Security Policy (HR) and the Commission to make concrete proposals for Union action in a number of areas to respond to the changing situation.
- (2) By letter dated 18 September 2012, the President of the Republic of Mali requested Union support with a view to restoring the Malian territorial integrity.
- (3) In its Resolution 2071 (2012) on the situation in Mali, adopted on 12 October 2012, the United Nations Security Council, while expressing its grave concern about the consequences of instability in the north of Mali on the region and beyond, and stressing the need to respond swiftly in order to preserve stability across the Sahel region, invited international partners, including the Union, to provide assistance, expertise, training and capacity-building support to the Malian army and security forces.
- (4) In its conclusions of 15 October 2012, the Council requested that work on planning a possible Common Security and Defence Policy (CSDP) military mission be pursued and extended as a matter of urgency, in particular by developing a crisis management concept relating to the reorganisation and training of the Malian defence forces, taking account of the conditions necessary for the success of any such mission, which include the full support of the Malian authorities and the definition of an exit strategy.
- (5) In its conclusions of 19 November 2012, the Council welcomed the presentation of the Crisis Management Concept by the HR and called on the relevant groups to examine it as a matter of urgency so that it could be approved by the Council in December 2012.
- (6) On 10 December 2012, the Council approved a Crisis Management Concept on a possible military CSDP training mission in Mali. The Council emphasised that a mission in Mali would be an essential element in the Union's comprehensive approach as elaborated in the Strategy for Security and Development in the Sahel.
- (7) By letter dated 24 December 2012, the President of the Republic of Mali addressed an invitation letter to the HR welcoming the deployment of an EU military training mission in Mali.
- (8) The Political and Security Committee (PSC) should exercise, under the responsibility of the Council and of the HR, political control over the Union military mission, provide it with strategic direction and take the relevant decisions in accordance with the third paragraph of Article 38 of the Treaty on European Union (TEU).
- (9) It is necessary to negotiate and conclude international agreements relating to the status of EU units and personnel and to the participation of third States in Union missions.
- (10) The operational expenditure arising from this Decision, which has military or defence implications, should be borne by the Member States pursuant to Article 41(2) TEU and in accordance with Council Decision 2011/871/CFSP of 19 December 2011 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) ⁽¹⁾.
- (11) In accordance with Article 5 of the Protocol on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union (TFEU), Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in the implementation of this Decision and therefore does not participate in the financing of this mission,

⁽¹⁾ OJ L 343, 23.12.2011, p. 35.

HAS ADOPTED THIS DECISION:

Article 1

Mission

1. The Union shall conduct a military training mission (EUTM Mali), to provide, in the South of Mali, military and training advice to the Malian Armed Forces (MAF) operating under the control of legitimate civilian authorities, in order to contribute to the restoration of their military capacity with a view to enabling them to conduct military operations aiming at restoring Malian territorial integrity and reducing the threat posed by terrorist groups. EUTM Mali shall not be involved in combat operations.

2. The objective of EUTM Mali shall be to respond to the operational needs of the MAF through the provision of:

- (a) training support for the benefit of the MAF;
- (b) training and advice on command and control, logistical chain and human resources, as well as training on International Humanitarian Law, protection of civilians and human rights.

3. EUTM Mali shall aim at strengthening conditions for proper political control by legitimate civilian authorities of the MAF.

4. The activities of EUTM Mali shall be conducted in close coordination with other actors involved in the support to the MAF, in particular the United Nations (UN) and the Economic Community of West African States (ECOWAS).

Article 2

Appointment of the EU Mission Commander

1. Brigadier General François LECOINTRE is hereby appointed EU Mission Commander.

2. The EU Mission Commander shall exercise the functions of EU Operation Commander and EU Force Commander.

Article 3

Designation of the Mission Headquarters

1. The Mission Headquarters of EUTM Mali shall be located in Mali. It shall perform the functions of both Operational Headquarters and Force Headquarters.

2. The Mission Headquarters shall include a support cell in Brussels.

Article 4

Planning and launch of EUTM Mali

The Decision to launch EUTM Mali shall be adopted by the Council following approval of the Mission Plan and of the Rules of Engagement.

Article 5

Political control and strategic direction

1. Under the responsibility of the Council and of the HR, the PSC shall exercise the political control and strategic direction of

EUTM Mali. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 38 TEU. This authorisation shall include the powers to amend the planning documents, including the Mission Plan, and the Chain of Command. It shall also include the powers to take decisions on the appointment of the subsequent EU Mission Commanders. The powers of decision with respect to the objectives and termination of EUTM Mali shall remain vested in the Council.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall, at regular intervals, receive reports from the chairman of the EU Military Committee (EUMC) regarding the conduct of EUTM Mali. The PSC may invite the EU Mission Commander to its meetings, as appropriate.

Article 6

Military direction

1. The EUMC shall monitor the proper execution of EUTM Mali conducted under the responsibility of the EU Mission Commander.

2. The EUMC shall, at regular intervals, receive reports from the EU Mission Commander. It may invite the EU Mission Commander to its meetings, as appropriate.

3. The chairman of the EUMC shall act as the primary point of contact with the EU Mission Commander.

Article 7

Consistency of the Union's response and coordination

1. The HR shall ensure the implementation of this Decision and its consistency with the Union's external action as a whole, including the Union's development programmes.

2. Without prejudice to the chain of command, the EU Mission Commander shall receive local political guidance from the Head of the Union Delegation in Bamako in close coordination with the EU coordinator for Sahel.

3. EUTM Mali shall coordinate with Union CSDP mission in Niger (EUCAP SAHEL Niger) with a view to exploring possible synergies.

4. EUTM Mali shall coordinate its activities with Member States' bilateral activities in Mali, as well as with other international actors in the region, in particular the UN, the African Union (AU), ECOWAS and bilateral actors including the United States and Canada, and with key regional actors.

Article 8

Participation of third States

1. Without prejudice to the decision-making autonomy of the Union and its single institutional framework, and in accordance with the relevant guidelines of the European Council, third States may be invited to participate in EUTM Mali.

2. The Council hereby authorises the PSC to invite third States to offer contributions and to take the relevant decisions on acceptance of the proposed contributions, upon the recommendation of the EU Mission Commander and the EUMC.

3. Detailed arrangements regarding the participation of third States shall be covered by agreements concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFEU. Where the Union and a third State have concluded an agreement establishing a framework for the latter's participation in crisis management missions of the Union, the provisions of such an agreement shall apply in the context of EUTM Mali.

4. Third States making significant military contributions to EUTM Mali shall have the same rights and obligations in terms of the day-to-day management of EUTM Mali as Member States taking part in EUTM Mali.

5. The Council hereby authorises the PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third States make significant military contributions.

Article 9

Status of EU-led personnel

The status of EU-led units and personnel, including the privileges, immunities and further guarantees necessary for the fulfilment and smooth functioning of their mission, shall be the subject of an agreement concluded pursuant to Article 37 TEU and in accordance with the procedure laid down in Article 218 TFEU.

Article 10

Financial arrangements

1. The common costs of EUTM Mali shall be administered in accordance with Decision 2011/871/CFSP.

2. The financial reference amount for the common costs of EUTM Mali shall be EUR 12,3 million. The percentage of the reference amount referred to in Article 25(1) of Decision 2011/871/CFSP shall be 50 %, and the percentage for commitment referred to in Article 32(3) of Decision 2011/871/CFSP shall be 70 %.

Article 11

Release of information

1. The HR shall be authorised to release to the third States associated with this Decision, as appropriate and in accordance with the needs of EUTM Mali, EU classified information generated for the purposes of EUTM Mali, in accordance with Council Decision 2011/292/EU of 31 March 2011 on the security rules for protecting EU classified information ⁽¹⁾:

(a) up to the level provided in the applicable security of information agreements concluded between the Union and the third State concerned; or

(b) up to the 'CONFIDENTIEL UE/EU CONFIDENTIAL' level in other cases.

2. The HR shall also be authorised to release to the UN and ECOWAS in accordance with the operational needs of EUTM Mali, EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which are generated for the purposes of EUTM Mali, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the UN and ECOWAS shall be drawn up for this purpose.

3. In the event of a specific and immediate operational need, the HR shall also be authorised to release to the host State any EU classified information up to 'RESTREINT UE/EU RESTRICTED' level which are generated for the purposes of EUTM Mali, in accordance with Decision 2011/292/EU. Arrangements between the HR and the competent authorities of the host State shall be drawn up for this purpose.

4. The HR shall be authorised to release to the third States associated with this Decision any EU non-classified documents connected with the deliberations of the Council relating to EUTM Mali and covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council's Rules of Procedure ⁽²⁾.

5. The HR may delegate the powers referred to in paragraphs 1 to 4, as well as the ability to conclude the arrangements referred to in paragraphs 2 and 3 to staff of the European External Action Service and/or to the EU Mission Commander.

Article 12

Entry into force and termination

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

2. The mandate of EUTM Mali shall end 15 months after the adoption of the Council Decision to launch EUTM Mali.

3. This Decision shall be repealed as from the date of closure of the Mission Headquarters in accordance with the plans approved for the termination of EUTM Mali, and without prejudice to the procedures regarding the audit and presentation of the accounts of EUTM Mali, laid down in Decision 2011/871/CFSP.

Done at Brussels, 17 January 2013.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 141, 27.5.2011, p. 17.

⁽²⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

DECISION OF THE EUROPEAN CENTRAL BANK

of 19 December 2012

on temporary changes to the rules relating to the eligibility of foreign currency denominated collateral

(ECB/2012/34)

(2013/35/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.1 and Article 14.3 in conjunction with the first indent of Article 3.1 and Article 18.2 thereof,

Whereas:

- (1) Pursuant to Article 18.1 of the Statute of the European System of Central Banks and of the European Central Bank, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro (hereinafter the 'NCBs') may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral. The standard conditions under which the ECB and the NCBs stand ready to enter into credit operations, including the criteria determining the eligibility of collateral for the purposes of Eurosystem credit operations, are laid down in Annex I to Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾.
- (2) Pursuant to Section 1.6 of Annex I to Guideline ECB/2011/14, the Governing Council may, at any time, change the instruments, conditions, criteria and procedures for the execution of Eurosystem monetary policy operations.
- (3) To facilitate the provision of liquidity to counterparties for Eurosystem monetary policy operations, on 6 September 2012, the Governing Council decided to temporarily widen the criteria determining the eligibility of assets to be used as collateral in Eurosystem monetary policy operations by accepting marketable debt instruments denominated in pounds sterling, yen or US dollars as eligible assets for monetary policy operations. On 10 October 2012, the Governing Council decision was implemented by Guideline ECB/2012/23 ⁽²⁾ which amended Guideline ECB/2012/18 of 2 August 2012 on

additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9 ⁽³⁾.

- (4) On 26 November 2012, the Governing Council adopted Guideline ECB/2012/25 amending Guideline ECB/2011/14 on monetary policy instruments and procedures of the Eurosystem ⁽⁴⁾. One reason for the amendment was to list the coupon structures of marketable debt instruments accepted under the Eurosystem monetary policy framework.
- (5) Some foreign currency denominated marketable debt instruments currently eligible pursuant to Article 5a of Guideline ECB/2012/18 have flat floating coupons linked to an index corresponding to a money market rate related to their currency of denomination. These instruments would become ineligible as from 3 January 2013, the date from which the latest amendments to Guideline ECB/2011/14 will start to apply. However, the Governing Council considers that marketable debt instruments denominated in a foreign currency should retain their temporary eligibility as collateral for Eurosystem monetary policy operations, irrespective of whether their coupons are linked to a non-euro interest rate or to non-euro area inflation indices. For this reason, the Governing Council has decided to suspend the specific provision of such Guideline ECB/2011/14 that would prevent the continued eligibility of such assets.
- (6) The additional measures set out in this Decision should apply temporarily, until the Governing Council considers that they are no longer necessary, to ensure an appropriate monetary policy transmission mechanism,

HAS ADOPTED THIS DECISION:

Article 1

Suspension of certain provisions of Annex I to Guideline ECB/2011/14

1. The Eurosystem minimum eligibility criteria for coupons, as specified in Section 6.2.1.1(1)(b) of Annex I to Guideline ECB/2011/14, shall be suspended for marketable debt instruments denominated in foreign currency in accordance with Article 2.

⁽¹⁾ OJ L 331, 14.12.2011, p. 1.

⁽²⁾ OJ L 284, 17.10.2012, p. 14.

⁽³⁾ OJ L 218, 15.8.2012, p. 20.

⁽⁴⁾ OJ L 348, 18.12.2012, p. 30.

2. In the event of any discrepancy between this Decision and Guideline ECB/2011/14, as implemented at national level by the NCBs, the former shall prevail.

3. In the event of any discrepancy between this Decision and Guideline ECB/2012/18, as implemented at national level by the NCBs, the former shall prevail.

4. The NCBs shall continue to apply all provisions of Guideline ECB/2011/14 and Guideline ECB/2012/18 unless otherwise provided for in this Decision.

Article 2

**Continued eligibility as collateral of certain assets
denominated in pounds sterling, yen or US dollars**

1. Eligible marketable debt instruments under Article 5a of Guideline ECB/2012/18 with coupons linked to only one money market rate in their currency of denomination or to an inflation index containing no discrete range, range accrual,

ratchet or similar complex structures for the respective country shall be eligible for the purposes of Eurosystem monetary policy operations.

2. The ECB may publish a list of further acceptable benchmark foreign currency interest rates in addition to those referred to in paragraph 1 on its website at www.ecb.europa.eu, following approval by the Governing Council.

Article 3

Entry into force

This Decision shall enter into force on 3 January 2013.

Done at Frankfurt am Main, 19 December 2012.

The President of the ECB

Mario DRAGHI

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