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## Legislation

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<sup>(1)</sup> Text with EEA relevance

EN

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION REGULATION (EU) No 1407/2013

of 18 December 2013

on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union  
to *de minimis* aid

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (1),

Having published a draft of this Regulation (2),

After consulting the Advisory Committee on State Aid,

Whereas:

(1) State funding meeting the criteria in Article 107(1) of the Treaty constitutes State aid and requires notification to the Commission by virtue of Article 108(3) of the Treaty. However, under Article 109 of the Treaty, the Council may determine categories of aid that are exempted from this notification requirement. In accordance with Article 108(4) of the Treaty the Commission may adopt regulations relating to those categories of State aid. By virtue of Regulation (EC) No 994/98 the Council decided, in accordance with Article 109 of the Treaty, that *de minimis* aid could constitute one such category. On that basis, *de minimis* aid, being aid granted to a single undertaking over a given period of time that does not exceed a certain fixed amount, is deemed not to meet all the criteria laid down in Article 107(1) of the Treaty and is therefore not subject to the notification procedure.

<sup>(1)</sup> OJ L 142, 14.5.1998, p. 1.

<sup>(2)</sup> OJ C 229, 8.8.2013, p. 1.

(2) The Commission has, in numerous decisions, clarified the notion of aid within the meaning of Article 107(1) of the Treaty. The Commission has also stated its policy with regard to a *de minimis* ceiling below which Article 107(1) of the Treaty can be considered not to apply, initially in its notice on the *de minimis* rule for State aid (3) and subsequently in Commission Regulations (EC) No 69/2001 (4) and (EC) No 1998/2006 (5). In the light of the experience gained in applying Regulation (EC) No 1998/2006, it is appropriate to revise some of the conditions laid down in that Regulation and to replace it.

(3) It is appropriate to maintain the ceiling of EUR 200 000 as the amount of *de minimis* aid that a single undertaking may receive per Member State over any period of three years. That ceiling remains necessary to ensure that any measure falling under this Regulation can be deemed not to have any effect on trade between Member States and not to distort or threaten to distort competition.

(4) For the purposes of the rules on competition laid down in the Treaty an undertaking is any entity engaged in an economic activity, regardless of its legal status and the way in which it is financed (6). The Court of Justice of the European Union has ruled that all entities which are controlled (on a legal or on a *de facto* basis) by the same entity should be considered as a single undertaking (7). For the sake of legal certainty and to reduce the administrative burden, this Regulation should provide

(3) Commission notice on the *de minimis* rule for State aid (OJ C 68, 6.3.1996, p. 9).

(4) Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 10, 13.1.2001, p. 30).

(5) Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid (OJ L 379, 28.12.2006, p. 5).

(6) Case C-222/04 Ministero dell'Economia e delle Finanze v Cassa di Risparmio di Firenze SpA et al. [2006] ECR I-289.

(7) Case C-382/99 Netherlands v Commission [2002] ECR I-5163.

an exhaustive list of clear criteria for determining when two or more enterprises within the same Member State are to be considered as a single undertaking. The Commission has selected from the well-established criteria for defining 'linked enterprises' in the definition of small or medium-sized enterprises (SMEs) in Commission Recommendation 2003/361/EC<sup>(1)</sup> and in Annex I to Commission Regulation (EC) No 800/2008<sup>(2)</sup> those criteria that are appropriate for the purposes of this Regulation. The criteria are already familiar to public authorities and should be applicable, given the scope of this Regulation, to both SMEs and large undertakings. Those criteria should ensure that a group of linked enterprises is considered as one single undertaking for the application of the *de minimis* rule, but that enterprises which have no relationship with each other except for the fact that each of them has a direct link to the same public body or bodies are not treated as being linked to each other. The specific situation of enterprises controlled by the same public body or bodies, which may have an independent power of decision, is therefore taken into account.

processing and marketing of agricultural products, provided that certain conditions are met. Neither on-farm activities necessary for preparing a product for the first sale, such as harvesting, cutting and threshing of cereals, or packing of eggs, nor the first sale to resellers or processors should be considered as processing or marketing in this respect.

(5) In order to take account of the small average size of undertakings active in the road freight transport sector, it is appropriate to maintain the ceiling of EUR 100 000 for undertakings performing road freight transport for hire or reward. The provision of an integrated service where the actual transportation is only one element, such as removal services, postal or courier services or waste collection or processing services, should not be considered a transport service. In view of the over-capacity in the road freight transport sector and the objectives of transport policy as regards road congestion and freight transport, aid for the acquisition of road freight transport vehicles by undertakings performing road freight transport for hire or reward should be excluded from the scope of application of this Regulation. In view of the development of the road passenger transport sector, it is no longer appropriate to apply a lower ceiling to this sector.

(8) The Court of Justice of the European Union has established that, once the Union has legislated for the establishment of a common organisation of the market in a given sector of agriculture, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it<sup>(3)</sup>. For that reason, this Regulation should not apply to aid the amount of which is fixed on the basis of the price or quantity of products purchased or put on the market. Nor should it apply to support which is linked to an obligation to share the aid with primary producers.

(6) In view of the special rules which apply in the sectors of primary production of agricultural products, fishery and aquaculture and of the risk that amounts of aid below the ceiling laid down in this Regulation could nonetheless fulfil the criteria in Article 107(1) of the Treaty, this Regulation should not apply to those sectors.

(9) This Regulation should not apply to export aid or aid contingent upon the use of domestic over imported products. In particular, it should not apply to aid financing the establishment and operation of a distribution network in other Member States or in third countries. Aid towards the costs of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in another Member State or a third country does not normally constitute export aid.

(10) The period of three years to be taken into account for the purposes of this Regulation should be assessed on a rolling basis so that, for each new grant of *de minimis* aid, the total amount of *de minimis* aid granted in the fiscal year concerned and during the previous two fiscal years needs to be taken into account.

(7) Considering the similarities between the processing and marketing of agricultural products and of non-agricultural products, this Regulation should apply to the

(11) Where an undertaking is active in sectors excluded from the scope of this Regulation and is also active in other sectors or has other activities, this Regulation should apply to those other sectors or activities provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the activities in the excluded sectors do not benefit from the *de minimis* aid. The same principle should apply where an undertaking is active in sectors to which lower *de minimis* ceilings apply. If it cannot be

<sup>(1)</sup> Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

<sup>(2)</sup> Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (OJ L 214, 9.8.2008, p. 3).

<sup>(3)</sup> Case C-456/00 France v Commission [2002] ECR I-11949.

ensured that the activities in sectors to which lower *de minimis* ceilings apply benefit from *de minimis* aid only up to those lower ceilings, the lowest ceiling should apply to all activities of the undertaking.

(12) This Regulation should lay down rules to ensure that it is not possible to circumvent maximum aid intensities laid down in specific regulations or Commission decisions. It should also provide for clear rules on cumulation that are easy to apply.

(13) This Regulation does not exclude the possibility that a measure might be considered not to be State aid within the meaning of Article 107(1) of the Treaty on grounds other than those set out in this Regulation, for instance because the measure complies with the market economy operator principle or because the measure does not involve a transfer of State resources. In particular, Union funding centrally managed by the Commission which is not directly or indirectly under the control of the Member State does not constitute State aid and should not be taken into account in determining whether the relevant ceiling is complied with.

(14) For the purposes of transparency, equal treatment and effective monitoring, this Regulation should apply only to *de minimis* aid for which it is possible to calculate precisely the gross grant equivalent *ex ante* without any need to undertake a risk assessment ('transparent aid'). Such a precise calculation can, for instance, be made for grants, interest rate subsidies, capped tax exemptions or other instruments that provide for a cap ensuring that the relevant ceiling is not exceeded. Providing for a cap means that as long as the precise amount of aid is not or not yet known, the Member State has to assume that the amount equals the cap in order to ensure that several aid measures together do not exceed the ceiling set out in this Regulation and to apply the rules on cumulation.

(15) For the purposes of transparency, equal treatment and the correct application of the *de minimis* ceiling, all Member States should apply the same method of calculation. In order to facilitate such calculation, aid amounts not taking the form of a cash grant should be converted into their gross grant equivalent. Calculation of the gross grant equivalent of transparent types of aid other than grants and of aid payable in several instalments requires the use of market interest rates prevailing at the time such aid is granted. With a view to uniform, transparent and simple application of the State aid rules, the market rates applicable for the purposes of this Regulation should be the reference rates, as set out in the Communication from the Commission on the revision of the method for setting the reference and discount rates<sup>(1)</sup>.

(16) Aid comprised in loans, including *de minimis* risk finance aid taking the form of loans, should be considered transparent *de minimis* aid if the gross grant equivalent has been calculated on the basis of market interest rates prevailing at the time the aid is granted. In order to simplify the treatment of small loans of short duration, this Regulation should provide for a clear rule that is easy to apply and takes into account both the amount of the loan and its duration. Based on the Commission's experience, loans that are secured by collateral covering at least 50 % of the loan and that do not exceed either EUR 1 000 000 and a duration of five years or EUR 500 000 and a duration of 10 years can be considered as having a gross grant equivalent not exceeding the *de minimis* ceiling. Given the difficulties linked to determining the gross grant equivalent of aid granted to undertakings that may not be able to repay the loan, this rule should not apply to such undertakings.

(17) Aid comprised in capital injections should not be considered as transparent *de minimis* aid, unless the total amount of the public injection does not exceed the *de minimis* ceiling. Aid comprised in risk finance measures taking the form of equity or quasi-equity investments, as referred to in the risk finance guidelines<sup>(2)</sup>, should not be considered as transparent *de minimis* aid unless the measure concerned provides capital not exceeding the *de minimis* ceiling.

(18) Aid comprised in guarantees, including *de minimis* risk finance aid taking the form of guarantees, should be considered as transparent if the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice for the type of undertaking concerned<sup>(3)</sup>. In order to simplify the treatment of guarantees of short duration securing up to 80 % of a relatively small loan, this Regulation should provide for a clear rule that is easy to apply and takes into account both the amount of the underlying loan and the duration of the guarantee. This rule should not apply to guarantees on underlying transactions not constituting a loan, such as guarantees on equity transactions. Where the guarantee does not exceed 80 % of the underlying loan, the amount guaranteed does not exceed EUR 1 500 000 and the duration of the guarantee does not exceed five years the guarantee can be considered as having a gross grant equivalent not exceeding the *de minimis* ceiling. The same applies where the guarantee does not exceed 80 % of the underlying loan, the amount guaranteed does not exceed EUR 750 000 and the duration of the guarantee does not exceed 10 years. In addition, Member States can use a methodology to calculate the gross grant equivalent of guarantees which has been notified to the Commission under another

<sup>(1)</sup> Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).

<sup>(2)</sup> Community guidelines on state aid to promote risk capital investments in small and medium-sized enterprises (OJ C 194, 18.8.2006, p. 2).

<sup>(3)</sup> For instance, Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155, 20.6.2008, p. 10).

Commission Regulation in the State aid area applicable at that time and which has been accepted by the Commission as being in line with the Guarantee Notice, or any successor notice, provided that the accepted methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation. Given the difficulties linked to determining the gross grant equivalent of aid granted to undertakings that may not be able to repay the loan, this rule should not apply to such undertakings.

- (19) Where a *de minimis* aid scheme is implemented through financial intermediaries, it should be ensured that the latter do not receive any State aid. This can be done, for example, by requiring financial intermediaries that benefit from a State guarantee to pay a market-conform premium or to fully pass on any advantage to the final beneficiaries, or by respecting the *de minimis* ceiling and other conditions of this Regulation also at the level of the intermediaries.
- (20) Upon notification by a Member State, the Commission may examine whether a measure which does not consist of a grant, loan, guarantee, capital injection or risk finance measure taking the form of an equity or quasi-equity investment leads to a gross grant equivalent that does not exceed the *de minimis* ceiling and could therefore fall within the scope of this Regulation.
- (21) The Commission has a duty to ensure that State aid rules are complied with and in accordance with the cooperation principle laid down in Article 4(3) of the Treaty on European Union, Member States should facilitate the fulfilment of this task by establishing the necessary tools in order to ensure that the total amount of *de minimis* aid granted to a single undertaking under the *de minimis* rule does not exceed the overall permissible ceiling. To that end, when granting *de minimis* aid, Member States should inform the undertaking concerned of the amount of *de minimis* aid granted and of its *de minimis* character and should make express reference to this Regulation. Member States should be required to monitor aid granted to ensure the relevant ceilings are not exceeded and the cumulation rules are complied with. To comply with that obligation, before granting such aid, the Member State concerned should obtain from the undertaking a declaration about other *de minimis* aid covered by this Regulation or by other *de minimis* regulations received during the fiscal year concerned and the previous two fiscal years. Alternatively it should be possible for Member States to set up a central register with complete information on *de minimis* aid granted and check that any new grant of aid does not exceed the relevant ceiling.
- (22) Before granting any new *de minimis* aid each Member State should verify that the *de minimis* ceiling will not be exceeded in that Member State by the new *de minimis* aid and that the other conditions of this Regulation are complied with.

(23) Having regard to the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, the period of application of this Regulation should be limited. If this Regulation expires without being extended, Member States should have an adjustment period of six months with regard to *de minimis* aid covered by this Regulation,

HAS ADOPTED THIS REGULATION:

## Article 1

### Scope

1. This Regulation applies to aid granted to undertakings in all sectors, with the exception of:

- (a) aid granted to undertakings active in the fishery and aquaculture sector, as covered by Council Regulation (EC) No 104/2000<sup>(1)</sup>;
- (b) aid granted to undertakings active in the primary production of agricultural products;
- (c) aid granted to undertakings active in the sector of processing and marketing of agricultural products, in the following cases:
  - (i) where the amount of the aid is fixed on the basis of the price or quantity of such products purchased from primary producers or put on the market by the undertakings concerned;
  - (ii) where the aid is conditional on being partly or entirely passed on to primary producers;
- (d) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- (e) aid contingent upon the use of domestic over imported goods.

<sup>(1)</sup> Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22).

2. Where an undertaking is active in the sectors referred to in points (a), (b) or (c) of paragraph 1 and is also active in one or more of the sectors or has other activities falling within the scope of this Regulation, this Regulation shall apply to aid granted in respect of the latter sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the activities in the sectors excluded from the scope of this Regulation do not benefit from the *de minimis* aid granted in accordance with this Regulation.

## Article 2

### Definitions

1. For the purposes of this Regulation the following definitions shall apply:

(a) 'agricultural products' means products listed in Annex I to the Treaty, with the exception of fishery and aquaculture products covered by Regulation (EC) No 104/2000;

(b) 'processing of agricultural products' means any operation on an agricultural product resulting in a product which is also an agricultural product, except on-farm activities necessary for preparing an animal or plant product for the first sale;

(c) 'marketing of agricultural products' means holding or display with a view to sale, offering for sale, delivery or any other manner of placing on the market, except the first sale by a primary producer to resellers or processors and any activity preparing a product for such first sale; a sale by a primary producer to final consumers shall be considered as marketing if it takes place in separate premises reserved for that purpose.

2. 'Single undertaking' includes, for the purposes of this Regulation, all enterprises having at least one of the following relationships with each other:

(a) one enterprise has a majority of the shareholders' or members' voting rights in another enterprise;

(b) one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;

(c) one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;

(d) one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

Enterprises having any of the relationships referred to in points (a) to (d) of the first subparagraph through one or more other enterprises shall also be considered to be a single undertaking.

## Article 3

### **De minimis** aid

1. Aid measures shall be deemed not to meet all the criteria in Article 107(1) of the Treaty, and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty, if they fulfil the conditions laid down in this Regulation.

2. The total amount of *de minimis* aid granted per Member State to a single undertaking shall not exceed EUR 200 000 over any period of three fiscal years.

The total amount of *de minimis* aid granted per Member State to a single undertaking performing road freight transport for hire or reward shall not exceed EUR 100 000 over any period of three fiscal years. This *de minimis* aid shall not be used for the acquisition of road freight transport vehicles.

3. If an undertaking performs road freight transport for hire or reward and also carries out other activities to which the ceiling of EUR 200 000 applies, the ceiling of EUR 200 000 shall apply to the undertaking, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the benefit to the road freight transport activity does not exceed EUR 100 000 and that no *de minimis* aid is used for the acquisition of road freight transport vehicles.

4. *De minimis* aid shall be deemed granted at the moment the legal right to receive the aid is conferred on the undertaking under the applicable national legal regime irrespective of the date of payment of the *de minimis* aid to the undertaking.

5. The ceilings laid down in paragraph 2 shall apply irrespective of the form of the *de minimis* aid or the objective pursued and regardless of whether the aid granted by the Member State is financed entirely or partly by resources of Union origin. The period of three fiscal years shall be determined by reference to the fiscal years used by the undertaking in the Member State concerned.

6. For the purposes of the ceilings laid down in paragraph 2, aid shall be expressed as a cash grant. All figures used shall be gross, that is, before any deduction of tax or other charge. Where aid is granted in a form other than a grant, the aid amount shall be the gross grant equivalent of the aid.

Aid payable in several instalments shall be discounted to its value at the moment it is granted. The interest rate to be used for discounting purposes shall be the discount rate applicable at the time the aid is granted.

7. Where the relevant ceiling laid down in paragraph 2 would be exceeded by the grant of new *de minimis* aid, none of that new aid may benefit from this Regulation.

8. In the case of mergers or acquisitions, all prior *de minimis* aid granted to any of the merging undertakings shall be taken into account in determining whether any new *de minimis* aid to the new or the acquiring undertaking exceeds the relevant ceiling. *De minimis* aid lawfully granted before the merger or acquisition shall remain lawful.

9. If one undertaking splits into two or more separate undertakings, *de minimis* aid granted prior to the split shall be allocated to the undertaking that benefited from it, which is in principle the undertaking taking over the activities for which the *de minimis* aid was used. If such an allocation is not possible, the *de minimis* aid shall be allocated proportionately on the basis of the book value of the equity capital of the new undertakings at the effective date of the split.

#### Article 4

##### Calculation of gross grant equivalent

1. This Regulation shall apply only to aid in respect of which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment ('transparent aid').

2. Aid comprised in grants or interest rate subsidies shall be considered as transparent *de minimis* aid.

3. Aid comprised in loans shall be considered as transparent *de minimis* aid if:

(a) the beneficiary is not subject to collective insolvency proceedings nor fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors. In case of large undertakings, the beneficiary shall be in a situation comparable to a credit rating of at least B-; and

(b) the loan is secured by collateral covering at least 50 % of the loan and the loan amounts to either EUR 1 000 000 (or EUR 500 000 for undertakings performing road freight transport) over five years or EUR 500 000 (or EUR 250 000 for undertakings performing road freight transport) over 10 years; if a loan is for less than those amounts and/or is granted for a period of less than five or 10 years respectively, the gross grant equivalent of that loan shall be calculated as a corresponding proportion of the relevant ceiling laid down in Article 3(2); or

(c) the gross grant equivalent has been calculated on the basis of the reference rate applicable at the time of the grant.

4. Aid comprised in capital injections shall only be considered as transparent *de minimis* aid if the total amount of the public injection does not exceed the *de minimis* ceiling.

5. Aid comprised in risk finance measures taking the form of equity or quasi-equity investments shall only be considered as transparent *de minimis* aid if the capital provided to a single undertaking does not exceed the *de minimis* ceiling.

6. Aid comprised in guarantees shall be treated as transparent *de minimis* aid if:

(a) the beneficiary is not subject to collective insolvency proceedings nor fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors. In case of large undertakings, the beneficiary shall be in a situation comparable to a credit rating of at least B-; and

(b) the guarantee does not exceed 80 % of the underlying loan and either the amount guaranteed is EUR 1 500 000 (or EUR 750 000 for undertakings performing road freight transport) and the duration of the guarantee is five years or the amount guaranteed is EUR 750 000 (or EUR 375 000 for undertakings performing road freight transport) and the duration of the guarantee is 10 years; if the amount guaranteed is lower than these amounts and/or the guarantee is for a period of less than five or 10 years respectively, the gross grant equivalent of that guarantee shall be calculated as a corresponding proportion of the relevant ceiling laid down in Article 3(2); or

(c) the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice; or

(d) before implementation,

(i) the methodology used to calculate the gross grant equivalent of the guarantee has been notified to the Commission under another Commission Regulation in the State aid area applicable at that time and accepted by the Commission as being in line with the Guarantee Notice, or any successor Notice; and

(ii) that methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation.

7. Aid comprised in other instruments shall be considered as transparent *de minimis* aid if the instrument provides for a cap ensuring that the relevant ceiling is not exceeded.

## Article 5

### Cumulation

1. *De minimis* aid granted in accordance with this Regulation may be cumulated with *de minimis* aid granted in accordance with Commission Regulation (EU) No 360/2012 (1) up to the ceiling laid down in that Regulation. It may be cumulated with *de minimis* aid granted in accordance with other *de minimis* regulations up to the relevant ceiling laid down in Article 3(2) of this Regulation.

2. *De minimis* aid shall not be cumulated with State aid in relation to the same eligible costs or with State aid for the same risk finance measure, if such cumulation would exceed the highest relevant aid intensity or aid amount fixed in the specific circumstances of each case by a block exemption regulation or a decision adopted by the Commission. *De minimis* aid which is not granted for or attributable to specific eligible costs may be cumulated with other State aid granted under a block exemption regulation or a decision adopted by the Commission.

## Article 6

### Monitoring

1. Where a Member State intends to grant *de minimis* aid in accordance with this Regulation to an undertaking, it shall inform that undertaking in writing of the prospective amount of the aid expressed as a gross grant equivalent and of its *de minimis* character, making express reference to this Regulation and citing its title and publication reference in the *Official Journal of the European Union*. Where *de minimis* aid is granted in accordance with this Regulation to different undertakings on the basis of a scheme and different amounts of individual aid are granted to those undertakings under that scheme, the Member State concerned may choose to fulfil that obligation by informing the undertakings of a fixed sum corresponding to the maximum aid amount to be granted under that scheme. In such case, the fixed sum shall be used for determining whether the relevant ceiling laid down in Article 3(2) is reached. Before granting the aid, the Member State shall obtain a declaration from the undertaking concerned, in written or electronic form, about any other *de minimis* aid received to which this Regulation or other *de minimis* regulations apply during the previous two fiscal years and the current fiscal year.

2. Where a Member State has set up a central register of *de minimis* aid containing complete information on all *de minimis* aid granted by any authority within that Member State, paragraph 1 shall cease to apply from the moment the register covers a period of three fiscal years.

(1) Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest (OJ L 114, 26.4.2012, p. 8).

3. A Member State shall grant new *de minimis* aid in accordance with this Regulation only after having checked that this will not raise the total amount of *de minimis* aid granted to the undertaking concerned to a level above the relevant ceiling laid down in Article 3(2) and that all the conditions laid down in this Regulation are complied with.

4. Member States shall record and compile all the information regarding the application of this Regulation. Such records shall contain all information necessary to demonstrate that the conditions of this Regulation have been complied with. Records regarding individual *de minimis* aid shall be maintained for 10 fiscal years from the date on which the aid was granted. Records regarding a *de minimis* aid scheme shall be maintained for 10 fiscal years from the date on which the last individual aid was granted under such a scheme.

5. On written request, the Member State concerned shall provide the Commission, within a period of 20 working days or such longer period as may be fixed in the request, with all the information that the Commission considers necessary for assessing whether the conditions of this Regulation have been complied with, and in particular the total amount of *de minimis* aid within the meaning of this Regulation and of other *de minimis* regulations received by any undertaking.

## Article 7

### Transitional provisions

1. This Regulation shall apply to aid granted before its entry into force if the aid fulfils all the conditions laid down in this Regulation. Any aid which does not fulfil those conditions will be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.

2. Any individual *de minimis* aid which was granted between 2 February 2001 and 30 June 2007 and fulfils the conditions of Regulation (EC) No 69/2001 shall be deemed not to meet all the criteria in Article 107(1) of the Treaty and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty.

3. Any individual *de minimis* aid granted between 1 January 2007 and 30 June 2014 and which fulfils the conditions of Regulation (EC) No 1998/2006 shall be deemed not to meet all the criteria in Article 107(1) of the Treaty and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty.

4. At the end of the period of validity of this Regulation, any *de minimis* aid scheme which fulfils the conditions of this Regulation shall remain covered by this Regulation for a further period of six months.

*Article 8***Entry into force and period of application**

This Regulation shall enter into force on 1 January 2014.

It shall apply until 31 December 2020.

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

Done at Brussels, 18 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

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**COMMISSION REGULATION (EU) No 1408/2013**  
**of 18 December 2013**

**on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union  
to *de minimis* aid in the agriculture sector**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 108(4) thereof,

Having regard to Council Regulation (EC) No 994/98 of 7 May 1998 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to certain categories of horizontal State aid (1),

its notice on the *de minimis* rule for State aid (3) and subsequently in Commission Regulations (EC) No 69/2001 (4) and (EC) No 1998/2006 (5). In view of the special rules which apply in the agriculture sector and of the risk that even low levels of aid could fulfil the criteria laid down in Article 107(1) of the Treaty, the agriculture sector or parts of it were excluded from the scope of those Regulations. The Commission has already adopted a number of Regulations providing rules on *de minimis* aid granted in the agriculture sector, the latest of which was Regulation (EC) No 1535/2007 (6). In the light of the experience gained in applying Regulation (EC) No 1535/2007, it is appropriate to revise some of the conditions laid down in that Regulation and to replace it.

Having published a draft of this Regulation (7),

After consulting the Advisory Committee on State Aid,

Whereas:

(1) State funding meeting the criteria in Article 107(1) of the Treaty constitutes State aid and requires notification to the Commission by virtue of Article 108(3) of the Treaty. However, under Article 109 of the Treaty, the Council may determine categories of aid that are exempted from this notification requirement. In accordance with Article 108(4) of the Treaty, the Commission may adopt regulations relating to those categories of State aid. By virtue of Regulation (EC) No 994/98 the Council decided, in accordance with Article 109 of the Treaty, that *de minimis* aid could constitute one such category. On that basis, *de minimis* aid, being aid granted to a single undertaking over a given period of time that does not exceed a certain fixed amount, is deemed not to meet all the criteria laid down in Article 107(1) of the Treaty and is therefore not subject to the notification procedure.

(2) The Commission has, in numerous decisions, clarified the notion of aid within the meaning of Article 107(1) of the Treaty. The Commission has also stated its policy with regard to a *de minimis* ceiling below which Article 107(1) of the Treaty can be considered not to apply, initially in

(3) In the light of the Commission's experience in applying Regulation (EC) No 1535/2007, the maximum amount of aid to a single undertaking over a period of 3 years should be increased to EUR 15 000 and the national cap increased to 1 % of annual output. Those new ceilings still ensure that any measure falling under this Regulation can be deemed not to have any effect on trade between Member States and not to distort or threaten to distort competition.

(4) For the purposes of the rules on competition laid down in the Treaty an undertaking is any entity engaged in an economic activity, regardless of its legal status and the way in which it is financed (7). The Court of Justice of the European Union has ruled that all entities which are controlled (on a legal or on a *de facto* basis) by the same entity should be considered as a single undertaking (8). For the sake of legal certainty and to reduce the administrative burden, this Regulation should provide an exhaustive list of clear criteria for determining when two or more enterprises within the same Member State are to be considered as a single undertaking. The Commission has selected from the well-established criteria for defining

(1) OJ L 142, 14.5.1998, p. 1.

(2) OJ C 227, 6.8.2013, p. 3.

(3) Commission notice on the *de minimis* rule for State aid (OJ C 68, 6.3.1996, p. 9).

(4) Commission Regulation (EC) No 69/2001 of 12 January 2001 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 10, 13.1.2001, p. 30).

(5) Commission Regulation (EC) No 1998/2006 of 15 December 2006 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid (OJ L 379, 28.12.2006, p. 5).

(6) Commission Regulation (EC) No 1535/2007 of 20 December 2007 on the application of Articles 87 and 88 of the Treaty to *de minimis* aid in the sector of agricultural production (OJ L 337, 21.12.2007, p. 35).

(7) Case C-222/04 Ministero dell'Economia e delle Finanze v Cassa di Risparmio di Firenze SpA et al. [2006] ECR I-289.

(8) Case C-382/99 Netherlands v Commission [2002] ECR I-5163.

'linked enterprises' in the definition of small or medium-sized enterprises (SMEs) in Commission Recommendation 2003/361/EC (1) and in Annex I to Commission Regulation (EC) No 800/2008 (2) those criteria that are appropriate for the purposes of this Regulation. The criteria are already familiar to public authorities and should be applicable, given the scope of this Regulation, to both SMEs and large undertakings. Those criteria should ensure that a group of linked enterprises is considered as one single undertaking for the application of the *de minimis* rule, but that enterprises which have no relationship with each other except for the fact that each of them has a direct link to the same public body or bodies are not treated as being linked to each other. The specific situation of enterprises controlled by the same public body or bodies, which may have an independent power of decision, is therefore taken into account. Similarly, those criteria should ensure that individual members of a legal person or group of natural or legal persons are not, for that reason alone, treated as being linked where national law provides for such individual members to assume rights and obligations comparable to those of individual farmers who have the status of head of holding, in particular as regards their economic, social and tax status and where those individual members have contributed to strengthening the agricultural structures of the legal persons or groups concerned.

(5) Considering the similarities between the processing and marketing of agricultural products and of non-agricultural products, processing and marketing of agricultural products are included in the scope of Commission Regulation (EU) No 1407/2013 (3).

(6) The Court of Justice of the European Union has established that, once the Union has legislated for the establishment of a common organisation of the market in a given sector of agriculture, Member States are under an obligation to refrain from taking any measure which might undermine or create exceptions to it (4). For that reason, this Regulation should not apply to aid the amount of which is fixed on the basis of the price or quantity of products purchased or put on the market. Nor should it apply to support which is linked to an obligation to share the aid with primary producers.

(1) Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

(2) Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (OJ L 214, 9.8.2008, p. 3).

(3) Commission Regulation (EU) No 1407/2013 of 18 December 2013, on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (see page 1 of this Official Journal).

(4) Case C-456/00 *France v Commission* [2002] I-11949.

(7) This Regulation should not apply to export aid or aid contingent upon the use of domestic over imported products. In particular, it should not apply to aid financing the establishment and operation of a distribution network in other Member States or in third countries. Aid towards the costs of participating in trade fairs, or of studies or consultancy services needed for the launch of a new or existing product on a new market in another Member State or a third country does not normally constitute export aid.

(8) The period of 3 years to be taken into account for the purposes of this Regulation should be assessed on a rolling basis so that, for each new grant of *de minimis* aid, the total amount of *de minimis* aid granted in the fiscal year concerned and during the previous 2 fiscal years needs to be taken into account.

(9) Where an undertaking is active in the primary production of agricultural products and is also active in other sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013, the provisions of that Regulation should apply to aid granted in respect of those other sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with that Regulation.

(10) Where an undertaking is active in the primary production of agricultural products as well as in the fishery and aquaculture sector, Commission Regulation (EC) No 875/2007 (5) should apply to aid granted in respect of the latter sector, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with that Regulation.

(11) This Regulation should lay down rules to ensure that it is not possible to circumvent maximum aid intensities laid down in specific regulations or Commission decisions. It should also provide for clear rules on cumulation that are easy to apply.

(5) Commission Regulation (EC) No 875/2007 of 24 July 2007 on the application of Articles 87 and 88 of the EC Treaty to *de minimis* aid in the fisheries sector and amending Regulation (EC) No 1860/2004 (OJ L 193, 25.7.2007, p. 6).

(12) This Regulation does not exclude the possibility that a measure might be considered not to be State aid within the meaning of Article 107(1) of the Treaty on grounds other than those set out in this Regulation, for instance because the measure complies with the market economy operator principle or because the measure does not involve a transfer of State resources. In particular, Union funding centrally managed by the Commission which is not directly or indirectly under the control of the Member State, does not constitute State aid and should not be taken into account in determining whether the relevant ceiling or the national cap is respected.

transparent *de minimis* aid if the gross grant equivalent has been calculated on the basis of market interest rates prevailing at the time the aid is granted. In order to simplify the treatment of small loans of short duration, this Regulation should provide for a clear rule that is easy to apply and takes into account both the amount of the loan and its duration. Based on the Commission's experience, loans that are secured by collateral covering at least 50 % of the loan and that do not exceed either EUR 75 000 and a duration of 5 years or EUR 37 500 and a duration of 10 years can be considered as having a gross grant equivalent not exceeding the *de minimis* ceiling. Given the difficulties linked to determining the gross grant equivalent of aid granted to undertakings that may not be able to repay the loan, this rule should not apply to such undertakings.

(13) For the purposes of transparency, equal treatment and effective monitoring, this Regulation should apply only to *de minimis* aid for which it is possible to calculate precisely the gross grant equivalent *ex ante* without any need to undertake a risk assessment ('transparent aid'). Such a precise calculation can, for instance, be made for grants, interest rate subsidies, capped tax exemptions or other instruments that provide for a cap ensuring that the relevant ceiling is not exceeded. Providing for a cap means that as long as the precise amount of aid is not, or not yet, known, the Member State has to assume that the amount equals the cap in order to ensure that several aid measures together do not exceed the ceiling set out in this Regulation and to apply the rules on cumulation.

(16) Aid comprised in capital injections should not be considered as transparent *de minimis* aid, unless the total amount of the public injection does not exceed the *de minimis* ceiling. Aid comprised in risk finance measures taking the form of equity or quasi-equity investments, as referred to in the risk finance guidelines <sup>(2)</sup>, should not be considered as transparent *de minimis* aid unless the measure concerned provides capital not exceeding the *de minimis* ceiling.

(14) For the purposes of transparency, equal treatment and the correct application of the *de minimis* ceiling, all Member States should apply the same method of calculation. In order to facilitate such calculation, aid amounts not taking the form of a cash grant should be converted into their gross grant equivalent. Calculation of the gross grant equivalent of transparent types of aid other than grants and of aid payable in several instalments requires the use of market interest rates prevailing at the time such aid is granted. With a view to uniform, transparent and simple application of the State aid rules, the market rates applicable for the purposes of this Regulation should be the reference rates, as set out in the Communication from the Commission on the revision of the method for setting the reference and discount rates <sup>(1)</sup>.

(17) Aid comprised in guarantees, including *de minimis* risk finance aid taking the form of guarantees, should be considered as transparent if the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice for the type of undertaking concerned <sup>(3)</sup>. In order to simplify the treatment of guarantees of short duration securing up to 80 % of a relatively small loan, this Regulation should provide for a clear rule that is easy to apply and takes into account both the amount of the underlying loan and the duration of the guarantee. This rule should not apply to guarantees on underlying transactions not constituting a loan, such as guarantees on equity transactions. Where the guarantee does not exceed 80 % of the underlying loan, the amount guaranteed does not exceed EUR 112 500 and the duration of the guarantee does not exceed 5 years the guarantee can be considered as

(15) Aid comprised in loans, including *de minimis* risk finance aid taking the form of loans, should be considered

<sup>(2)</sup> Community guidelines on State aid to promote risk capital investments in small and medium-sized enterprises (OJ C 194, 18.8.2006, p. 2).

<sup>(3)</sup> For instance, Commission Notice on the application of Articles 87 and 88 of the EC Treaty to State aid in the form of guarantees (OJ C 155, 20.6.2008, p. 10).

<sup>(1)</sup> Communication from the Commission on the revision of the method for setting the reference and discount rates (OJ C 14, 19.1.2008, p. 6).

having a gross grant equivalent not exceeding the *de minimis* ceiling. The same applies where the guarantee does not exceed 80 % of the underlying loan, the amount guaranteed does not exceed EUR 56 250 and the duration of the guarantee does not exceed 10 years. In addition, Member States can use a methodology to calculate the gross grant equivalent of guarantees which has been notified to the Commission under another Commission Regulation in the State aid area applicable at that time and which has been accepted by the Commission as being in line with the Guarantee Notice, or any successor notice, provided that the accepted methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation. Given the difficulties linked to determining the gross grant equivalent of aid granted to undertakings that may not be able to repay the loan, this rule should not apply to such undertakings.

(18) Where a *de minimis* aid scheme is implemented through financial intermediaries, it should be ensured that the latter do not receive any State aid. This can be done, for example by requiring financial intermediaries that benefit from a State guarantee to pay a market-conform premium or to fully pass on any advantage to the final beneficiaries, or by respecting the *de minimis* ceiling and other conditions of this Regulation also at the level of the intermediaries.

(19) Upon notification by a Member State, the Commission may examine whether a measure which does not consist of a grant, loan, guarantee, capital injection or risk finance measure taking the form of an equity or quasi-equity investment, leads to a gross grant equivalent that does not exceed the *de minimis* ceiling and could therefore fall within the scope of this Regulation.

(20) The Commission has a duty to ensure that State aid rules are complied with and in accordance with the cooperation principle laid down in Article 4(3) of the Treaty on European Union, Member States should facilitate the fulfilment of this task by establishing the necessary tools in order to ensure that the total amount of *de minimis* aid granted to a single undertaking under the *de minimis* rule does not exceed the overall permissible ceiling. To that end, when granting a *de minimis* aid, Member States should inform the undertaking concerned of the amount of *de minimis* aid granted and of its *de minimis* character and should make express reference to this Regulation. Member States should be required to monitor aid granted to ensure the relevant ceilings are not exceeded and the cumulation rules are complied with. To comply with that obligation, before granting such aid, the Member State concerned should obtain from the undertaking a

declaration about other *de minimis* aid covered by this Regulation or by other *de minimis* regulations received during the fiscal year concerned and the previous 2 fiscal years. Alternatively it should be possible for Member States to set up a central register with complete information on *de minimis* aid granted and check that any new grant of aid does not exceed the relevant ceiling.

(21) Before granting any new *de minimis* aid each Member State should verify that neither the *de minimis* ceiling nor the national cap will be exceeded in that Member State by the new *de minimis* aid and that the other conditions of this Regulation are complied with.

(22) Having regard to the Commission's experience and in particular the frequency with which it is generally necessary to revise State aid policy, the period of application of this Regulation should be limited. If this Regulation expires without being extended, Member States should have an adjustment period of 6 months with regard to *de minimis* aid covered by this Regulation,

HAS ADOPTED THIS REGULATION:

## Article 1

### Scope

1. This Regulation applies to aid granted to undertakings active in the primary production of agricultural products, with the exception of:

- (a) aid the amount of which is fixed on the basis of the price or quantity of products put on the market;
- (b) aid to export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network or to other current expenditure linked to the export activity;
- (c) aid contingent upon the use of domestic over imported goods.

2. Where an undertaking is active in the primary production of agricultural products and is also active in one or more of the sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013, that Regulation shall apply to aid granted in respect of the latter sectors or activities, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with that Regulation.

3. Where an undertaking is active in the primary production of agricultural products as well as in the fishery and aquaculture sector, the provisions of Regulation (EC) No 875/2007 shall apply to aid granted in respect of the latter sector, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with that Regulation.

## Article 2

### Definitions

1. For the purposes of this Regulation, 'agricultural products' means products listed in Annex I to the Treaty, with the exception of fishery and aquaculture products covered by Council Regulation (EC) No 104/2000 (¹).

2. 'Single undertaking' includes, for the purposes of this Regulation, all enterprises having at least one of the following relationships with each other:

- (a) one enterprise has a majority of the shareholders' or members' voting rights in another enterprise;
- (b) one enterprise has the right to appoint or remove a majority of the members of the administrative, management or supervisory body of another enterprise;
- (c) one enterprise has the right to exercise a dominant influence over another enterprise pursuant to a contract entered into with that enterprise or to a provision in its memorandum or articles of association;
- (d) one enterprise, which is a shareholder in or member of another enterprise, controls alone, pursuant to an agreement with other shareholders in or members of that enterprise, a majority of shareholders' or members' voting rights in that enterprise.

(¹) Council Regulation (EC) No 104/2000 of 17 December 1999 on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.1.2000, p. 22).

Enterprises having any of the relationships referred to in points (a) to (d) of the first subparagraph through one or more other enterprises shall also be considered to be a single undertaking.

## Article 3

### *De minimis* aid

1. Aid measures shall be deemed not to meet all the criteria in Article 107(1) of the Treaty, and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty, if they fulfil the conditions laid down in this Regulation.

2. The total amount of *de minimis* aid granted per Member State to a single undertaking shall not exceed EUR 15 000 over any period of 3 fiscal years.

3. The cumulative amount of *de minimis* aid granted per Member State to undertakings active in the primary production of agricultural products over any period of 3 fiscal years shall not exceed the national cap set out in the Annex.

4. *De minimis* aid shall be deemed granted at the moment the legal right to receive the aid is conferred on the undertaking under the applicable national legal regime, irrespective of the date of payment of the *de minimis* aid to the undertaking.

5. The ceiling laid down in paragraph 2 and the national cap referred to in paragraph 3 shall apply irrespective of the form of the *de minimis* aid or the objective pursued and regardless of whether the aid granted by the Member State is financed entirely or partly by resources of Union origin. The period of 3 fiscal years shall be determined by reference to the fiscal years used by the undertaking in the Member State concerned.

6. For the purposes of the ceiling laid down in paragraph 2 and the national cap referred to in paragraph 3, aid shall be expressed as a cash grant. All figures used shall be gross, that is, before any deduction of tax or other charge. Where aid is granted in a form other than a grant, the aid amount shall be the gross grant equivalent of the aid.

Aid payable in several instalments shall be discounted to its value at the moment it is granted. The interest rate to be used for discounting purposes shall be the discount rate applicable at the time the aid is granted.

7. Where the ceiling laid down in paragraph 2 or the national cap referred to in paragraph 3 would be exceeded by the grant of new *de minimis* aid, none of that new aid may benefit from this Regulation.

8. In the case of mergers or acquisitions, all prior *de minimis* aid granted to any of the merging undertakings shall be taken into account in determining whether any new *de minimis* aid to the new or the acquiring undertaking exceeds the ceiling or the national cap. *De minimis* aid lawfully granted before the merger or acquisition shall remain lawful.

9. If one undertaking splits into two or more separate undertakings, *de minimis* aid granted prior to the split shall be allocated to the undertaking that benefited from it, which is in principle the undertaking taking over the activities for which the *de minimis* aid was used. If such an allocation is not possible, the *de minimis* aid shall be allocated proportionately on the basis of the book value of the equity capital of the new undertakings at the effective date of the split.

#### Article 4

##### Calculation of gross grant equivalent

1. This Regulation shall apply only to aid in respect of which it is possible to calculate precisely the gross grant equivalent of the aid *ex ante* without any need to undertake a risk assessment ('transparent aid').

2. Aid comprised in grants or interest rate subsidies shall be considered as transparent *de minimis* aid.

3. Aid comprised in loans shall be considered as transparent *de minimis* aid if:

(a) the beneficiary is not subject to collective insolvency proceedings nor fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors. In case of large undertakings, the beneficiary shall be in a situation comparable to a credit rating of at least B-; and

(b) the loan is secured by collateral covering at least 50 % of the loan and the loan amounts to either EUR 75 000 over 5 years or EUR 37 500 over 10 years; if a loan is for less than those amounts and/or is granted for a period of less than 5 or 10 years respectively, the gross grant equivalent of that loan shall be calculated as a corresponding proportion of the ceiling laid down in Article 3(2); or

(c) the gross grant equivalent has been calculated on the basis of the reference rate applicable at the time of the grant.

4. Aid comprised in capital injections shall only be considered as transparent *de minimis* aid if the total amount of the public injection does not exceed the *de minimis* ceiling.

5. Aid comprised in risk finance measures taking the form of equity or quasi-equity investments shall only be considered as transparent *de minimis* aid if the capital provided to a single undertaking does not exceed the *de minimis* ceiling.

6. Aid comprised in guarantees shall be treated as transparent *de minimis* aid if:

(a) the beneficiary is not subject to collective insolvency proceedings nor fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors. In case of large undertakings, the beneficiary shall be in a situation comparable to a credit rating of at least B-; and

(b) the guarantee does not exceed 80 % of the underlying loan and either the amount guaranteed is EUR 112 500 and the duration of the guarantee is 5 years or the amount guaranteed is EUR 56 250 and the duration of the guarantee is 10 years; if the amount guaranteed is lower than these amounts and/or the guarantee is for a period of less than 5 or 10 years respectively, the gross grant equivalent of that guarantee shall be calculated as a corresponding proportion of the ceiling laid down in Article 3(2); or

(c) the gross grant equivalent has been calculated on the basis of safe-harbour premiums laid down in a Commission notice; or

(d) before implementation,

(i) the methodology used to calculate the gross grant equivalent of the guarantee has been notified to the Commission under another Commission Regulation in the State aid area applicable at that time and accepted by the Commission as being in line with the Guarantee Notice, or any successor Notice; and

(ii) that methodology explicitly addresses the type of guarantee and the type of underlying transaction at stake in the context of the application of this Regulation.

7. Aid comprised in other instruments shall be considered as transparent *de minimis* aid if the instrument provides for a cap ensuring that the relevant ceiling is not exceeded.

## Article 5

### Cumulation

1. Where an undertaking is active in the primary production of agricultural products and is also active in one or more of the sectors or has other activities falling within the scope of Regulation (EU) No 1407/2013, *de minimis* aid granted for activities in the sector of agricultural production in accordance with this Regulation may be cumulated with *de minimis* aid granted in respect of the latter sector(s) or activities up to the relevant ceiling laid down in Article 3(2) of Regulation (EU) No 1407/2013, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with Regulation (EU) No 1407/2013.

2. Where an undertaking is active in the primary production of agricultural products as well as in the fishery and aquaculture sector, *de minimis* aid granted for activities in the sector of agricultural production in accordance with this Regulation may be cumulated with *de minimis* aid for activities in the latter sector in accordance with Regulation (EC) No 875/2007 up to the ceiling laid down in that Regulation, provided that the Member State concerned ensures, by appropriate means such as separation of activities or distinction of costs, that the primary production of agricultural products does not benefit from *de minimis* aid granted in accordance with Regulation (EC) No 875/2007.

3. *De minimis* aid shall not be cumulated with State aid in relation to the same eligible costs or with State aid for the same risk finance measure, if such cumulation would exceed the highest relevant aid intensity or aid amount fixed in the specific circumstances of each case by a block exemption regulation or a decision adopted by the Commission. *De minimis* aid which is not granted for or attributable to specific eligible costs may be cumulated with other State aid granted under a block exemption regulation or a decision adopted by the Commission.

## Article 6

### Monitoring

1. Where a Member State intends to grant *de minimis* aid in accordance with this Regulation to an undertaking, it shall inform that undertaking in writing of the prospective amount of the aid expressed as a gross grant equivalent and of its *de minimis* character, making express reference to this Regulation and citing its title and publication reference in the *Official Journal of the European Union*. Where *de minimis* aid is granted in accordance with this Regulation to different undertakings on the basis of a scheme and different amounts of individual aid are granted to those undertakings under that scheme, the Member State concerned may choose to fulfil that obligation by informing the undertakings of a fixed sum corresponding to the maximum aid amount to be granted under that scheme. In such case, the fixed sum shall be used for determining whether the ceiling laid down in Article 3(2) is reached and the national cap referred to in Article 3(3) is not exceeded. Before granting the aid, the Member State shall obtain a declaration from the undertaking concerned, in written or electronic form, about any other *de minimis* aid received to which this Regulation or other *de minimis* regulations apply during the previous 2 fiscal years and the current fiscal year.

2. Where a Member State has set up a central register of *de minimis* aid containing complete information on all *de minimis* aid granted by any authority within that Member State, paragraph 1 shall cease to apply from the moment the register covers a period of 3 fiscal years.

3. A Member State shall grant new *de minimis* aid in accordance with this Regulation only after having checked that this will not raise the total amount of *de minimis* aid granted to the undertaking concerned to a level above the ceiling laid down in Article 3(2) and the national cap referred to in Article 3(3) and that all the conditions laid down in this Regulation are complied with.

4. Member States shall record and compile all the information regarding the application of this Regulation. Such records shall contain all information necessary to demonstrate that the conditions of this Regulation have been complied with. Records regarding individual *de minimis* aid shall be maintained for 10 fiscal years from the date on which the aid was granted. Records regarding a *de minimis* aid scheme shall be maintained for 10 fiscal years from the date on which the last individual aid was granted under such a scheme.

5. On written request, the Member State concerned shall provide the Commission, within a period of 20 working days or such longer period as may be fixed in the request, with all the information that the Commission considers necessary for assessing whether the conditions of this Regulation have been complied with, and in particular the total amount of *de minimis* aid within the meaning of this Regulation and of other *de minimis* regulations received by any undertaking.

#### Article 7

##### **Transitional provisions**

1. This Regulation shall apply to aid granted before its entry into force if the aid fulfils all the conditions laid down in this Regulation. Any aid which does not fulfil those conditions will be assessed by the Commission in accordance with the relevant frameworks, guidelines, communications and notices.

2. Any individual *de minimis* aid which was granted between 1 January 2005 and 30 June 2008, and which fulfils the conditions of Regulation (EC) No 1860/2004 shall be deemed

not to meet all the criteria in Article 107(1) of the Treaty and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty.

3. Any individual *de minimis* aid granted between 1 January 2008 and 30 June 2014 and which fulfils the conditions of Regulation (EC) No 1535/2007, shall be deemed not to meet all the criteria in Article 107(1) of the Treaty and shall therefore be exempt from the notification requirement in Article 108(3) of the Treaty.

4. At the end of the period of validity of this Regulation, any *de minimis* aid scheme which fulfils the conditions of this Regulation shall remain covered by this Regulation for a further period of 6 months.

#### Article 8

##### **Entry into force and period of application**

This Regulation shall enter into force on 1 January 2014.

It shall apply until 31 December 2020.

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

Done at Brussels, 18 December 2013.

*For the Commission*

*The President*

José Manuel BARROSO

## ANNEX

**Maximum cumulative amounts of *de minimis* aid granted per Member State to undertakings in the sector of agricultural production referred to in Article 3(3)**

Member State	(EUR)
Belgium	76 070 000
Bulgaria	43 490 000
Czech Republic	48 340 000
Denmark	105 750 000
Germany	522 890 000
Estonia	8 110 000
Ireland	66 280 000
Greece	109 260 000
Spain	413 750 000
France	722 240 000
Croatia	28 610 000
Italy	475 080 000
Cyprus	7 060 000
Latvia	10 780 000
Lithuania	25 860 000
Luxembourg	3 520 000
Hungary	77 600 000
Malta	1 290 000
Netherlands	254 330 000
Austria	71 540 000
Poland	225 700 000
Portugal	62 980 000
Romania	180 480 000
Slovenia	12 320 000
Slovakia	22 950 000
Finland	46 330 000
Sweden	57 890 000
United Kingdom	270 170 000

**REGULATION (EU) No 1409/2013 OF THE EUROPEAN CENTRAL BANK  
of 28 November 2013  
on payments statistics  
(ECB/2013/43)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

relevant information should be collected directly from reporting agents.

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 5 thereof,

(4) The methodology according to which payments information is collected should take account of the developments in the legal framework for payments within the European Union, in particular, Directive 2007/64/EC of the European Parliament and of the Council<sup>(3)</sup>, Directive 2009/110/EC of the European Parliament and of the Council<sup>(4)</sup> and Article 5 of Regulation (EC) No 924/2009 of the European Parliament and of the Council<sup>(5)</sup>.

Having regard to Council Regulation (EC) No 2533/98 of 23 November 1998 concerning the collection of statistical information by the European Central Bank<sup>(1)</sup>, and in particular Articles 5(1) and 6(4) thereof,

Having regard to the opinion of the European Commission,

(5) It may be appropriate for NCBs to collect from the actual reporting population the statistical information necessary to fulfil the ECB's statistical requirements as part of a broader statistical reporting framework which the NCBs establish under their own responsibility in accordance with Union or national law or established practice and which also serves other statistical purposes, provided that the fulfilment of the ECB's statistical requirements is not jeopardised. This may also reduce the reporting burden. In order to foster transparency, it is appropriate, in these cases, to inform the reporting agents that data are also collected to fulfil other statistical purposes. In specific cases, the ECB may rely on statistical information collected for such other purposes to fulfil its requirements.

(1) The European Central Bank (ECB) requires country-specific and comparative payments statistics to fulfill its tasks. Article 2(1) of Regulation (EC) No 2533/98 provides that information may be collected in the area of payments and payment systems statistics. These data are essential for identifying and monitoring developments in the payments markets within the Member States, and for assisting in the promotion of the smooth operation of payment systems.

(6) While it is recognised that regulations adopted by the ECB under Article 34.1 of the Statute of the ESCB do not confer any rights or impose any obligations on Member States whose currency is not the euro (hereinafter the 'non-euro area Member States'), Article 5 of the Statute of the ESCB applies to both Member States whose currency is the euro (hereinafter the 'euro area Member States') and non-euro area Member States. Recital 17 of Regulation (EC) No 2533/98 refers to the fact that Article 5 of the Statute of the ESCB, together with Article 4(3) of the Treaty on European Union, implies an obligation to design and implement at national level all the measures that the non-euro area

(2) Article 5.1 of the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB') requires the ECB, assisted by the national central banks (NCBs), to collect the necessary statistical information either from the competent national authorities or directly from economic agents in order to undertake the tasks of the European System of Central Banks (ESCB). Article 5.2 of the Statute of the ESCB requires NCBs to carry out, to the extent possible, the tasks described in Article 5.1.

(3) The Eurosystem collects payments information pursuant to Guideline ECB/2007/9<sup>(2)</sup>. In the interest of increasing the quality and reliability of payments statistics and ensuring full coverage of the reporting population, the

<sup>(1)</sup> Directive 2007/64/EC of the European Parliament and of the Council of 13 November 2007 on payment services in the internal market (OJ L 319, 5.12.2007, p. 1).

<sup>(2)</sup> Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions (OJ L 267, 10.10.2009, p. 7).

<sup>(3)</sup> Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11).

<sup>(1)</sup> OJ L 318, 27.11.1998, p. 8.

<sup>(2)</sup> Guideline ECB/2007/9 of 1 August 2007 on monetary, financial institutions and markets statistics (OJ L 341, 27.12.2007, p. 1).

Member States consider appropriate in order to carry out the collection of the statistical information needed to fulfil the ECB's statistical reporting requirements and timely preparations in the field of statistics in order for them to become euro area Member States. Consequently, provisions of this Regulation may be extended to apply to the NCBs of non-euro area Member States by means of such NCBs cooperating with the Eurosystem on the basis of an ECB recommendation.

- (7) The standards for the protection and use of confidential statistical information as laid down in Article 8 of Council Regulation (EC) No 2533/98 should apply.
- (8) It is necessary to set up a procedure to carry out technical amendments to the annexes to this Regulation in an effective manner, provided that such amendments neither change the underlying conceptual framework nor affect the reporting burden. Account will be taken of the views of the Statistics Committee (STC) of the ESCB when following this procedure. NCBs and other ESCB Committees may propose such technical amendments to the annexes through the STC,

HAS ADOPTED THIS REGULATION:

### Article 1

#### Definitions

For the purposes of this Regulation:

- (a) 'reporting agent' and 'resident' have the same meaning as defined in Article 1 of Regulation (EC) No 2533/98;
- (b) 'payment service', 'payment service provider', 'payment institution' and 'payment system' have the same meaning as defined in Article 4 of Directive 2007/64/EC;
- (c) 'electronic money issuer' and 'electronic money institution' have the same meaning as defined in Article 2 of Directive 2009/110/EC;
- (d) 'payment system operator' means a legal entity that is legally responsible for operating a payment system.

### Article 2

#### Actual reporting population

- 1. The actual reporting population shall consist of payment service providers (including electronic money issuers) and/or payment system operators.
- 2. The reporting agents shall be subject to full statistical reporting requirements.

### Article 3

#### Statistical reporting requirements

- 1. The actual reporting population shall report the statistical information to the NCB of the Member State in which the reporting agent is resident, as specified in Annex III and taking into consideration the clarifications and definitions provided in Annexes I and II.
- 2. The NCBs shall define and implement the reporting arrangements to be followed by the actual reporting population in accordance with national characteristics. The NCBs shall ensure that these reporting arrangements provide the statistical information required under this Regulation and allow accurate checking of compliance with the minimum standards for transmission, accuracy, compliance with concepts and revisions specified in Annex IV.

### Article 4

#### Derogations

- 1. NCBs may grant derogations to reporting agents in respect of part or all of the reporting requirements set out in this Regulation:

- (a) in the case of payment institutions, if they fulfil the conditions laid down in Article 26(1) and (2) of Directive 2007/64/EC;
- (b) in the case of electronic money institutions, if they fulfil the conditions laid down in Article 9(1) and (2) of Directive 2009/110/EC;
- (c) in the case of other payment service providers not mentioned in points (a) and (b), if they fulfil either the conditions laid down in Article 9(1) and (2) of Directive 2009/110/EC or in Article 26(1) and (2) of Directive 2007/64/EC.

- 2. NCBs may only grant derogations to reporting agents under paragraph 1 if these reporting agents do not contribute to a statistically significant coverage, at national level, of payment transactions for each type of payment service.

- 3. NCBs may grant derogations to reporting agents in respect of reporting transactions with non-MFIs, where: (a) the combined value of services specified in Table 4 of Annex III contributed by reporting agents benefiting from such derogation does not exceed 5 % at national level for each of such services; and (b) the reporting burden would otherwise be disproportionate in view of the size of such reporting agents.

4. If an NCB grants a derogation pursuant to paragraph 1 or 3, it shall notify the ECB thereof at the same time as it reports information pursuant to Article 6(1).

5. The ECB shall publish a list of entities granted derogations by the NCBs.

#### Article 5

#### **List of payment service providers and payment system operators for statistical purposes**

1. The Executive Board shall establish and maintain a list of payment service providers, including electronic money issuers, and payment system operators subject to this Regulation. The list will be based on existing lists of supervised payment service providers and payment system operators established by national authorities, where such lists are available.

2. The NCBs and the ECB shall make the list referred to in paragraph 1, and its updates, accessible to the reporting agents concerned in an appropriate way, including by electronic means, via the Internet or, at the request of the reporting agents concerned, in paper form.

3. The list referred in paragraph 1 shall be for information only. However, in the event that the latest accessible electronic version of the list referred to in paragraph 1 is incorrect, the ECB shall not impose sanctions on any entity that did not properly fulfil its reporting requirements to the extent that it relied in good faith on the incorrect list.

#### Article 6

#### **Timeliness**

1. Statistical information, as specified in Annex III, shall be transmitted by the NCBs to the ECB on an annual basis by close of business on the last working day of May following the end of the year to which it relates.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Frankfurt am Main, 28 November 2013.

*For the Governing Council of the ECB*

*The President of the ECB*

Mario DRAGHI

## ANNEX I

## GENERAL STRUCTURE OF PAYMENTS STATISTICS

## PART 1 OVERVIEW

## Part 1.1 Overview of tables

1. Payments statistics are compiled by the European Central Bank (ECB) through specific harmonised data collection managed at national level by each national central bank (NCB). The data compilation is structured in the form of seven tables as described below containing national data on each Member State whose currency is the euro (hereinafter a 'euro area Member State') that are later combined in comparative tables covering all euro area Member States.

Table	Description of main contents
Table 1:  Institutions offering payment services to non-monetary financial institutions (non-MFIs)	Breakdowns showing number of overnight deposits, number of payment accounts, number of e-money accounts and outstanding value on e-money storages issued, by credit institutions, electronic money institutions, payment institutions and other payment service providers (PSPs) and e-money issuers
Table 2:  Payment card functions	Number of cards issued by PSPs resident in the country. Data on cards are compiled with a breakdown by function of the card
Table 3:  Payment card accepting devices	Number of terminals provided by PSPs resident in the country. Data on terminals distinguish between automatic teller machines (ATMs), point-of-sale (POS) and e-money card terminals
Tables 4:  Payment transactions involving non-MFIs	Number and value of payment transactions sent and received by non-MFIs through PSPs resident in the country. Transactions are compiled by payment service with a geographical breakdown
Tables 5:  Payment transactions per type of terminal involving non-MFIs	Number and value of payment transactions sent by non-MFIs through PSPs. Transactions are compiled by type of terminal involved with a geographical breakdown
Table 6:  Participation in selected payment systems	Number of participants in each payment system located in the country, distinguishing direct and indirect participants and within direct participants with a breakdown by type of institution
Table 7:  Payments processed by selected payment systems	Number and value of payment transactions processed by each payment system located in the country, by payment service and with a geographical breakdown

## Part 1.2 Type of information

1. Stock data, as contained in Tables 1, 2, 3 and 6, refer to end-of-period, i.e. positions on the last working day of the reference calendar year. The indicators on the outstanding value on e-money storages issued are compiled in euro and relate to payment storages denominated in all currencies.

2. Flow data, as contained in Tables 4, 5 and 7, relate to payment transactions accumulated throughout the period, i.e. total for the reference calendar year. The indicators on the value of transactions are compiled in euro and relate to payment transactions denominated in all currencies.

#### **Part 1.3 Consolidation within the same national territory**

1. For each euro area Member State, the reporting population consists of PSPs and/or payment system operators.
2. PSPs are institutions incorporated and located in that territory, including subsidiaries of parent companies located outside that territory, and branches of institutions that have their head office outside that territory.
  - (a) Subsidiaries are separate incorporated entities in which another entity has a majority or full holding.
  - (b) Branches are unincorporated entities without independent legal status wholly owned by the parent.
3. For statistical purposes, the following principles apply for consolidation of PSPs within national boundaries:
  - (a) If a parent company and its subsidiaries are PSPs located in the same national territory, the parent company is permitted in its statistical returns to consolidate the business of these subsidiaries. This is only applicable in the event that the parent company and its subsidiaries are classified as the same type of PSP.
  - (b) If an institution has branches located within the territories of the other euro area Member States, the registered or head office located in a given euro area Member State considers these branches as residents in the other euro area Member States. Conversely, a branch located in a given euro area Member State considers the registered or head office or other branches of the same institution located within the territories of the other euro area Member States as residents in the other euro area Member States.
  - (c) If an institution has branches located outside the territory of the euro area Member States, the registered or head office located in a given euro area Member State considers these branches as residents of the rest of the world. Conversely, a branch located in a given euro area Member State considers the registered or head office or other branches of the same institution located outside the euro area Member States as residents of the rest of the world.
4. For statistical purposes, consolidation of PSPs across national boundaries is not permitted.
5. If a payment system operator is responsible for several payment systems located in the same national territory, statistics for each payment system are reported separately.
6. Institutions located in offshore financial centres are treated for statistical purposes as residents of the territories in which the centres are located.

#### PART 2 SPECIFIC FEATURES IN TABLES 2 TO 7

##### **Part 2.1 Payment card functions (Table 2)**

1. If a 'card with a payment function (except cards with an e-money function only)' offers several functions, it is counted in each applicable sub-category. Therefore, the total number of cards with a payment function, may be smaller than the sum of the sub-categories. To avoid double-counting, sub-categories should not be added up.
2. A 'card with an e-money function' can be either a 'card on which e-money can be stored directly' or a 'card which gives access to e-money stored on e-money accounts'. Therefore, the total number of cards with an e-money function is the sum of the two sub-categories.
3. The total number of cards issued by resident PSPs is stated separately in 'total number of cards (irrespective of the number of functions on the card)'. This indicator may not necessarily be the sum of 'cards with a cash function', 'cards with a payment function' and 'cards with an e-money function', as these categories may not be mutually exclusive.
4. The indicator 'card with a combined debit, cash and e-money function' refers to a card issued by a PSP, which has a combined cash, debit and e-money function. In addition, it is reported in each of the sub-categories:
  - (a) 'cards with a cash function';
  - (b) 'cards with a debit function';
  - (c) 'cards with an e-money function'.

5. If a card with a combined function offers additional functions, it is also reported in the relevant sub-category.
6. Cards are counted on the card-issuing side regardless of the cardholder's residency or the location of the account to which the card is linked.
7. Each country reports the number of cards that have been issued by PSPs resident in the country, irrespective of whether the card is co-branded or not.
8. Cards in circulation are included irrespective of when they were issued or whether they were used.
9. Cards issued by card schemes, i.e. three-party or four-party schemes, are included.
10. Expired or withdrawn cards are not included.
11. Cards issued by merchants, i.e. retailer cards, are not included, unless they have been issued in cooperation with a PSP, i.e. they are co-branded.

#### **Part 2.2 Payment card accepting devices (Table 3)**

1. All terminals provided by resident PSPs are reported, including all terminals located in the reporting country and terminals located outside of the reporting country.
2. The entity which provides terminals is the acquirer, regardless of the ownership over the terminals. Therefore, only terminals provided by the acquirer are counted.
3. Terminals provided by branches and/or subsidiaries of the PSP located abroad are not reported by the parent PSP, but by the branches and/or subsidiaries themselves.
4. Every terminal is counted individually even if several terminals of the same type exist at one merchant location.
5. If an ATM offers more than one function, it is counted in each applicable sub-category. Therefore, the total number of ATMs may be smaller than the sum of the sub-categories. To avoid double-counting, sub-categories should not be added up.
6. POS terminals are split into two sub-categories: 'EFTPOS terminals' and 'e-money card terminals'. These sub-categories should not be added up, as they are 'of which' and would not equate to the total.
7. If an e-money card terminal offers more than one function, it is counted in each applicable sub-category. Therefore, the total number of e-money card terminals may be smaller than the sum of the sub-categories. To avoid double-counting, sub-categories should not be added up.

#### **Part 2.3 Payment transactions involving non-MFIs (Table 4)**

1. Payment transactions are initiated by non-MFIs to any counterparty or by PSPs if the counterparty is a non-MFI. This includes:
  - (a) payment transactions which take place between two accounts held at different PSPs and which are executed with the use of an intermediary, i.e. where payments are sent to another PSP or to a payment system; and
  - (b) payment transactions which take place between two accounts held at the same PSP, e.g. on-us transactions, with the transaction being settled either on the accounts of the PSP itself, or with the use of an intermediary, i.e. another PSP or a payment system.
2. Payment transactions initiated by a resident PSP and executed with a specific transaction order, i.e. with the use of a payment instrument, are included as 'transactions per type of payment service'.
3. Fund transfers between accounts in the same name, and also between different types of accounts are included according to the payment service used. Transfers between different types of accounts include, for example, transfers from a transferable deposit to an account holding a non-transferable deposit.

4. In relation to bulk payment transactions, each individual payment transaction is counted.
5. Payment transactions denominated in foreign currency are included. Data are converted into euro using the ECB reference exchange rate or exchange rates applied for these transactions.
6. Payment transactions initiated by a resident PSP and executed without a specific transaction order, i.e. without the use of a payment service, by simple book entry on the account of a non-MFI, are not included. If they cannot be distinguished, such transactions are included as 'transactions per type of payment service'.

*Total payment transactions*

7. The indicator 'total payment transactions involving non-MFIs' is the sum of the six mutually exclusive sub-categories: 'credit transfers', 'direct debits', 'card payments with cards issued by resident PSPs (except cards with an e-money function only)', 'e-money payment transactions', 'cheques' and 'other payment services'.

*Credit transfers*

8. Each transaction is allocated to only one sub-category, i.e. either 'initiated in paper-based form' or 'initiated electronically'. As the sub-categories are mutually exclusive, the total number of credit transfers is the sum of the sub-categories. The same principle applies to the total value of credit transfers.
9. Credit transfers reported under 'initiated electronically' are further split into 'initiated in a file/batch' and 'initiated on a single payment basis'. As the sub-categories are mutually exclusive, the total number of credit transfers initiated electronically is the sum of the sub-categories. The same principle applies to the total value of credit transfers initiated electronically.
10. Includes credit transfers performed via ATMs with a credit transfer function.
11. Transactions involving cash at one or both ends of the payment transaction, and using a credit transfer payment service, are also included as credit transfers.
12. Credit transfers used to settle outstanding balances of transactions using cards with a credit or delayed debit function are also included.
13. Credit transfers includes all Single Euro Payments Area (SEPA) credit transfers as well as non-SEPA transactions. Non-SEPA transactions are also reported in the sub-category 'non-SEPA'.
14. The sub-categories 'initiated in a file or batch' and 'initiated on a single payment basis' contain all SEPA and non-SEPA transactions.
15. 'Domestic transactions sent', 'cross-border transactions sent' and 'cross-border transactions received' contain both SEPA and non-SEPA transactions.
16. Cash payments to an account using a bank form are not included under credit transfers.

*Direct debits*

17. Both one-off and recurrent direct debits are included. In the case of recurrent direct debits, each individual payment is counted as one transaction.
18. Direct debits used to settle outstanding balances resulting from transactions using cards with a credit or delayed debit function are included, as these are separate payments from the cardholder to the card issuer.
19. Direct debits are further split into 'initiated in a file/ batch' and 'initiated on a single payment basis'. As the sub-categories are mutually exclusive, the total number of direct debits is the sum of the sub-categories. The same principle applies to the total value of direct debits.
20. Direct debits includes all SEPA direct debits as well as non-SEPA transactions. Non-SEPA transactions are also reported in the sub-category 'non-SEPA'.

21. The sub-categories 'initiated in a file or batch' and 'initiated on a single payment basis' contain all SEPA and non-SEPA transactions.
22. 'Domestic transactions sent', 'cross-border transactions sent' and 'cross-border transactions received' contain both SEPA and non-SEPA transactions.
23. Cash payments from an account using a bank form are not included under direct debits.

*Card payments*

24. Payment transactions with cards issued by resident PSPs are reported, regardless of the location of the brand under which the payment transaction has been made.
25. Transactions reported by payment service includes data on card transactions at virtual points of sale, e.g. over the internet or the telephone.
26. Payment transactions are performed using cards with a debit, credit or delayed debit function at a terminal or via other channels. The following breakdown of card payment transactions are reported:
  - (a) 'payments with cards with a debit function';
  - (b) 'payments with cards with a delayed debit function';
  - (c) 'payments with cards with a credit function';
  - (d) 'payments with cards with a debit or delayed debit function';
  - (e) 'payments with cards with a credit or delayed debit function'.
27. The sub-categories 'payments with cards with a debit or delayed debit function' and 'payments with cards with a credit or delayed debit function' are only reported if the specific card function cannot be identified.
28. Each transaction is allocated to only one sub-category. As the sub-categories are mutually exclusive, the total number of card payments is the sum of the sub-categories. The same principle applies to the total value of card payments.
29. Payment transactions with cards are also split into 'initiated at a physical EFTPOS' and 'initiated remotely'. As the sub-categories are mutually exclusive, the total number of card payments is the sum of the sub-categories. The same principle applies to the total value of card payments.
30. Card payments with cards issued by resident PSPs which only have an e-money function are not included.

*E-money payment transactions*

31. Each transaction is allocated to only one sub-category, i.e. 'with cards on which e-money can be stored directly' or 'with e-money accounts'. As the sub-categories are mutually exclusive, the total number of e-money payment transactions is the sum of the sub-categories. The same principle applies to the total value of e-money payment transactions.
32. Transactions under 'with e-money accounts' are further split to provide information on those 'accessed through a card'.

*Cheques*

33. Cash withdrawals with cheques are included.
34. Cash withdrawals using bank forms are not included.
35. Cheques issued but not submitted for clearing are not included.

*Cross-border transactions*

36. In the case of sent transactions, to avoid double-counting, cross-border transactions are counted in the country in which the transaction originates.
37. In the case of received transactions, to avoid double-counting, cross-border transactions are counted in the country in which the transaction is received.
38. The difference between 'cross-border transactions sent' and 'cross-border transactions received' shows the net inflow or outflow of transactions into or out of the reporting country.

*Flow of funds*

39. The direction of the flow of funds depends on the payment service and the initiation channel used:
  - (a) in the case of credit transfers, e-money payments and similar transactions where the payer initiates the transaction, the sending participant is also the sender of funds, and the receiving participant the recipient of funds;
  - (b) in the case of direct debits, cheques, e-money payments and similar transactions where the payee initiates the transaction, the sending participant is the recipient of funds and the receiving participant the sender of funds;
  - (c) in the case of card payments, although the payee initiates the transaction, the treatment followed within this Regulation corresponds to that where the payer initiates the transaction.

**Part 2.4 Payment transactions per type of terminal involving non-MFIs (Table 5)**

1. All indicators in this table refer to cash or cashless payment transactions performed at a physical (not virtual) terminal.
2. Resident PSPs provide information on all payment transactions at terminals provided (i.e. acquired) by the PSPs.
3. Resident PSPs provide information on all payment transactions, with cards issued by the PSPs, at terminals provided by non-resident PSPs.
4. Payment transactions at terminals provided by branches or subsidiaries of the PSP abroad are not reported by the parent PSP.
5. Transactions by type of terminal are broken down into three different categories based on the residency of the PSP. Categories in points (a) and (b) below are counted on the acquiring side and the category in point (c) below is counted on the issuing side:
  - (a) payment transactions at terminals provided by resident PSPs with cards issued by resident PSPs;
  - (b) payment transactions at terminals provided by resident PSPs with cards issued by non-resident PSPs;
  - (c) payment transactions at terminals provided by non-resident PSPs with cards issued by resident PSPs.
6. The sub-categories within each category (a), (b) and (c) mentioned in point 5 should not be added up.
7. In this table, the geographical breakdown is based on the location of the terminal.

**Part 2.5 Participation in selected payment systems (Table 6)**

1. This table refers to number, type and institutional sector of participants (irrespective of their location) in a payment system.
2. The indicator 'number of participants' is the sum of the two mutually exclusive sub-categories 'direct participants' and 'indirect participants'.

3. The indicator 'direct participants' is the sum of the three mutually exclusive sub-categories 'credit institutions', 'central bank' and 'other direct participants'.
4. The indicator 'other direct participants' is the sum of the four mutually exclusive sub-categories 'public administration', 'clearing and settlement organisations', 'other financial institutions' and 'others'.

#### **Part 2.6 Payments processed by selected payment systems (Table 7)**

1. This table refers to payment transactions processed through a payment system.
2. Payment transactions of a PSP on its own account are reported in the relevant indicators in this table.
3. In the case of a payment system, in which another payment system, e.g. an ancillary payment system, settles its positions, then the following principles apply:
  - (a) the system of settlement reports the actual number of settlement operations and the actual amount settled;
  - (b) where payment transactions are cleared outside the payment system and only net positions are settled via the payment system, only the transactions for the settlement of net positions are counted, and these are allocated to the payment service used for the settlement transaction.
4. Each payment transaction is counted only once on the sending participant's side, i.e. the debiting of the payer's account and the crediting of the payee's account are not counted separately. Refer to the section on flow of funds in Part 2.3 above.
5. For multiple credit transfers, i.e. bulk payments, each item of the payment is counted.
6. In the case of netting systems, it is the gross number and value of payment transactions that is reported, and not the result after netting.
7. Payment systems distinguish and report domestic and cross-border transactions according to the residency of the sending and receiving participants. The classification 'domestic transactions' or 'cross-border transactions' reflects the location of the parties involved.
8. To avoid double-counting, cross-border transactions are counted in the country in which the transaction originates.
9. The indicator 'card payments' includes ATM transactions if the data cannot be broken down; otherwise ATM transactions are shown in the separate indicator 'ATM transactions'.
10. The indicator 'card payments' includes all payment transactions processed in the payment system, irrespective of where the card was issued or used.
11. Cancelled payment transactions are excluded. Transactions that are later subject to a rejection transaction are included.

## ANNEX II

## DATA DEFINITIONS

Term	Definition
Acquirer	<p>The term is applicable in the following cases:</p> <ul style="list-style-type: none"> <li>(a) The entity that holds deposit accounts for card acceptors, i.e. merchants, and to which the card acceptor transmits the data relating to the transactions. The acquirer is responsible for the collection of transaction information and settlement with the acceptors.</li> <li>(b) In point-of-sale (POS) transactions, the entity to which the acceptor, usually a merchant, transmits the information necessary in order to process the card payment. The acquirer is the entity that manages the account of the merchant.</li> <li>(c) In automated teller machine (ATM) transactions, the entity which makes banknotes available to the cardholder, whether directly or via the use of third-party providers.</li> <li>(d) The entity which provides terminals, regardless of the ownership of the terminals.</li> </ul>
Acquiring	Means services enabling a payee to accept a payment instrument or a payment transaction, by providing authentication, authorisation, and settling services resulting in a transfer of funds to the payee.
Agent	'Agent' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
ATM (automated teller machine)	<p>Electromechanical device that allows authorised users, typically using machine-readable physical cards, to withdraw cash from their accounts and/or access other services, allowing them, for example, to make balance enquiries, transfer funds or deposit money.</p> <p>A device allowing only balance enquiries does not qualify as an ATM.</p> <p>The ATM may be operated online, with a real-time request for authorisation, or offline.</p>
ATM cash deposit (except e-money transactions)	Cash deposit performed at an ATM using a card with a cash function. Includes all transactions in which cash is deposited at a terminal, without manual intervention, and the payer is identified with a payment card.
ATM cash withdrawal (except e-money transactions)	<p>Cash withdrawal performed at an ATM using a card with a cash function.</p> <p>Cash advances at POS terminals using a card with a debit, credit or delayed debit function are only included if they are unconnected to a payment transaction.</p> <p>Cash withdrawals together with a payment transaction are not included. Instead, these are 'POS transactions'.</p>
ATM transactions (except e-money transactions)	<p>Cash withdrawals or cash deposits performed at an ATM using a card with a cash function, which comprises all relevant transactions initiated with a card, i.e.:</p> <ul style="list-style-type: none"> <li>(a) All transactions in which the acquirer and the issuer of the card are different entities; and</li> <li>(b) All transactions in which the acquirer and the issuer of the card are the same entity.</li> </ul> <p>E-money payment transactions are not included.</p>

Term	Definition
ATM with a cash withdrawal function	ATM allowing authorised users to withdraw cash from their accounts by using a card with a cash function.
ATM with a credit transfer function	ATM allowing authorised users to make credit transfers using a payment card.
Branch	<p>A place of business other than the head office located in the reporting country and established by a payment service provider (PSP) legally incorporated in another country. It has no legal personality and directly carries out some or all of the transactions inherent in the business of a PSP.</p> <p>All of the places of business set up in the reporting country by the same institution legally incorporated in another country constitute a single branch. Each of these places of business is counted as an individual office.</p>
Brand	A particular payment product, especially a card, that has been licensed by its owner for use in a given territory.
Card	<p>A device that can be used by its holder either to conduct transactions or to withdraw money.</p> <p>Cards offer the cardholder, in accordance with the agreement with the card issuer, one or more of the following functions: cash, debit, delayed debit, credit and e-money.</p> <p>Cards linked to an e-money account are included in the category 'cards with an e-money function' as well as in other categories according to the functions offered by the card.</p> <p>Cards are counted on the sending participant's side (i.e. the card-issuing side).</p>
Card issuer	<p>A financial institution that makes payment cards available to cardholders, authorises transactions at POS terminals or ATMs and guarantees payment to the acquirer for transactions that are in conformity with the rules of the relevant scheme.</p> <p>In the case of three-party schemes, the card issuer is the card scheme itself.</p> <p>In the case of four-party schemes, the following entities can be card issuers:</p> <ul style="list-style-type: none"> <li>(a) a credit institution;</li> <li>(b) an undertaking which is a member of a card scheme and has a contractual relationship with a cardholder that results in the provision and use of a card of that card scheme.</li> </ul>
Cards on which e-money can be stored directly	E-money held on a card in the e-money holder's possession. Refer also to the definition of 'electronic money'.
Card payment	Payment transaction performed with a card with a debit, credit or delayed debit function at a terminal or via other channels.
Card payment initiated at a physical EFTPOS	Electronically initiated card payment transaction at a physical POS allowing electronic fund transfers. This item typically includes payments with cards through an electronic funds transfer at point of sale (EFTPOS) terminal at a merchant's location. It does not include e-money payment transactions.

Term	Definition
Card payments with cards issued by resident PSPs (except cards with an e-money function only)	<p>Payment transactions performed using cards with a debit, credit or delayed debit function at a terminal or via other channels.</p> <p>All payment transactions initiated with a card are included, i.e:</p> <p>(a) all transactions in which the acquirer and the issuer of the card are different entities; and</p> <p>(b) all transactions in which the acquirer and the issuer of the card are the same entity.</p> <p>Deductions from the PSP's account resulting from the settlement of a card transaction in which the acquirer and the issuer of the card are the same entity are included.</p> <p>Payment transactions by telephone or over the internet using a card are included.</p> <p>E-money payment transactions are not included.</p> <p>Cash withdrawals and deposits at ATMs are not included. These are reported as 'ATM cash withdrawals' or 'ATM cash deposits'.</p> <p>Credit transfers at ATMs are not included. These are reported as 'credit transfers'.</p> <p>Cash advances at POS terminals are not included.</p>
Card payments with cards issued by resident PSPs initiated remotely	<p>Electronically initiated card payment transactions which are not initiated at a physical POS terminal. This item typically includes payments with cards for products and services purchased by telephone or over the internet.</p>
Card scheme	<p>A technical and commercial arrangement set up to serve one or more brands of card which provides the organisational, legal and operational framework necessary for the functioning of the services marketed by those brands. A three-party card scheme is a card scheme involving the following stakeholders:</p> <p>(a) the card scheme itself, which acts as issuer and acquirer;</p> <p>(b) the cardholder;</p> <p>(c) the accepting party.</p> <p>A four-party card scheme is a card scheme where the stakeholders involved are:</p> <p>(a) the issuer;</p> <p>(b) the acquirer;</p> <p>(c) the cardholder;</p> <p>(d) the card acceptor.</p> <p>In the case of ATM transactions, it is usually the acquirer that offers its services via the ATM.</p>
Cards which give access to e-money stored on e-money accounts	<p>Refer to definition of 'e-money accounts'.</p>
Card with a cash function	<p>A card enabling the holder to withdraw cash from an ATM and/or to deposit cash to an ATM.</p>
Card with a combined debit, cash and e-money function	<p>A card issued by a PSP, which has a combined cash, debit and e-money function.</p>

Term	Definition
Card with a credit or delayed debit function	<p>A card which has a credit or delayed debit function.</p> <p>This category is only reported if the data cannot be broken down into 'cards with a credit function' and 'cards with a delayed debit function'.</p>
Card with a credit function	<p>A card enabling cardholders to make purchases and in some cases also to withdraw cash up to a pre-arranged ceiling. The credit granted may be settled in full by the end of a specified period or may be settled in part, with the balance taken as extended credit on which interest is usually charged.</p> <p>The distinguishing feature of a card with a credit function, in contrast to a card with a debit function or a delayed debit function, is the contractual agreement granting the cardholder a credit line allowing for extended credit.</p>
Card with a debit or delayed debit function	<p>A card which has a debit function or a delayed debit function.</p> <p>This category is only reported if the data cannot be broken down into 'cards with a debit function' and 'cards with a delayed debit function'.</p>
Card with a debit function	<p>A card enabling cardholders to have their purchases directly and immediately charged to their accounts, whether held with the card issuer or not.</p> <p>A card with a debit function may be linked to an account offering overdraft facilities as an additional feature. The number of cards with a debit function refers to the total number of cards in circulation and not to the number of accounts to which the cards are linked.</p> <p>The distinguishing feature of a card with a debit function, in contrast to a card with a credit function or a delayed debit function, is the contractual agreement to charge purchases directly to funds on the cardholder's current account.</p>
Card with a delayed debit function	<p>A card enabling cardholders to have their purchases charged to an account with the card issuer, up to an authorised limit. The balance in this account is then settled in full at the end of a pre-defined period. The holder is usually charged an annual fee.</p> <p>The distinguishing feature of a card with a delayed debit function, in contrast to a card with a credit function or a debit function, is the contractual agreement granting a credit line but with an obligation to settle the debt incurred at the end of a pre-defined period. This type of card is commonly referred to as a 'charge card'.</p>
Card with a payment function (except cards with an e-money function only)	<p>A card which has at least one of the following functions: a debit function, delayed debit function or credit function. The card may also have other functions, such as an e-money function, but cards with only an e-money function are not counted in this category.</p>
Card with an e-money function	<p>A card enabling e-money transactions.</p> <p>Cards on which e-money can be stored directly and cards which give access to e-money stored on e-money accounts are included.</p>
Card with an e-money function which has been loaded at least once	<p>A card with an e-money function which has been loaded at least once and can thus be considered activated. Loading may be interpreted as indicative of the intention to use the e-money function.</p>

Term	Definition
Cash	<p>Banknotes and coins in the vaults of monetary financial institutions (MFIs).</p> <p>Commemorative coins that are not commonly used to conduct payment transactions are not included.</p>
Cash advance at POS terminals	<p>Transactions in which the cardholder receives cash at a POS terminal in combination with a payment transaction for goods or services.</p> <p>If it is not possible to distinguish data on cash advances at POS terminals, these are reported as 'POS transactions'.</p>
Central bank	<p>A financial corporation and quasi-corporation whose principal function is to issue currency, to maintain the internal and external value of the currency and to hold all or part of the international reserves of the country.</p>
Cheque	<p>A written order from one party, i.e. the drawer, to another, i.e. the drawee, which is normally a credit institution, requiring the drawee to pay a specified sum on demand to the drawer or to a third party specified by the drawer.</p>
Clearing and settlement organisation	<p>Any clearing and settlement organisation which is a direct participant in a payment system.</p>
Concentration ratio	<p>Concentration ratio in terms of volume: the ratio of the number, i.e. volume, of transactions sent by the five largest participants of a payment system and the total number, i.e. volume, of transactions sent via the payment system.</p> <p>Concentration ratio in terms of value: the ratio of the value of transactions sent by the five largest participants of a payment system and the total value of transactions sent via the payment system.</p>
Credit institution	<p>'Credit institution' has the same meaning as defined in Article 4(1) of Regulation (EU) No 575/2013 of the European Parliament and of the Council (¹).</p>
Credit transfer	<p>Payment service which allows the payer to instruct the institution holding its account to transfer funds to the beneficiary. It is a payment order or a sequence of payment orders made for the purpose of placing funds at the disposal of the beneficiary. Both the payment order and the funds described therein move from the PSP of the payer to the PSP of the payee, i.e. the beneficiary, possibly via several other credit institutions as intermediaries and/or one or more payment and settlement systems.</p> <p>Transactions involving cash at one or both ends of the payment transaction, and using a credit transfer payment service, are included as credit transfers.</p> <p>Credit transfers initiated at an ATM with a credit transfer function are also included.</p>
Credit transfers of which: non-SEPA	<p>Credit transfers which do not comply with the requirements for Single Euro Payments Area (SEPA) credit transfers, as stipulated in Regulation (EU) No 260/2012 of the European Parliament and of the Council (²).</p>
Credit transfers initiated in paper-based form	<p>Credit transfer which the payer submits in paper-based form.</p>

Term	Definition
Credit transfers initiated in a file/batch	An electronically initiated credit transfer that is part of a group of credit transfers jointly initiated by the payer via a dedicated line. Each credit transfer contained in a batch is counted as a separate credit transfer when reporting the number of transactions.
Credit transfers initiated electronically	<p>Any credit transfer which the payer submits without the use of paper forms, i.e. electronically. Includes submissions by telefax or other means, such as automated telephone banking, if they are transformed into electronic payments without manual intervention.</p> <p>Includes standing orders originally submitted in paper-based form but then executed electronically.</p> <p>Includes credit transfers which are executed by a PSP on the basis of a financial service, if the financial service is initiated electronically, or if the form of submission of the service is not known and the PSP executed the transfer electronically.</p> <p>Includes credit transfers initiated at an ATM with a credit transfer function.</p>
Credit transfers initiated on a single payment basis	An electronically initiated credit transfer that is initiated independently, i.e. that is not part of a group of credit transfers jointly initiated.
Cross-border transaction	<p>A payment transaction initiated by a payer or by a payee, where the payer's PSP and the payee's PSP are located in different countries.</p> <p>Specifically, in the case of payment systems: a payment transaction between participants located in different countries.</p>
Transaction received	<p>A transaction involving non-MFIs received from PSPs. Information is provided in the reporting country by the resident PSP.</p> <p>For different payment services, the following applies:</p> <ul style="list-style-type: none"> <li>(a) credit transfers are counted on the payee's side;</li> <li>(b) direct debits are counted on the payer's side;</li> <li>(c) cheques are counted on the payer's side;</li> <li>(d) card transactions are counted on the payee's, i.e. acquiring side;</li> <li>(e) e-money payment transactions are counted on either the payer's or the payee's side, depending on the initiation channel. If counted on the payer's (payee's) side under transactions received, the transaction should be counted on the payee's (payer's) side under transactions sent.</li> </ul>
Transaction sent	<p>A transaction involving non-MFIs sent to PSPs. Information is provided in the reporting country by the resident PSP.</p> <p>For different payment services, the following applies:</p> <ul style="list-style-type: none"> <li>(a) credit transfers are counted on the payer's side;</li> <li>(b) direct debits are counted on the payee's side;</li> <li>(c) cheques are counted on the payee's side;</li> <li>(d) card transactions are counted on the payer's, i.e. the issuing, side.</li> <li>(e) e-money payment transactions are counted on either the payer's or the payee's side, depending on the initiation channel. If counted on the payer's (payee's) side under transactions sent, the transaction should be counted on the payee's (payer's) side under transactions received.</li> </ul> <p>Concerning payment systems, this is a transaction sent by a participant for processing by the payment system.</p>

Term	Definition
Direct debit	A payment service for debiting a payer's payment account, potentially on a recurrent basis, where a payment transaction is initiated by the payee on the basis of the payer's consent given to the payee, to the payee's PSP or to the payer's own PSP.
Direct debits of which: non-SEPA	Direct debits which do not comply with the requirements for SEPA direct debits, as stipulated in Regulation (EU) No 260/2012.
Direct debit initiated in a file/batch	An electronically initiated direct debit that is part of a group of direct debits jointly initiated by the payer. Each direct debit contained in a batch is counted as a separate direct debit when reporting the number of transactions.
Direct debit initiated on a single payment basis	An electronically initiated direct debit that is independent from other direct debits, i.e. that is not part of a group of direct debits jointly initiated.
Direct participant	An entity which is identified or recognised by a payment system and is authorised to send and receive payment orders directly to and from the system without an intermediary or is directly bound by the rules governing the payment system. In some systems, direct participants also exchange orders on behalf of indirect participants. Every participant with individual access to the system is counted separately.
Domestic payment transaction	'Domestic payment transaction' has the same meaning as 'national payment transaction' as defined in Article 2 of Regulation (EU) No 260/2012.
EFTPOS terminals	EFTPOS terminals which capture payment information by electronic means and are designed, in some cases, to transmit such information either online, with a real-time request for authorisation, or offline. Includes unattended terminals.
Electronic money	Electronically, including magnetically, stored monetary value as represented by a claim on the issuer which is issued on receipt of funds for the purpose of making payment transactions as defined in Article 4(5) of Directive 2007/64/EC, and which is accepted by a natural or legal person other than the electronic money issuer.
Electronic money institution	'Electronic money institution' has the same meaning as defined in Article 2 of Directive 2009/110/EC.
Electronic money issuer	'Electronic money issuer' has the same meaning as defined in Article 2 of Directive 2009/110/EC.
E-money accounts	Accounts where electronic money is stored. The balance in the account can be used by the account holder to make payments and to transfer funds between accounts. Cards on which e-money can be stored directly are excluded.

Term	Definition
E-money accounts accessed through a card	Refer to definitions for 'e-money accounts' and 'card with an e-money function'.
E-money card terminal	Terminal allowing the transfer of electronic value from an issuer of electronic money to a card with an e-money function and vice versa or from the balance on the card to the balance of a beneficiary.
E-money card-accepting terminal	Terminal allowing holders of e-money on a card with an e-money function to transfer e-money value from their balance to the balance of the merchant or other beneficiary.
E-money card-loading and unloading terminal	Terminal allowing the transfer of electronic value from an issuer of electronic money to the holder of a card with an e-money function and vice versa, i.e. loading and unloading.
E-money card-loading and unloading	Transactions allowing the transfer of e-money value from an issuer of e-money to a card with an e-money function and vice versa. Both loading and unloading transactions are included.
E-money payment	A transaction whereby a holder of e-money transfers e-money value from its own balance to the balance of the beneficiary, either with a card on which e-money can be stored directly or with other e-money accounts.
E-money payment with cards on which e-money can be stored directly	A transaction whereby the holder of a card with an e-money function transfers e-money value from its balance stored on the card to the balance of the beneficiary.
E-money payment with e-money accounts	A transaction whereby funds are transferred from the e-money account of a payer, to the account of a payee. See the definition of 'e-money accounts'.
E-money payment with e-money accounts <i>of which</i> : accessed through a card	A transaction whereby a card is used to access an e-money account and subsequently funds are transferred from the e-money account of the payer, to the account of a payee. See the definition of 'e-money accounts'.
E-money scheme	A set of technical concepts, rules, protocols, algorithms, functions, legal and contractual agreements, commercial agreements and administrative procedures which form the basis for the provision of a particular e-money product. This may also include the provision of a number of marketing, processing or other services to its members.
Funds	Banknotes and coins, scriptural money and electronic money.
Indirect participant	<p>A participant, in a payment system with a tiering arrangement, that uses a direct participant as an intermediary to perform some of the activities, in particular, settlement allowed in the system.</p> <p>All transactions by an indirect participant are settled on the account of a direct participant that has agreed to represent the indirect participant in question. Every participant that can be addressed individually in the system is counted separately, whether or not a legal link exists between two or more such participants.</p>

Term	Definition
Institutions offering payment services to non-MFIs	Comprises all PSPs, of which selected indicators for credit institutions, payment institutions and e-money issuers, are to be reported in Table 1.
Merchant	An entity that is authorised to receive funds in exchange for the delivery of goods and/or services and has established an agreement with a PSP, for accepting these funds.
Monetary financial institutions (MFIs)	MFIs consist of all institutional units included in the sub-sectors central bank (S.121), deposit-taking corporations except the central bank (S.122) and money market funds (MMF) (S.123) as set out in the revised European System of Accounts laid down in Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (3).
Non-MFI	Any natural or legal person who does not belong to the MFI sector. For the purpose of payments statistics, all PSPs are excluded from the 'non-MFIs' sector.
Number of overnight deposits	Number of accounts holding deposits which are convertible into currency and/or transferable on demand by cheque, bankers' order, debit entry or similar means without significant delay, restriction or penalty.
Number of overnight deposits of which: number of internet/PC linked overnight deposits	Number of overnight deposit accounts held by non-MFIs which the account holder can access and use electronically via the internet or with PC banking applications via dedicated software and dedicated telecommunication lines.
Number of transferable overnight deposits	Number of overnight deposit accounts holding deposits which are directly transferable on demand to make payments to other economic agents by commonly used means of payment, without significant delay, restriction or penalty.
Transferable deposits	Deposits within the category 'overnight deposits', which are directly transferable on demand to make payments to other economic agents by commonly used means of payment, without significant delay, restriction or penalty.
Number of transferable overnight deposits of which: number of internet/PC linked overnight transferable deposits	Number of transferable overnight deposit accounts held by non-MFIs which the account holder can access and use electronically via the internet or with PC banking applications via dedicated software and dedicated telecommunication lines.
Other direct participants	Any direct participant in a payment system, excluding credit institutions and central banks.
Other e-money issuer	E-money issuers other than 'e-money institutions' and 'credit institutions'. Refer to the definition of 'e-money issuers'.
Other financial institutions	All financial institutions participating in a payment system that are under the supervision of the relevant authorities, i.e. either the central bank or the prudential supervisor, but not falling within the definition of credit institutions.

Term	Definition
Other payment services	Comprises payment services as defined in Article 4 of Directive 2007/64/EC not explicitly listed in this Regulation.
Outstanding value on e-money storages issued by electronic money issuers	Value, at the end of the reporting period, of e-money issued by electronic money issuers and held by entities other than the issuer, including e-money issuers other than the issuer.
Payer	'Payer' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payee	'Payee' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payment account	'Payment account' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payment initiation service	Payment initiation services initiate payment transactions via an internet-enabled payment account. The services are provided by third party entities, which do not issue the employed payment account themselves.
Payment institution	'Payment institution' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payment instrument	'Payment instrument' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payment service providers (PSPs)	'Payment service providers' are those listed in Article 1 of Directive 2007/64/EC.
Payment services	'Payment services' has the same meaning as in Article 4 of Directive 2007/64/EC.
Payment system	'Payment system' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payment transaction	'Payment transaction' has the same meaning as defined in Article 4 of Directive 2007/64/EC.
Payments with cards with a credit and/or delayed debit function	Payment transactions performed with cards with a credit and/or delayed debit function at a physical terminal or via other channels. This sub-category is only reported if the data cannot be broken down into 'payments with cards with a credit function' and 'payments with cards with a delayed debit function'.
Payments with cards with a credit function	Payment transactions performed with cards with a credit function at a physical terminal or via other channels.
Payments with cards with a debit and/or delayed debit function	Payment transactions performed with cards with a debit and/or delayed debit function at a physical terminal or via other channels. This sub-category is only reported if the data cannot be broken down into 'payments with cards with a debit function' and 'payments with cards with a delayed debit function'.

Term	Definition
Payments with cards with a debit function	Payment transactions performed with cards with a debit function at a physical terminal or via other channels.
Payments with cards with a delayed debit function	Payment transactions performed with cards with a delayed debit function at a physical terminal or via other channels.
POS terminal	<p>A POS device allowing the use of payment cards at a physical (not virtual) point of sale. The payment information is captured either manually on paper vouchers or by electronic means, i.e. EFTPOS.</p> <p>The POS terminal is designed to enable transmission of information either online, with a real-time request for authorisation, and/or offline.</p>
POS transactions (except e-money transactions)	<p>Transactions performed through a POS terminal using a card with a debit, credit or delayed debit function.</p> <p>Transactions using a card with an e-money function are not included.</p>
Public administration	Institutional units which are non-market producers whose output is intended for individual and collective consumption, and are financed by compulsory payments made by units belonging to other sectors, and institutional units principally engaged in the redistribution of national income and wealth, as defined in respect of the general government sector.
Total number of cards (irrespective of the number of functions on the card)	Total number of cards in circulation. These may have one or more of the following functions: cash, debit, credit, delayed debit or e-money.
Total payment transactions involving non-MFIs	<p>Total number of transactions using payment instruments involving non-MFIs.</p> <p>Total value of transactions using payment instruments involving non-MFIs.</p>
Total transactions sent	<p>Total number of transactions submitted to and processed in a given payment system.</p> <p>Total value of transactions submitted to and processed in a given payment system.</p>
Transactions at terminals provided by resident PSPs with cards issued by resident PSPs	<p>Payment transactions carried out at all terminals acquired by resident PSPs (i.e. whether terminals are located in, or outside, the country of location of the PSP) and where the cards used in the transactions are issued by resident PSPs.</p> <p>Geographical breakdowns (as specified in Annex III) refer to the country of location of the terminals.</p>
Transactions at terminals provided by resident PSPs with cards issued by non-resident PSPs	<p>Payment transactions carried out at all terminals acquired by resident PSPs (i.e. whether terminals are located in, or outside, the country of location of the PSP) and where the cards used in the transactions are issued by non-resident PSPs.</p> <p>Geographical breakdowns (as specified in Annex III) refer to the country of location of the terminals.</p>
Transactions at terminals provided by non-resident PSPs with cards issued by resident PSPs	<p>Payment transactions carried out at all terminals acquired by non-resident PSPs, where the cards used in the transactions are issued by resident PSPs.</p> <p>Geographical breakdowns (as specified in Annex III) refer to the country of location of the terminals.</p>

(<sup>1</sup>) OJ L 176, 27.6.2013, p. 1.

(<sup>2</sup>) Regulation (EU) No 260/2012 of the European Parliament and of the Council of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro (OJ L 94, 30.3.2012, p. 22).

(<sup>3</sup>) OJ L 174, 26.6.2013, p. 1.

## ANNEX III

## REPORTING SCHEMES

Table 1

## Institutions offering payment services to non-MFIs

(End of period)

	Number	Value
<b>Credit institutions</b>		
Number of overnight deposits (thousands)	Geo 0	
<i>of which:</i>		
Number of internet/PC-linked overnight deposits (thousands)	Geo 0	
Number of transferable overnight deposits (thousands)	Geo 0	
<i>of which:</i>		
Number of internet/PC-linked transferable overnight deposits (thousands)	Geo 0	
Number of payment accounts	Geo 0	
Number of e-money accounts	Geo 0	
Outstanding value on e-money storages issued (1) (EUR thousands)		Geo 0
<b>Electronic money institutions</b>		
Number of payment accounts	Geo 0	
Number of e-money accounts	Geo 0	
Outstanding value on e-money storages issued (1) (EUR thousands)		Geo 0
<b>Payment institutions</b>		
Number of payment accounts	Geo 0	
<b>Other PSPs and e-money issuers</b>		
Number of payment accounts	Geo 0	
Number of e-money accounts	Geo 0	
Outstanding value on e-money storages issued (1) (EUR thousands)		Geo 0

(1) Outstanding value on e-money storages issued by e-money issuers.

Table 2

## Payment card functions

(End of period, original units)

	Number
<b>Cards issued by resident PSPs</b>	
Cards with a cash function	Geo 0

	Number
Cards with a payment function (except cards with an e-money function only)	Geo 0
<i>of which:</i>	
Cards with a debit function	Geo 0
Cards with a delayed debit function	Geo 0
Cards with a credit function	Geo 0
Cards with a debit and/or delayed debit function	Geo 0
Cards with a credit and/or delayed debit function	Geo 0
Cards with an e-money function	Geo 0
Cards on which e-money can be stored directly	Geo 0
Cards which give access to e-money stored on e-money accounts	Geo 0
<i>of which:</i>	
Cards with an e-money function which has been loaded at least once	Geo 0
Total number of cards (irrespective of the number of functions on the card)	Geo 0
<i>of which:</i>	
Cards with a combined debit, cash and e-money function	Geo 0

Table 3

**Payment card accepting devices**

(End of period, original units)

	Number
<b>Terminals provided by resident PSPs</b>	
ATMs	Geo 3
<i>of which:</i>	
ATMs with a cash withdrawal function	Geo 3
ATMs with a credit transfer function	Geo 3
POS terminals	Geo 3
<i>of which:</i>	
EFTPOS terminals	Geo 3
E-money card terminals	Geo 3
E-money card terminals	Geo 3
<i>of which:</i>	
E-money card loading and unloading terminals	Geo 3
E-money card accepting terminals	Geo 3

Table 4

**Payment transactions involving non-MFIs**

(Total for the period; number of transactions in millions; value of transactions in EUR millions)

	Sent		Received	
	Number of transactions	Value of transactions	Number of transactions	Value of transactions
<b>Transactions per type of payment service</b>				
Credit transfers	Geo 3	Geo 3	Geo 2	Geo 2
Initiated in paper-based form	Geo 1	Geo 1		
Initiated electronically	Geo 1	Geo 1		
Initiated in a file/batch	Geo 1	Geo 1		
Initiated on a single payment basis	Geo 1	Geo 1		
<i>of which:</i>				
Non-SEPA	Geo 1	Geo 1		
Direct debits	Geo 3	Geo 3	Geo 2	Geo 2
Initiated in a file/batch	Geo 1	Geo 1		
Initiated on a single payment basis	Geo 1	Geo 1		
<i>of which:</i>				
Non-SEPA	Geo 1	Geo 1		
Card payments with cards issued by resident PSPs (except cards with an e-money function only)	Geo 3	Geo 3		
Payments with cards with a debit function	Geo 1	Geo 1		
Payments with cards with a delayed debit function	Geo 1	Geo 1		
Payments with cards with a credit function	Geo 1	Geo 1		
Payments with cards with a debit and/or delayed debit function	Geo 1	Geo 1		
Payments with cards with a credit and/or delayed debit function	Geo 1	Geo 1		
Initiated at a physical EFTPOS	Geo 1	Geo 1		
Initiated remotely	Geo 1	Geo 1		
<b>E-money payment transactions with e-money issued by resident PSPs</b>	Geo 3	Geo 3	Geo 2	Geo 2
With cards on which e-money can be stored directly	Geo 1	Geo 1		
With e-money accounts	Geo 1	Geo 1		
<i>of which:</i>				
Accessed through a card	Geo 1	Geo 1		
<b>Cheques</b>	Geo 3	Geo 3	Geo 2	Geo 2
<b>Other payment services</b>	Geo 3	Geo 3	Geo 2	Geo 2
Total payment transactions involving non-MFIs	Geo 3	Geo 3	Geo 2	Geo 2

Table 5

**Payment transactions per type of terminal involving non-MFIs**

(Total for the period; number of transactions in millions; value of transactions in EUR millions)

	Number of transactions	Value of transactions
<b>Transactions per type of terminal <sup>(1)</sup></b>		
(a) <b>Transactions at terminals provided by resident PSPs with cards issued by resident PSPs</b>	Geo 3	Geo 3
<i>of which:</i>		
ATM cash withdrawals (except e-money transactions)	Geo 3	Geo 3
ATM cash deposits (except e-money transactions)	Geo 3	Geo 3
POS transactions (except e-money transactions)	Geo 3	Geo 3
E-money card loading and unloading transactions	Geo 3	Geo 3
E-money payment transactions with cards with an e-money function	Geo 3	Geo 3
(b) <b>Transactions at terminals provided by resident PSPs with cards issued by non-resident PSPs</b>	Geo 3	Geo 3
<i>of which:</i>		
ATM cash withdrawals (except e-money transactions)	Geo 3	Geo 3
ATM cash deposits (except e-money transactions)	Geo 3	Geo 3
POS transactions (except e-money transactions)	Geo 3	Geo 3
E-money card loading and unloading transactions	Geo 3	Geo 3
E-money payment transactions with cards with an e-money function	Geo 3	Geo 3
(c) <b>Transactions at terminals provided by non-resident PSPs with cards issued by resident PSPs</b>	Geo 3	Geo 3
<i>of which:</i>		
ATM cash withdrawals (except e-money transactions)	Geo 3	Geo 3
ATM cash deposits (except e-money transactions)	Geo 3	Geo 3
POS transactions (except e-money transactions)	Geo 3	Geo 3
E-money card loading and unloading transactions	Geo 3	Geo 3
E-money payment transactions with cards with an e-money function	Geo 3	Geo 3

<sup>(1)</sup> The geographical (Geo) breakdowns are based on the location of the terminal.

Table 6

**Participation in selected payment systems**

(End of period, original units)

	Number
<b>Payment system (other than TARGET2)</b>	
Number of participants	Geo 1
Direct participants	Geo 1
Credit institutions	Geo 1

	Number
Central bank	Geo 1
Other direct participants	Geo 1
Public administration	Geo 1
Clearing and settlement organisations	Geo 1
Other financial institutions	Geo 1
Others	Geo 1
Indirect participants	Geo 1

**Table 7**  
**Payments processed by selected payment systems**

(Total for the period; number of transactions in millions; value of transactions in EUR millions)

	Sent	
	Number of transactions	Value of transactions
<b>Payment system (other than TARGET2)</b>		
Total transactions	Geo 4	Geo 4
Credit transfers	Geo 4	Geo 4
Initiated in paper-based form	Geo 1	Geo 1
Initiated electronically	Geo 1	Geo 1
Direct debits	Geo 4	Geo 4
Card payments	Geo 4	Geo 4
ATM transactions (except e-money payment transactions)	Geo 4	Geo 4
E-money payment transactions	Geo 4	Geo 4
Cheques	Geo 4	Geo 4
Other payment services	Geo 4	Geo 4
Concentration ratio	Geo 1	Geo 1

#### Geographical breakdowns

Geo 0	Geo 1	Geo 2	Geo 3	Geo 4
Domestic	Domestic and cross-border combined	Cross-border	Domestic Single country breakdowns for all Union countries Rest of the world	Domestic Cross-border

## ANNEX IV

**MINIMUM STANDARDS TO BE APPLIED BY THE ACTUAL REPORTING POPULATION**

Reporting agents must fulfil the following minimum standards to meet the European Central Bank's (ECB's) statistical reporting requirements.

1. Minimum standards for transmission:

- (a) reporting must be timely and within the deadlines set by the relevant NCB;
- (b) statistical reports must take their form and format from the technical reporting requirements set by the relevant NCB;
- (c) the reporting agent must provide the details of one or more contact persons to the relevant NCB;
- (d) the technical specifications for data transmission to the relevant NCBs must be followed.

2. Minimum standards for accuracy:

- (a) statistical information must be correct: all linear constraints must be fulfilled (e.g. subtotals must add up to totals), and data must be consistent across all frequencies;
- (b) reporting agents must be able to provide information on the developments implied by the transmitted data;
- (c) statistical information must be complete and must not contain continuous and structural gaps; existing gaps must be acknowledged, explained to the relevant NCB and, where applicable, bridged as soon as possible;
- (d) reporting agents must follow the rounding policy set by the relevant NCB for the technical transmission of the data.

3. Minimum standards for compliance with concepts:

- (a) statistical information must comply with the definitions and classifications contained in this Regulation;
- (b) in the event of deviations from these definitions and classifications reporting agents must monitor and quantify the difference between the measure used and the measure contained in this Regulation on a regular basis;
- (c) reporting agents must be able to explain breaks in the transmitted data compared with the previous periods' figures.

4. Minimum standards for revisions:

The revisions policy and procedures set by the ECB and the relevant NCB must be followed. Revisions deviating from regular revisions must be accompanied by explanatory notes.

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**COMMISSION IMPLEMENTING REGULATION (EU) No 1410/2013**  
**of 23 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) (<sup>1</sup>),

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 (<sup>2</sup>), 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 multilateral 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, 23 December 2013.

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

*Jerzy PLEWA*

*Director-General for Agriculture and  
 Rural Development*

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

CN code	Third country code <sup>(1)</sup>	Standard import value (EUR/100 kg)
0702 00 00	IL	153,9
	MA	71,1
	TN	110,9
	TR	117,6
	ZZ	113,4
0707 00 05	AL	99,8
	JO	158,2
	MA	158,2
	TR	148,8
	ZZ	141,3
0709 93 10	MA	80,0
	TR	168,2
	ZZ	124,1
0805 10 20	MA	61,8
	TR	45,3
	ZA	51,6
	ZZ	52,9
0805 20 10	MA	70,5
	ZZ	70,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	35,9
	IL	102,5
	JM	133,9
	MA	69,9
	TR	73,4
	ZZ	83,1
0805 50 10	AR	102,8
	TR	63,2
	ZZ	83,0
0808 10 80	CN	81,7
	MK	33,9
	US	92,0
	ZZ	69,2
0808 30 90	TR	124,7
	US	150,9
	ZZ	137,8

<sup>(1)</sup> 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 1411/2013

of 23 December 2013

## fixing the import duties in the cereals sector applicable from 1 January 2014

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) <sup>(1)</sup>,Having regard to Commission Regulation (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector <sup>(2)</sup>, and in particular Article 2(1) thereof,

Whereas:

(1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

(2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, in order to calculate the import duty

referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

(3) Under Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products covered by CN codes 1001 19 00, 1001 11 00, ex 1001 91 20 (common wheat seed), ex 1001 99 00 (high quality common wheat other than for sowing), 1002 10 00, 1002 90 00, 1005 10 90, 1005 90 00, 1007 10 90 and 1007 90 00 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

(4) Import duties should be fixed for the period from 1 January 2014 and should apply until new import duties are fixed and enter into force.

(5) 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,

HAS ADOPTED THIS REGULATION:

## Article 1

From 1 January 2014, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

## 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, 23 December 2013.

For the Commission,  
On behalf of the President,

Jerzy PLEWA

Director-General for Agriculture and  
Rural Development

<sup>(1)</sup> OJ L 299, 16.11.2007, p. 1.

<sup>(2)</sup> OJ L 187, 21.7.2010, p. 5.

## ANNEX I

**Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 January 2014**

CN code	Description	Import duties (¹) (EUR/t)
1001 19 00	Durum wheat, high quality	0,00
1001 11 00	medium quality	0,00
	low quality	0,00
ex 1001 91 20	Common wheat seed	0,00
ex 1001 99 00	High quality common wheat other than for sowing	0,00
1002 10 00	Rye	0,00
1002 90 00		
1005 10 90	Maize seed other than hybrid	0,00
1005 90 00	Maize other than seed (²)	0,00
1007 10 90	Grain sorghum other than hybrids for sowing	0,00
1007 90 00		

(¹) The importer may benefit, under Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- EUR 3/t, where the port of unloading is located on the Mediterranean Sea (beyond the Strait of Gibraltar) or on the Black Sea, for goods arriving in the Union via the Atlantic Ocean or the Suez Canal,
- EUR 2/t, where the port of unloading is located in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom or on the Atlantic coast of the Iberian Peninsula, for goods arriving in the Union via the Atlantic Ocean.

(²) The importer may benefit from a flat-rate reduction of EUR 24/t where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

## ANNEX II

**Factors for calculating the duties laid down in Annex I**

13.12.2013-20.12.2013

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

	Common wheat (1)	Maize	Durum wheat, high quality	Durum wheat, medium quality (2)	Durum wheat, low quality (3)	(EUR/t)
Exchange	Minneapolis	Chicago	—	—	—	
Quotation	188,44	122,64	—	—	—	
Fob price USA	—	—	216,96	206,96	186,96	
Gulf of Mexico premium	—	24,04	—	—	—	
Great Lakes premium	50,52	—	—	—	—	

(1) Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).

(2) Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).

(3) Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico-Rotterdam: 19,68 EUR/t

Freight costs: Great Lakes-Rotterdam: 52,63 EUR/t

# DECISIONS

## COUNCIL IMPLEMENTING DECISION

of 16 December 2013

**implementing Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions**

(2013/797/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions <sup>(1)</sup>, and in particular Article 26(3) thereof,

Whereas:

- (1) On 15 October 2013, the Council adopted Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions.
- (2) The planning and execution of the tasks conferred on the ECB should be fully undertaken by an internal body composed of its Chair and Vice Chair and four representatives of the ECB and one representative of the national competent authority in each participating Member State ('Supervisory Board').
- (3) The Supervisory Board should be an essential body in the exercise of supervisory tasks by the ECB, tasks which until now have always been in the hands of national competent authorities. For this reason, the Council should be given the power to adopt an implementing decision to appoint i.a. the Chair of the Supervisory Board.

(4) In accordance with Article 26(3) of the above-mentioned Regulation, and after hearing the Supervisory Board, the ECB submitted a proposal for the appointment of the Chair of the Supervisory Board to the European Parliament for approval on 22 November. The European Parliament approved this proposal on 11 December.

(5) Subsequently, on 11 December 2013, the ECB submitted to the Council a proposal for the appointment of the Chair of the Supervisory Board.

HAS ADOPTED THIS DECISION:

### *Article 1*

Ms Danièle NOUY is appointed as Chair of the Supervisory Board of the European Central Bank.

### *Article 2*

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

Done at Brussels, 16 December 2013.

*For the Council*

*The President*

V. JUKNA

<sup>(1)</sup> OJ L 287, 29.10.2013, p. 63.

**COUNCIL DECISION 2013/798/CFSP**  
**of 23 December 2013**  
**concerning restrictive measures against the Central African Republic**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 16 December 2013, the Council expressed its deep concern regarding the situation in the Central African Republic (CAR).
- (2) On 5 December 2013, the United Nations Security Council adopted Resolution 2127 (2013), which imposes an arms embargo against the Central African Republic (CAR).
- (3) Further Union action is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned to the Central African Republic ('CAR') by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.

2. It shall be prohibited:

- (a) to provide technical assistance, brokering services and other services, including the provision of armed mercenary personnel, related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly, to any natural or legal person, entity or body in, or for use in the CAR;

(b) to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of arms and related materiel or for the provision of related technical assistance, brokering services and other services, directly or indirectly, to any person, entity or body in, or for use in the CAR;

(c) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b).

*Article 2*

1. Article 1 shall not apply to:

(a) the sale, supply, transfer or export of arms and related materiel intended solely for the support of or use by the Mission for the Consolidation of Peace in Central Africa (MICOPAX), African-led International Support Mission in CAR (MISCA), United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) and its guard unit, the African Union-Regional Task Force (AURTF), and the French forces deployed in the CAR;

(b) the sale, supply, transfer or export of protective clothing, including flak jackets and military helmets, temporarily exported to the CAR by United Nations personnel, personnel of the Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only;

(c) the sale, supply, transfer or export of small arms and related materiel intended solely for use in international patrols providing security in the Sangha River Tri-national Protected Area to defend against poaching, smuggling of ivory and arms, and other activities contrary to the national laws of CAR or CAR's international legal obligations.

2. Article 1 shall not apply to:

(a) the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance;

- (b) the sale, supply, transfer or export of arms and other related lethal equipment to the CAR security forces, intended solely for support of or use in the CAR process of Security Sector Reform (SSR);
- (c) the sale, supply, transfer or export of arms and related materiel, and related technical or financial assistance, including personnel;

as approved in advance by the Committee established pursuant to paragraph 57 of UNSC 2127 (2013).

*Article 3*

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

Done at Brussels, 23 December 2013.

*For the Council*  
*The President*  
L. LINKEVIČIUS

## COMMISSION DECISION

of 17 December 2013

**on the notification by the Kingdom of Spain of a transitional national plan referred to in Article 32 of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions**

(notified under document C(2013) 9089)

(Only the Spanish text is authentic)

(2013/799/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (1), and in particular Article 32(5) second subparagraph thereof,

Whereas:

match with the plants reported in the 2009 emission inventory submitted by the Kingdom of Spain in accordance with Directive 2001/80/EC of the European Parliament and of the Council (5). The Commission also found that for plant 5 the contribution to the TNP ceiling for SO<sub>2</sub> for the period 2001–2007 was calculated on the basis of the minimum desulphurisation rate, and for the period 2008–2010 that contribution was determined by the emission limit value method, while the conditions to use this approach were not fulfilled.

(4) As the discrepancies between the data in the TNP and in the emission inventory under Directive 2001/80/EC hampered the assessment of the TNP, the Commission, in its letter of 11 June 2013 (6), requested the Kingdom of Spain to provide clarification for the differences found. The Commission also requested the Kingdom of Spain to recalculate the contribution of plant 5 to the TNP ceiling for SO<sub>2</sub>.

(1) In accordance with Article 32(5) first subparagraph of Directive 2010/75/EU, the Kingdom of Spain submitted to the Commission a transitional national plan (TNP) by e-mail on 21 December 2012 (2) and by official letter dated 28 December 2012, which was received by the Commission on 2 January 2013 (3).

(2) The TNP has been assessed in accordance with Article 32(1), (3) and (4) of Directive 2010/75/EU and with Commission Implementing Decision 2012/115/EU (4).

(3) During its assessment of the completeness of the TNP submitted by the Kingdom of Spain, the Commission found that many plants included in the TNP did not

(5) The Kingdom of Spain submitted additional information to the Commission by letter of 28 June 2013 (7), which provided clarification on the differences between the information in the TNP and the 2009 emission inventory under Directive 2001/80/EC. The Kingdom of Spain also stated in that letter that there was no need to revise the contribution of plant 5 to the TNP ceiling for SO<sub>2</sub>.

(6) After further assessment of the TNP and the additional information submitted by the Kingdom of Spain, the Commission sent a second letter to the Kingdom of Spain on 19 September 2013 (8), in which it confirmed its position as regards the use of the minimum desulphurisation rate method for calculating the contribution of plant 5 to the TNP ceilings for SO<sub>2</sub>. The Commission

(1) OJ L 334, 17.12.2010, p. 17.

(2) Ares(2012)1551138.

(3) Ares(2013)146.

(4) Commission Implementing Decision 2012/115/EU of 10 February 2012 laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (OJ L 52, 24.2.2012, p. 12).

(5) Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11. 2001, p. 1).

(6) Ares(2013)1984918.

(7) Ares(2013)2535734.

(8) Ares(2013)3085135.

further remarked that for plant 2 the Kingdom of Spain had used an emission limit value for  $\text{SO}_2$  of 800 mg/Nm<sup>3</sup> to calculate the plant's contribution to the TNP ceiling for 2016, on the basis of the provisions of Article 5(2) of Directive 2001/80/EC, which the Commission considered not to be applicable for this purpose. The Commission also noted that for nine plants an emission limit value for  $\text{NO}_x$  of 1 200 mg/Nm<sup>3</sup> was used to calculate their contribution to the TNP ceiling for 2016, on the basis of Note 2 to Table C.1 in Appendix C of the Annex to Implementing Decision 2012/115/EU, but no information on the volatile content of the solid fuel used in these plants had been provided, which would justify the application of that Note. The Commission also requested additional information from the Kingdom of Spain about the measures foreseen for each of the plants included in the TNP in order to ensure timely compliance with the emission limit values that will be applicable from 1 July 2020. The Commission finally requested the Kingdom of Spain to provide additional data for plants firing multiple fuels or consisting of different plant types concerning the amount of fuels used, emission limit values, average waste gas flow rates and conversion factors for each of the fuels used or each of the plant types separately.

(7) In its letter of 30 September 2013 (1), supplemented by letter of 10 October 2013 (2), the Kingdom of Spain replied to the questions of the Commission and provided additional data. For plant 2, the Kingdom of Spain reiterated its view that there was no need to change the  $\text{SO}_2$  emission limit value used as it considered that Article 5(2) of Directive 2001/80/EC was applicable in this respect. For plant 5, the Kingdom of Spain continued to argue that it was entitled to use a combination of the minimum desulphurisation rate method and the emission limit value method. The Kingdom of Spain provided information concerning the volatile content of the solid fuel used in the period 2001–2010 by the nine plants for which a  $\text{NO}_x$  emission limit value of 1 200 mg/Nm<sup>3</sup> had been applied to calculate the 2016 ceiling, which showed that only for plants 3, 4 and 19 the average annual volatile content of the solid fuel used was below 10 % in each of the years between 2001 and 2010, while for the plants 13, 15, 17, 18, 24 and 25 the average annual level was exceeding 10 % during one or more years. The Kingdom of Spain argued that for all nine plants the average value of the volatile content over the whole reference period (2001–2010) was below the value mentioned in Note 2 to Table C.1 in Appendix C of the Annex to Implementing Decision 2012/115/EU.

(8) Based on the information received from the Spanish authorities on 30 September 2013 and 10 October 2013, the Commission noted that for multiple fuel types plants, for which emission limit values for all fuels fired have been provided, and for one plant for

which emission limit value averaged for all fuels fired has been provided, it is necessary to clarify how the contributions to the total ceilings from those plants were calculated, specifying the emission limit values and the average annual waste gas flow rates used for each fuel fired in those plants.

(9) After the final assessment of the TNP notified by the Kingdom of Spain, as amended in accordance with the additional information and including the large combustion plants listed in Annex I to this decision, the Commission identified three main elements as not being in compliance with the applicable provisions, as follows:

— in case of plant 2: the Commission considers the application of the emission limit value of 800 mg/Nm<sup>3</sup> for  $\text{SO}_2$  for calculating its contribution to the 2016 TNP ceiling on the basis of Article 5(2) of Directive 2001/80/EC, as that emission limit value is not referred to in the second subparagraph of Article 32(3) of Directive 2010/75/EU, as not appropriate;

— in case of plant 5: the Commission considers the method of calculating its contribution to the TNP ceiling for  $\text{SO}_2$ , combining the minimum desulphurisation rate approach and the emission limit value approach, as not appropriate;

— in case of plants 13, 15, 17, 18, 24 and 25: the Commission considers the application of the emission limit value of 1 200 mg/Nm<sup>3</sup> for  $\text{NO}_x$  for calculating their contribution to the 2016 TNP ceiling, as the conditions to apply this emission limit value, which are set out in Note 2 of Table C.1 to Appendix C of the Annex to Implementing Decision 2012/115/EU, are not fulfilled, as not appropriate.

(10) In addition, the Commission identified several plants in the TNP where the information is still inconsistent and/or missing data need to be supplemented. The full list of missing data and requests for clarification is included in Annex II to this decision.

(11) Hence, the TNP notified by the Kingdom of Spain should not be accepted.

(1) Ares(2013)3145031.

(2) Ares(2013)3217081.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The transitional national plan which the Kingdom of Spain notified to the Commission pursuant to Article 32(5) of Directive 2010/75/EU on 14 December 2012, which includes the large combustion plants listed in Annex I to this decision, is not in accordance with the requirements laid down in Article 32(1), (3) and (4) of Directive 2010/75/EU and in Implementing Decision 2012/115/EU, and shall, therefore, not be accepted.

2. If the Kingdom of Spain intends to implement a transitional national plan pursuant to Article 32(5), it shall take all necessary measures to address, in a revised version of the plan, the following elements:

- (a) for plant 2, to correct the emission limit value applied for calculating its contribution to the SO<sub>2</sub> ceiling for 2016; the plant is not eligible for using the emission limit value of 800 mg/Nm<sup>3</sup> for SO<sub>2</sub> for calculating its contribution to the 2016 TNP ceiling on the basis of Article 5(2) of Directive 2001/80/EC, as that emission limit value is not referred to in the second subparagraph of Article 32(3) of Directive 2010/75/EU;
- (b) for plant 5, to correct the method applied for calculating its contribution to the 2016 TNP ceiling for SO<sub>2</sub>; that contribution shall be calculated for the entire period

2001-2010 either on the basis of the minimum desulphurisation rate, or on the basis of the emission limit values;

- (c) for plants 13, 15, 17, 18, 24 and 25: to correct the emission limit values applied for calculating their contribution to the NO<sub>x</sub> ceiling for 2016; in order for the plants to be eligible for using the emission limit value of 1 200 mg/Nm<sup>3</sup>, the Kingdom of Spain shall demonstrate that the average annual volatile content of the solid fuel used in the plants was below 10 % in the reference years considered for the TNP;
- (d) to correctly update the total emission ceilings for all years calculated in accordance with the corrected values mentioned in the previous points;
- (e) to clarify all issues and complement the data as mentioned in Annex II to this decision.

*Article 2*

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 17 December 2013.

*For the Commission*  
Janez POTOČNIK  
*Member of the Commission*

## ANNEX I

## LIST OF PLANTS INCLUDED IN THE TNP

Number	Plant name in the TNP	Total rated thermal input on 31.12.2010 (MW)
1	C.T. Litoral I	1 222
2	C.T. Litoral II	1 268
3	C.T. Compostilla I (G2 and 3)	1 332
4	C.T. Compostilla I (G4 and 5)	1 960
5	C.T. As Pontes	3 800
6	C.T. Teruel (Andorra)	3 000
7	C.T. Besós 3 (CTCC)	722
8	C.T. San Roque (G2) (CTCC)	711
9	C.T. Foix	1 315
10	C.T. Los Barrios	1 645
11	C.T. Puentenuevo	976
12	C.T. Tarragona I (CTCC)	676
13	C.T. Anllares	953
14	C.T. La Robla I	691
15	C.T. La Robla II	951
16	C.T. Meirama	1 437
17	C.T. Narcea I	193
18	C.T. Narcea II	459
19	C.T. Narcea III	993
20	C.T. Aboño I	919
21	C.T. Aboño II	1 364
22	C.T. Soto III	830
23	C.T. de Lada 4	986
24	C.T. de Velilla 1	430
25	C.T. de Velilla 2	1 010

Number	Plant name in the TNP	Total rated thermal input on 31.12.2010 (MW)
26	Central GICC Puertollano	670
27	San Ciprián I	147
28	San Ciprián II	147
29	San Ciprián III	147
30	Cogecan	93
31	Sniace Co-generation I	126
32	Sniace Co-generation II	126
33	Solal	146
34	Solvay I	376

## ANNEX II

**LIST OF DATA REFERRED TO IN POINT (E) OF ARTICLE 1(2)**

1. For plant 6 which uses a desulphurisation rate of 92 % in 2016: clarification shall be provided if conditions for application of this value as set in table C3 to Appendix C of the Annex to Implementing Decision 2012/115/EU are met (a contract for fitting a flue gas desulphurisation or a lime injection equipment has entered into effect, and work on its installation has commenced, before 1 January 2001).
2. For plants 1, 2, 3, 4, 6, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 30 and 34: clarification shall be provided on how the contributions from those plants were calculated to the total TNP ceilings.
3. For plant 34: data on the waste gas flow rates for each fuel fired in this plant shall be provided separately.

**COMMISSION IMPLEMENTING DECISION  
of 18 December 2013**

**on a Union financial contribution for 2013 to cover expenditure incurred by Germany, Spain, France, the Netherlands and Portugal for the purposes of combating organisms harmful to plants or plant products**

(notified under document C(2013) 8999)

**(Only the Dutch, French German, Portuguese and Spanish texts are authentic)**

(2013/800/EU)

THE EUROPEAN COMMISSION,

have also been the subject to co-financing in 2009, 2010, 2011 and 2012.

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

(5)

Spain introduced four requests for financial contribution on 17 April 2013. The first one relates to measures of intensified inspections taken in 2012 in the four Autonomous Communities bordering Portugal to control *Bursaphelenchus xylophilus*.

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>, and in particular Article 23(5) and (6) thereof,

(6)

The second request of Spain relates to measures taken or planned for 2013 in Galicia to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2010 in the area of As Neves.

Whereas:

(7)

The third request relates to measures taken or planned for 2013 in Catalonia to control *Pomacea insularum*. The outbreak of that harmful organism was detected in 2010.

(1) Pursuant to Article 22 of Directive 2000/29/EC, Member States may receive a 'plant health control' financial contribution from the Union to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Union, in order to eradicate or, if that is not possible, to contain them.

(8)

The fourth request of Spain relates to measures taken or planned for 2013 in Extremadura to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2012 in the area of Valverde del Fresno.

(2) Germany introduced three requests for financial contribution. The first one was introduced on 30 April 2013 and relates to measures taken in 2012 to eradicate or contain *Diabrotica virgifera* in Rheinland-Pfalz. The outbreak of that harmful organism was detected there in August and September 2012.

(9)

France introduced two requests for financial contribution on 30 April 2013. The first one relates to measures taken or planned from July 2012 until November 2013 to control *Anoplophora glabripennis* in Alsace. Measures were taken in France as a consequence of findings in July 2011 of that harmful organism in the bordering area of Germany.

(3) The second one was introduced on 30 April 2013 and relates to measures taken from August 2011 until August 2012 to control *Anoplophora glabripennis* in Nordrhein-Westfalen. The outbreak of that harmful organism was detected there in 2009.

(10)

The second request relates to measures taken or planned from October 2012 until September 2013 to control *Rhynchophorus ferrugineus* in the PACA region. The initial outbreaks of that harmful organism were detected in 2009. Measures taken from September 2009 until September 2012 have also been the subject of co-financing in 2010 and 2012.

(4) The third request of Germany was introduced on 24 April 2013 and relates to measures taken in 2012 to eradicate or contain *Diabrotica virgifera* in Baden-Württemberg. The outbreaks of that harmful organism were detected in different rural or city districts of that State (Alb-Donaukreis, Biberach, Breisgau-Hochschwarzwald, Emmendingen, Karlsruhe, Konstanz, Loerrach, Rastatt and Ravensburg) in different years, i.e. 2009, 2010, 2011 and 2012. The measures taken in those years

(11)

The Netherlands introduced one request for financial contribution on 30 April 2013. That request relates to measures taken from July until October 2012 in the area of Winterswijk to control *Anoplophora glabripennis*. The appearance of that harmful organism was detected on 10 July 2012.

<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

(12) Portugal introduced two requests for financial contribution on 30 April 2013 relating to measures taken to control *Bursaphelenchus xylophilus*. The first request relates to measures taken or planned in 2013 and 2014 in continental Portugal, in the buffer zone at the border with Spain.

(13) The second request of Portugal concerns exclusively measures of heat treatment of wood or wood packaging material in the area of Setubal, in 2013. The measures taken in 2010, 2011 and 2012 have also been the subject of co-financing in 2011 and 2012.

(14) In their requests, Germany, Spain, France, The Netherlands and Portugal have each established a programme of actions to eradicate or contain the above harmful organisms introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost.

(15) All the above measures consist of a variety of plant health measures, including destruction of contaminated trees or crops, application of plant protection products, sanitation techniques, inspections and testings carried out officially or upon official request to monitor the presence or extent of contamination by the respective harmful organisms, and replacement of destroyed plants, within the meaning of Article 23(2)(a), (b) and (c) of Directive 2000/29/EC.

(16) Germany, Spain, France, The Netherlands and Portugal have applied for the allocation of a Union financial contribution to these requests in accordance with the requirements laid down in Article 23 of Directive 2000/29/EC, in particular paragraphs 1 and 4 thereof, and in accordance with Commission Regulation (EC) No 1040/2002<sup>(1)</sup>.

(17) The technical information provided by Germany, Spain, France, The Netherlands and Portugal has enabled the Commission to analyse the situation accurately and comprehensively. The Commission has concluded that the conditions for the granting of a Union financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have been met. Accordingly, it is appropriate to provide a Union financial contribution to cover the expenditure on those requests.

(18) The measures and expenditure eligible for Union financial contribution have been clarified by letter of

DG SANCO of the Commission to the Chief Plant Health Officers of the Member States dated 25 May 2012.

(19) In accordance with the second subparagraph of Article 23(5) of Directive 2000/29/EC, the Union financial contribution may cover up to 50 % of eligible expenditure for measures that have been taken within a period of not more than two years after the date of detection of the appearance or that are planned for that period. However, in accordance with the third subparagraph of that Article, that period may be extended up to four years if it has been established that the objective of the measures will be achieved within a reasonable additional period, in which case the rate of the Union financial contribution shall be degressive over the years concerned.

(20) Having regard to the conclusions of the Plant Health Evaluation Board of the Commission of 24 to 26 June 2013 on the evaluation of the respective requests, it is appropriate to extend the two-year period for the requests concerned, while reducing the rate of the Union financial contribution for these measures to 45 % of eligible expenditure for the third year and to 40 % for the fourth year of these requests.

(21) The Union financial contribution up to 50 % of eligible expenditure should therefore apply to the following requests: Germany, Baden-Württemberg, *Diabrotica virgifera*, rural districts of Alb-Donaukreis, Biberach, Karlsruhe, Rastatt and Ravensburg (2012), Germany, *Diabrotica virgifera*, Rheinland-Pfalz (2012), Spain, Extremadura, *Bursaphelenchus xylophilus* (2013), France, *Anoplophora glabripennis*, (November 2012 to October 2013), The Netherlands, *Anoplophora glabripennis*, Winterswijk area (July to October 2012).

(22) The Union financial contribution up to 45 % of eligible expenditure should therefore apply to the following requests: Germany, *Anoplophora glabripennis* (August 2011 to August 2012), Germany, Baden-Württemberg, *Diabrotica virgifera*, rural districts of Breisgau-Hochschwarzwald and Freiburg city (2012), as the measures concerned have already been the subject of a Union financial contribution under Commission Implementing Decisions 2011/868/EU<sup>(2)</sup> and 2012/789/EU<sup>(3)</sup> for the first two years of their implementation.

<sup>(1)</sup> Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97 (OJ L 157, 15.6.2002, p. 38).

<sup>(2)</sup> Commission Implementing Decision 2011/868/EU of 19 December 2011 on a Union financial contribution for 2011 to cover expenditure incurred by Germany, Spain, Italy, Cyprus, Malta, the Netherlands and Portugal for the purpose of combating organisms harmful to plants or plant products (OJ L 341, 22.12.2011, p. 57).

<sup>(3)</sup> Commission Implementing Decision 2012/789/EU of 14 December 2012 on a Union financial contribution pursuant to Council Directive 2000/29/EC for 2012 to cover expenditure incurred by Germany, Spain, France, Italy, Cyprus, the Netherlands and Portugal for the purpose of combating organisms harmful to plants or plant products (OJ L 348, 18.12.2012, p. 22).

(23) Moreover, a Union contribution up to 40 % should apply to the fourth year of the following requests: Germany, Baden-Württemberg, *Diabrotica virgifera*, rural districts of Emmendingen, Konstanz and Lörrach (2012), Spain, Catalonia, *Pomacea insularum* (2013), Spain, Galicia, *Bursaphelenchus xylophilus* (2013), France, *Rhynchophorus ferrugineus* (October 2012 until September 2013), Portugal, *Bursaphelenchus xylophilus*, Setubal area (2013) as the measures have been the subject of a Union financial contribution under Commission Decision 2010/772/EU<sup>(1)</sup> (Germany, Spain, *Pomacea insularum*, France and Portugal), Implementing Decisions 2011/868/EU (Germany, Spain and Portugal) and/or Decision 2012/789/EU (Germany, Spain, France and Portugal) for the first three years of their implementation.

(24) Pursuant to the first and second subparagraphs of Article 23(6) of Directive 2000/29/EC, further action may be implemented in the light of the development of the situation in the Union, and allocation of financial contribution from the Union for such further action shall be decided. That action must be made subject to certain requirements or additional conditions, if these are necessary for the achievement of the objective in question. Moreover, pursuant to the third subparagraph of Article 23(6), where such further action is essentially designed to protect Union territories, other than that of the Member State concerned, it may be decided that the Union financial allocation covers more than 50 % of the expenditure.

(25) In the case of co-financing of actions against *Bursaphelenchus xylophilus* in Portugal, the maximum time period of four years, as laid down in Article 1(2)(b) of Regulation (EC) No 1040/2002, has elapsed since 2012. However, given the great relevance of *Bursaphelenchus xylophilus* for coniferous plants and wood, the rapidity with which the disease spreads, the proximity of Spain to the area demarcated in Portugal for that harmful organism, and the possible impact on Union forestry and international wood trade, further action is necessary to achieve the objective of phytosanitary protection of the Union territory, both in Portugal and in Member States other than Portugal. That action should concern measures taken by Portugal in the buffer zone bordering Spain. Therefore, co-financing of those further actions should apply to the request of Portugal for 2013 and 2014 for measures to control *Bursaphelenchus xylophilus* in the buffer zone bordering Spain. In addition, it is appropriate to allocate a higher rate of Union financial contribution to that request, and in particular a rate of 75 %, as that action is considered essentially designed to protect the territory of Union territories other than that of Portugal.

(26) Spain has carried out intensive inspections for *Bursaphelenchus xylophilus* at the border area with Portugal, in the Autonomous Communities of Andalusia, Castilla y Leon, Extremadura and Galicia, and covering areas that are not demarcated for that harmful organism. Those inspections aim at intensive surveillance for early detection and eradication in the particular areas to protect the rest of the Union territory. Spain has already allocated significant resources to control two isolated outbreaks of *Bursaphelenchus xylophilus* in Extremadura and Galicia. That action is considered essentially designed to protect the territory of Spain, as well as Union territories other than that of Spain, given the great relevance of *Bursaphelenchus xylophilus* for coniferous plants and wood, the rapidity with which the disease spreads, and the possible impact on Union forestry and international wood trade. It is therefore relevant to allocate a higher rate of Union financial contribution to that request, and in particular a rate of 75 %.

(27) A mission of the Food and Veterinary Office of the Commission (hereinafter: 'FVO') in April 2013, revealed several shortcomings in the application of Union emergency measures against *Bursaphelenchus xylophilus* adopted pursuant to Commission Implementing Decision 2012/535/EU<sup>(2)</sup>. Those shortcomings concern the measures taken by Portugal in the buffer zone bordering Spain. In particular, the felling, removal and disposal of pinewood nematode host trees which are dead, in poor health or situated in fire- or storm affected areas, was not completed within the deadlines fixed by Implementing Decision 2012/535/EU. Noting that, for the same reasons, the Commission decided, by Implementing Decisions 2011/868/EU and 2012/789/EU, to apply reduced levels of co-financing of similar applications in 2011 and 2012, it appears appropriate to apply a further reduction to the co-financing concerning those actions. That reduction should be proportional to the period for which the FVO mission could ascertain the improper implementation of Union measures, namely the first three months of 2013.

(28) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005<sup>(3)</sup>, plant-health measures are financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures, Articles 9, 36 and 37 of the above Regulation should apply.

<sup>(1)</sup> Commission Decision 2010/772/EU of 14 December 2010 on a Union financial contribution for 2010 to cover expenditure incurred by Germany, Spain, France, Italy, Cyprus and Portugal for the purpose of combating organisms harmful to plants or plant products (OJ L 330, 15.12.2010, p. 9).

<sup>(2)</sup> Commission Implementing Decision 2012/535/EU of 26 September 2012 on emergency measures to prevent the spread within the Union of *Bursaphelenchus xylophilus* (Steiner et Bruher) Nickle et al. (the pine wood nematode) (OJ L 266, 2.10.2012, p. 42).

<sup>(3)</sup> Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ L 209, 11.8.2005, p. 1).

(29) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (¹) and Article 94(1) of Commission Delegated Regulation (EU) No 1268/2012 (²), the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution to which powers have been delegated, setting out the essential elements of the action involving the expenditure.

(30) The present decision constitutes a financing decision for the expenditure provided in the co-financing requests presented by Member States.

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

HAS ADOPTED THIS DECISION:

*Article 1*

1. On the basis of the requests submitted by the Member States and analysed by the Commission, the allocation of a Union financial contribution for 2013 to cover expenditure incurred by Germany, Spain, France, The Netherlands and Portugal relating to necessary measures as specified in Article 23(2)(a), (b) and (c) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the requests listed in Annex I, is hereby approved.

2. On the basis of the requests submitted by Spain and Portugal, and analysed by the Commission, the allocation of a Union financial contribution for 2013 to cover expenditure incurred by those Member States and relating to further actions, as specified in Article 23(6), to control *Bursaphelenchus xylophilus* in the requests listed in Annex II, is hereby approved.

*Article 2*

The total amount of the Union financial contribution referred to in Article 1(1) and (2) is EUR 7 713 355,31. The maximum

amounts of the Union financial contribution for each of the requests shall be as indicated in Annex I or II respectively.

*Article 3*

The Union financial contribution as set out in Annexes I and II shall be paid on the following conditions:

- (a) evidence of the measures taken has been submitted by the Member State concerned in accordance with the provisions laid down in Regulation (EC) No 1040/2002;
- (b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice to the verifications by the Commission under Article 23(8) 2<sup>nd</sup> paragraph, Article 23(10) and Article 24 of Directive 2000/29/EC.

No payment of the Union financial contribution will occur if the request of payment mentioned under point (b) is submitted later than 31 October 2014. Exceptionally, for the measures taken at a later stage in 2014 by Portugal in the buffer zone with Spain, the deadline of submission of that request shall be 31 October 2015.

*Article 4*

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Kingdom of the Netherlands and the Portuguese Republic.

Done at Brussels, 18 December 2013.

*For the Commission*

Tonio BORG

*Member of the Commission*

<sup>(¹)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

<sup>(²)</sup> Commission delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

## ANNEX I

**REQUESTS BASED ON ARTICLE 23(5) OF DIRECTIVE 2000/29/EC AND SUBJECT TO UNION FINANCIAL CONTRIBUTION***Section I***Requests whose Union financial contribution corresponds to 50 % of eligible expenditure**

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure, including overheads (EUR)	Maximum Union contribution (EUR)
Germany, Rheinland-Pfalz	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2012	1	37 925,05	18 962,52
Germany, Baden-Württemberg, rural district of Alb-Donaukreis, Biberach, Karlsruhe and Ravensburg (year 1 of the measures), Rastatt (year 2 of the measures)	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2012	1 or 2	76 335,15	38 167,58
Spain, Extremadura (outbreak 2012)	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2013	2	873 501,52	436 750,76
France, Alsace	<i>Anoplophora glabripennis</i>	Various tree species	November 2012 to October 2013	2	157 334,94	78 667,47
The Netherlands, Winterswijk	<i>Anoplophora glabripennis</i>	Various tree species	July to October 2012	1	389 548,48	194 774,24

*Section II***Requests whose Union financial contribution rates differ, in application of the principle of degressivity**

Member State	Harmful organisms combated	Affected plants or plant products	Year	a	Eligible expenditure, including overheads (EUR)	Rate (%)	Maximum Union contribution (EUR)
Germany, Baden-Württemberg, rural district of Breisgau-Hochschwarzwald and Freiburg city	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2012	3	17 716,79	45	7 972,56
Germany, Baden-Württemberg, rural districts of Emmendingen, Lörrach, Konstanz	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2012	4	48 067,72	40	19 227,09
Germany, Nordrhein-Westfalen	<i>Anoplophora glabripennis</i>	Various tree species	8.2011 - 8.2012	3	156 536,72	45	70 441,52

Member State	Harmful organisms combated	Affected plants or plant products	Year	a	Eligible expenditure, including overheads (EUR)	Rate (%)	Maximum Union contribution (EUR)
Spain, Catalonia	<i>Pomacea insularum</i>	<i>Oryza sativa</i>	2013	4	1 685 969,84	40	674 387,93
Spain, Galicia	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2013	4	1 632 820	40	653 128
France, PACA region	<i>Rhynchophorus ferrugineus</i>	<i>Palmaceae</i>	October 2012 until September 2013	4	476 231,32	40	190 492,52
Portugal, Setubal area, heat treatment	<i>Bursaphelenchus xylophilus</i>	Wood and wood packaging material	2013	4	35 845	40	14 338

Legend: a = year of implementation of the measures in the request.

## ANNEX II

**REQUESTS BASED ON ARTICLE 23(6) OF DIRECTIVE 2000/29/EC AND SUBJECT TO UNION FINANCIAL CONTRIBUTION**

Member State	Harmful organisms combated	Affected plants or plant products	Year	a	Eligible expenditure, including overheads (EUR)	Rate (%)	Maximum Union contribution (EUR)
Spain, Intensive inspection programme at the border with Portugal	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2012	1	533 935,71	75	400 451,75
Portugal, Continental Portugal, buffer zone at the border with Spain	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2013 and 2014	1 and 2	6 554 124,50 (= 7 490 428 × 87,5 %, i.e. with a reduction of 12,5 % corresponding linearly to one trimester in 2013 out of eight for the two years)	75	4 915 593,37

Legend: a = year of implementation of the measures in the request.

<b>Total Union contribution (EUR)</b>	<b>7 713 355,31</b>
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**COMMISSION IMPLEMENTING DECISION**  
**of 23 December 2013**

**establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as  
 amended by Decision 2008/593/EC**

(2013/801/EU)

THE EUROPEAN COMMISSION,

and entrusted it with the management of Community actions in the field of the trans-European transport network.

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes<sup>(1)</sup>, and in particular Article 3 thereof,

Whereas:

- (1) Regulation (EC) No 58/2003 empowers the Commission to delegate powers to the executive agencies to implement all or part of a Union programme or project, on its behalf and under its responsibility.
- (2) The purpose of entrusting the executive agencies with programme implementation tasks is to enable the Commission to focus on its core activities and functions which cannot be outsourced, without relinquishing control over, and ultimate responsibility for, activities managed by those executive agencies.
- (3) The delegation of tasks related to programme implementation to an executive agency requires a clear separation between the programming stages involving a large measure of discretion in making choices driven by policy considerations, this being carried out by the Commission, and programme implementation, which should be entrusted to the executive agency.
- (4) By Decision 2007/60/EC<sup>(2)</sup>, the Commission created the Trans-European Transport Network Executive Agency

(5) Subsequently, by Decision 2008/593/EC<sup>(3)</sup>, the Commission extended the period of operation of the Trans-European Transport Network Executive Agency and redefined its objectives and tasks so that it became responsible also for the implementation of financial aid from the trans-European transport network budget under the 2007-2013 Multiannual Financial Framework.

(6) The Trans-European Transport Network Executive Agency has demonstrated to be a well-organised agency which performs its mandated tasks in an effective and efficient manner in compliance with the legal framework governing its activities. The interim evaluation of the agency has shown that it holds sound productivity indicators and performs its technical and financial management to the satisfaction of stakeholders. The agency has successfully contributed to the implementation of the trans-European transport network programme and has allowed the Commission to focus on and improve the management of its policy and institutional tasks. The interim evaluation has also shown that the agency is a more cost-efficient option for the management of the trans-European transport network programme, as compared to the Commission in-house management scenario. Savings resulting from the delegation of tasks to the agency have been estimated at some EUR 8,66 million over the period of years 2008 to 2015.

(7) In its Communication of 29 June 2011 'A budget for Europe 2020'<sup>(4)</sup>, the Commission proposed to use the option of more extensive recourse to existing executive agencies for the implementation of Union programmes in the 2014-2020 Multiannual Financial Framework.

(8) The cost-benefit analysis carried out in accordance with Article 3(1) of Regulation (EC) No 58/2003 has shown that delegation to the Trans-European Transport Network Executive Agency of the management of parts of the Connecting Europe Facility programme in the fields of

<sup>(1)</sup> OJ L 11, 16.1.2003, p. 1.

<sup>(2)</sup> Commission Decision 2007/60/EC of 26 October 2006 establishing the Trans-European Transport Network Executive Agency pursuant to Council Regulation (EC) No 58/2003 (OJ L 32, 6.2.2007, p. 88).

<sup>(3)</sup> Commission Decision 2008/593/EC of 11 July 2008 amending Decision No 2007/60/EC as regards the modification of the tasks and the period of operation of the Trans-European Transport Network Executive Agency (OJ L 190, 18.7.2008, p. 35).

<sup>(4)</sup> COM(2011) 500 final.

transport, energy and telecommunications (¹), as well as parts of transport and energy research under the Horizon 2020 programme (²), would make it possible to implement such programmes efficiently at a lower cost than in the Commission. Such delegation of programme management to the agency is estimated to deliver efficiency gains in the order of EUR 54 million over the 2014-2020 Multiannual Financial Framework. The analysis has also shown that bringing together the management of infrastructure and research projects in the fields of transport and energy in the same agency would result in significant economies of scale and synergies between such activities. The extension of the agency's mandate would allow the Commission and stakeholders to benefit from the agency's expertise and high quality of programme management and service delivery. It would also ensure business continuity for the beneficiaries of the trans-European transport network programme and a high level of visibility of the Union as the promoter of the programmes managed by the agency. In addition, the analysis has also shown that for the trans-European transport network (³) and Marco Polo (⁴) programmes the return to an in-house management arrangement would be disruptive and result in efficiency losses.

(9) In order to give executive agencies a coherent identity, the Commission has, as far as possible, grouped work by thematic policy areas in establishing their new mandates.

(10) The new agency should hold an extended mandate covering the management of parts of the following programmes:

- the new programme Connecting Europe Facility; the management of this programme involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle,
- parts of Part III Societal Challenges of the Horizon 2020 Specific Programme; the management of this programme involves implementation of technical

(¹) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility (OJ L 348, 20.12.2013, p. 129).

(²) Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) (OJ L 347, 20.12.2013, p. 104); and Council Decision 2013/743/EU of 3 December 2013 establishing the specific programme implementing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) (OJ L 347, 20.12.2013, p. 965).

(³) Regulation (EC) No 680/2007 of the European Parliament and of the Council of 20 June 2007 laying down general rules for the granting of Community financial aid in the field of the trans-European transport and energy networks (OJ L 162, 22.6.2007, p. 1).

(⁴) Regulation (EC) No 1692/2006 of the European Parliament and of the Council of 24 October 2006 establishing the second 'Marco Polo' programme for the granting of Community financial assistance to improve the environmental performance of the freight transport system (Marco Polo II) (OJ L 328, 24.11.2006, p. 1).

projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle,

— the legacy of the trans-European transport network programme, which was already delegated to the Trans-European Transport Network Executive Agency under the 2000-2006 Multiannual Financial Framework (as of 2007) and the 2007-2013 Multiannual Financial Framework; the management of this programme involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle,

— the legacy of the Marco Polo programme, which under the 2007-2013 Multiannual Financial Framework has been managed by the Executive Agency for Competitiveness and Innovation; the management of this programme involves implementation of technical projects which do not entail political decision-making and requires a high level of technical and financial expertise throughout the project cycle.

(11) In order to ensure a consistent implementation in time of this Decision and of the programmes concerned, it is necessary to ensure that the Agency shall exercise its tasks linked to the implementation of those programmes subject to and from the date on which those programmes enter into force.

(12) The Innovation and Networks Executive Agency should be established. It should replace and succeed the Trans-European Transport Network Executive Agency established by Decision 2007/60/EC as amended by Decision 2008/593/EC. It should operate in accordance with the general statute laid down by Regulation (EC) No 58/2003.

(13) Decision 2007/60/EC and Decision 2008/593/EC should therefore be repealed and transitional provisions should be set out.

(14) The measures provided for by this Decision are in accordance with the opinion of the Committee for Executive Agencies,

HAS ADOPTED THIS DECISION:

### Article 1

#### Establishment

The Innovation and Networks Executive Agency (hereinafter referred to as 'the Agency') is hereby established from 1 January 2014 until 31 December 2024.

The statute of the Agency shall be governed by Regulation (EC) No 58/2003.

The Agency shall replace and succeed the executive agency set up by Decision 2007/60/EC as amended by Decision 2008/593/EC.

#### Article 2

##### Location

The Agency shall be located in Brussels.

#### Article 3

##### Objectives and tasks

1. The Agency is hereby entrusted with the implementation of parts of the following Union programmes:

- (a) Connecting Europe Facility;
- (b) Part III Societal Challenges of the Horizon 2020 Specific Programme.

This paragraph shall apply subject to and as from the date of the entry into force of each of these programmes.

2. The Agency is hereby entrusted with the implementation of the legacy of the following programmes:

- (a) trans-European transport network programme;
- (b) Marco Polo programme.

3. The Agency shall be responsible for the following tasks related to the implementation of the parts of the Union programmes referred to in paragraphs 1 and 2:

- (a) managing some stages of programme implementation and some phases in the lifetime of specific projects on the basis of the relevant work programmes adopted by the Commission, where the Commission has empowered it to do so in the instrument of delegation;
- (b) adopting the instruments of budget execution for revenue and expenditure and carrying out all the operations necessary for the management of the programme, where the Commission has empowered it to do so in the instrument of delegation;
- (c) providing support in programme implementation where the Commission has empowered it to do so in the instrument of delegation.

#### Article 4

##### Duration of the appointments

1. The members of the Steering Committee shall be appointed for 2 years.

2. The Director shall be appointed for 5 years.

#### Article 5

##### Supervision and reporting requirement

The Agency shall be subject to supervision by the Commission and shall report regularly on progress in implementing the Union programmes or parts thereof for which it is responsible in accordance with the arrangements and at the intervals stipulated in the instrument of delegation.

#### Article 6

##### Implementation of the operating budget

The Agency shall implement its operating budget in accordance with the provisions of Commission Regulation (EC) No 1653/2004<sup>(1)</sup>.

#### Article 7

##### Repeal and transitional provisions

1. Decision 2007/60/EC as amended by Decision 2008/593/EC is repealed with effect from 1 January 2014. References to the repealed Decision shall be construed as references to this Decision.

2. The Agency shall be considered the legal successor of the executive agency established by Decision 2007/60/EC as amended by Decision 2008/593/EC.

3. Without prejudice to Article 28(2), Article 29(2), Article 30 and Article 31(2) of Decision C(2013) 9235, this Decision shall not affect the rights and obligations of staff employed by the Agency, including its Director.

#### Article 8

##### Entry into force

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

It shall apply from 1 January 2014.

Done at Brussels, 23 December 2013.

For the Commission

The President

José Manuel BARROSO

<sup>(1)</sup> Commission Regulation (EC) No 1653/2004 of 21 September 2004 on a standard financial regulation for the executive agencies pursuant to Council Regulation (EC) No 58/2003 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 297, 22.9.2004, p. 6).

# ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

## DECISION No 1/2013 OF THE EU-IRAQ COOPERATION COUNCIL

of 8 October 2013

adopting its rules of procedure and those of the Cooperation Committee

(2013/802/EU)

THE EU-IRAQ COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part, (hereinafter 'the Agreement') and in particular Article 111 thereof,

Whereas:

- (1) In accordance with Article 117 of the Agreement, certain provisions thereof have been applied provisionally since 1 August 2012.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible. In this regard, it is for the Cooperation Council to adopt the necessary measures.
- (3) Article 111 (3) of the Agreement provides that the Cooperation Council is to establish its rules of procedure. In order for the Cooperation Committee to be operational as soon as possible, the Cooperation Council is also to establish the rules of procedure of the Cooperation Committee.
- (4) In accordance with Article 10 of the Cooperation Council's Rules of Procedure, the Cooperation Council may take decisions by written procedure.
- (5) It is necessary to adopt this Decision by written procedure,

HAS ADOPTED THIS DECISION:

### *Sole Article*

The Rules of Procedure of the Cooperation Council and those of the Cooperation Committee, as set out in Annexes I and II respectively, are hereby adopted.

Done at Brussels, 8 October 2013.

*For the EU-Iraq Cooperation Council  
The Chairman  
C. ASHTON*

## ANNEX I

**RULES OF PROCEDURE OF THE EU-IRAQ COOPERATION COUNCIL***Article 1***Chairmanship**

The Cooperation Council shall be presided over alternately for periods of 12 months by the President of the Foreign Affairs Council of the European Union, on behalf of the European Union and its Member States, and by the Minister of Foreign Affairs of Iraq. The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Cooperation Council shall meet at ministerial level once a year. Special sessions of Cooperation Council may be held at the request of either Party, if the Parties so agree. Unless otherwise agreed by the Parties, each session of the Cooperation Council shall be held at the usual venue for meetings of the Council of the European Union at a date agreed by both Parties. Meetings of the Cooperation Council shall be jointly convened by the Secretaries of the Cooperation Council in agreement with the Chair.

*Article 3***Representation**

The members of the Cooperation Council may be represented if unable to attend. If a member wishes to be so represented, he/she must notify the Chair of the name of his/her representative before the meeting at which he/she is to be so represented. The representative of a member of the Cooperation Council shall exercise all the rights of that member.

*Article 4***Delegations**

The members of the Cooperation Council may be accompanied by officials. Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

A representative of the European Investment Bank shall attend the meetings of the Cooperation Council, as an observer, when matters which concern the Bank appear on the agenda.

When appropriate and by mutual agreement, persons in their expert capacity or representatives of other bodies may be invited to attend the meetings of the Cooperation Council as observers or in order to provide information on a particular subject.

*Article 5***Secretariat**

A representative of the General Secretariat of the Council of the European Union and a representative of the Mission of Iraq to the European Union shall act jointly as Secretaries of the Cooperation Council.

*Article 6***Correspondence**

Correspondence addressed to the Cooperation Council shall be sent to the Chair of the Cooperation Council at the address of the Council of the European Union.

The two Secretaries shall ensure that correspondence is forwarded to the Chair of the Cooperation Council and, where appropriate, circulated to other members of the Cooperation Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the European External Action Service, the Permanent Representations of the Member States and the General Secretariat of the Council of the European Union, as well as to the Mission of Iraq to the European Union.

Communications from the Chair of the Cooperation Council shall be sent to the addressees by the two Secretaries and circulated, where appropriate, to the other members of the Cooperation Council at the addresses indicated in the second paragraph.

*Article 7***Publicity**

Unless otherwise decided, the meetings of the Cooperation Council shall not be public.

*Article 8***Agendas for meetings**

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Council to the addressees referred to in Article 6 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda. The agenda shall be adopted by the Cooperation Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chair may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 9***Minutes**

Draft minutes of each meeting shall be drawn up jointly by the two Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- the documentation submitted to the Cooperation Council,
- statements requested for entry by a member of the Cooperation Council,
- the recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Cooperation Council for approval. When approved, the minutes shall be signed by the Chair and the two Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as depository of the documents of the Agreement. A certified copy shall be forwarded to each of the addressees referred to in Article 6 of these Rules of Procedure.

*Article 10***Decisions and recommendations**

1. The Cooperation Council shall take its decisions and make recommendations by common agreement of the Parties. The cases in which the Cooperation Council can take decisions are indicated in the Agreement itself.

The Cooperation Council may take decisions or make recommendations by written procedure if both Parties so agree. When the Cooperation Council decides to have recourse to the written procedure, a deadline may be foreseen by mutual agreement of the Parties, at the end of which the Chair of the Cooperation Council can declare, upon report from the two Secretaries, whether a common agreement of the Parties is given.

2. The decisions and recommendations of the Cooperation Council, within the meaning of Article 111 of the Agreement, shall be entitled respectively 'Decision' and 'Recommendation' followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Cooperation Council shall be signed by the Chair and authenticated by the two Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 6 of these Rules of Procedure. Each Party may decide on the publication of decisions and recommendations of the Cooperation Council in its respective official publication.

*Article 11***Languages**

The official languages of the Cooperation Council shall be the official languages of the two Parties. Unless otherwise decided, the Cooperation Council shall base its decisions and deliberations on documentation drawn up in these languages.

*Article 12***Expenses**

The European Union and Iraq shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Council, with regard both to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Iraq, which shall be borne by Iraq. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 13***Cooperation Committee**

1. In accordance with Article 112 of the Agreement, a Cooperation Committee is established in order to assist the Cooperation Council in carrying out its duties. It shall be composed of representatives of the European Union, on the one hand, and of representatives of the Government of Iraq, on the other, normally at senior civil servant level.

2. The Cooperation Committee shall prepare the meetings and the deliberations of the Cooperation Council, implement the decisions and recommendations of the Cooperation Council where appropriate and, in general, ensure continuity of the relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Cooperation Council as well as any other matter which may arise in the course of the day-to-day implementation of the Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Cooperation Council.

The Cooperation Council may delegate to the Cooperation Committee any of its powers.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation or where the Parties decide by mutual agreement to consult each other, such consultation may take place within the Cooperation Committee. The consultation may continue in the Cooperation Council if the two Parties so agree.

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## ANNEX II

## RULES OF PROCEDURE OF THE COOPERATION COMMITTEE

*Article 1***Chairmanship**

The Cooperation Committee shall be presided over alternately for periods of 12 months by a representative of the European Union and by a representative of the Government of Iraq.

The first period shall begin on the date of the first Cooperation Council meeting and end on 31 December of the same year.

*Article 2***Meetings**

The Cooperation Committee shall meet when circumstances require, with the agreement of both Parties, and at least once a year. Each meeting of the Cooperation Committee shall be held at a time and place agreed by both Parties.

Meetings of the Cooperation Committee shall be convened by the Chairman. The yearly meeting of the Cooperation Committee shall be convened in advance of the yearly meeting of the Cooperation Council. It should be convened in due time to allow for the Cooperation Committee to prepare the meeting of the Cooperation Council.

*Article 3***Delegations**

Before each meeting, the Chairman shall be informed of the intended composition of the delegation of each Party.

*Article 4***Secretariat**

A representative of the European External Action Service and a representative of the Government of Iraq shall act jointly as Secretaries of the Cooperation Committee. All communications to and from the Chairman of the Cooperation Committee provided for in this Decision shall be forwarded to the Secretaries of the Cooperation Committee and to the Secretaries and the Chair of the Cooperation Council.

*Article 5***Publicity**

Unless otherwise decided, the meetings of the Cooperation Committee shall not be public.

*Article 6***Agendas for meetings**

1. The Chairman shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Cooperation Committee to the addressees referred to in Article 4 not later than 15 days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which the Chairman has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The Cooperation Committee may ask experts to attend its meetings in order to provide information on particular subjects.

The agenda shall be adopted by the Cooperation Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

2. The Chairman may, in agreement with the two Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

*Article 7***Minutes**

Minutes shall be taken for each meeting and shall be based on a summing up by the Chairman of the conclusions arrived at by the Cooperation Committee. When approved by the Cooperation Committee, the minutes shall be signed by the Chairman and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

*Article 8***Decisions and recommendations**

In the specific cases where the Cooperation Council empowers the Cooperation Committee to adopt certain decisions/recommendations in line with Article 13(2) of the Rules of Procedure of the Cooperation Council, these acts shall be entitled respectively 'Decision' and 'Recommendation', followed by a serial number, the date of their adoption and a description of their subject matter. Decisions and recommendations of the Cooperation Committee shall be made by common agreement between the Parties.

The Cooperation Committee may take decisions or make recommendations by written procedure if both Parties so agree. When the Cooperation Committee decides to have recourse to the written procedure, a deadline may be foreseen by mutual agreement of the Parties, at the end of which the Chairman of the Cooperation Committee can declare, upon a report from the two Secretaries, whether a common agreement of the Parties is given.

The decisions and recommendations of the Cooperation Committee shall be signed by the Chair and authenticated by the two Secretaries and shall be forwarded to the addressees referred to in Article 4 of these Rules of Procedure. Each Party may decide on the publication of the decisions and recommendations of this Cooperation Committee in its respective official publication.

*Article 9***Expenses**

The European Union and Iraq shall each defray the expenses they incur by reason of their participation in the meetings of the Cooperation Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents shall be borne by the European Union, with the exception of expenditure in connection with interpreting or translation into or from the official language of Iraq, which shall be borne by Iraq. Other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

*Article 10***Subcommittees and specialised working groups**

In accordance with Article 13 of the Rules of Procedure of the Cooperation Council, the Cooperation Committee may decide to create subcommittees or specialised working groups to work under the authority of the Cooperation Committee, to which they shall report after each of their meetings. The Cooperation Committee may decide to abolish any existing subcommittees or working groups, define or amend their terms of reference or set up further subcommittees or working groups to assist it in carrying out its duties. These subcommittees and working groups shall not have any decision-making power.

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**DECISION No 2/2013 OF THE EU-IRAQ COOPERATION COUNCIL****of 8 October 2013****on the establishment of three specialised subcommittees and the adoption of their terms of reference**

(2013/803/EU)

THE EU-IRAQ COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement between the European Union and its Member States, of the one part, and the Republic of Iraq, of the other part<sup>(1)</sup> (hereinafter 'the Agreement'), and in particular Article 112 thereof,

Whereas:

- (1) In accordance with Article 117 of the Agreement, certain provisions thereof have been provisionally applied since 1 August 2012.
- (2) In order to contribute to the effective implementation of the Agreement, its institutional framework should be established as soon as possible.
- (3) Article 112 of the Agreement provides that the Cooperation Council is to be assisted in the performance of its duties by a Cooperation Committee and may decide to set up any other specialised subcommittee or body that can assist it in carrying out its duties, and is to determine the composition and duties of such committees or bodies and how they function.
- (4) In order to allow for expert-level discussions on the key areas falling within scope of the provisional application of the Agreement, three subcommittees should be established. Upon further agreement of the Parties, both the

list of subcommittees and the scope of the individual subcommittees can be modified.

- (5) In accordance with Article 10 of the Cooperation Council's Rules of Procedure, the Cooperation Council may take decisions by written procedure.
- (6) In order for the subcommittees to become operational in a timely manner, it is necessary to adopt this Decision by written procedure,

HAS ADOPTED THIS DECISION:

*Sole Article*

The subcommittees listed in Annex I are hereby established.

The terms of reference of the subcommittees as set out in Annex II are hereby adopted.

Done at Brussels, 8 October 2013.

*For the EU-Iraq Cooperation Council**The Chairman**C. ASHTON*

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<sup>(1)</sup> OJ L 204, 31.7.2012, p. 20.

## ANNEX I

## EU-IRAQ COOPERATION COUNCIL

**Subcommittees established**

- (1) Subcommittee on Human Rights and Democracy
- (2) Subcommittee on Trade and related issues
- (3) Subcommittee on Energy and related issues

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## ANNEX II

**Terms of reference of the Subcommittees established in Annex I, under the Partnership and Cooperation Agreement between the European Union and their Member States, of the one part, and the Republic of Iraq, of the other part***Article 1*

At its meetings, each Subcommittee may treat the implementation of the Partnership and Cooperation Agreement in any or all of the areas it covers.

The Subcommittees may also discuss subjects or specific projects related to the relevant area of bilateral cooperation.

Individual cases may also be raised when either Party requires.

*Article 2*

The Subcommittees shall work under the authority of the Cooperation Committee. They shall report and transmit their conclusions to the Cooperation Committee after each meeting.

*Article 3*

The Subcommittees shall be composed of representatives of the Parties.

Upon agreement of both Parties, the Subcommittees may invite experts to their meetings and may hear them regarding specific points on the agenda of Subcommittee meetings as appropriate.

*Article 4*

The Subcommittees shall be chaired by the Parties alternately, according to the rules on alternate presidency of the Cooperation Committee by a representative of the European Union, on the one hand, and by a representative of the Government of Iraq, on the other hand.

*Article 5*

A representative of the European External Action Service and a representative of the Government of the Republic of Iraq shall act jointly as Permanent Secretary of the Subcommittees. All communications concerning the specific Subcommittee shall be forwarded to the two Permanent Secretaries.

*Article 6*

The Subcommittees shall meet whenever circumstances require upon agreement of the Parties, on the basis of a written request from either Party, and at least once a year. Each meeting shall be held at a place determined by both Parties and at a time agreed by them.

Upon receipt of a request by one of the Parties for a Subcommittee meeting, the Permanent Secretary of the other Party shall reply within 15 working days.

In cases of particular urgency, Subcommittee meetings may be convened at shorter notice, subject to the agreement of both Parties.

Before each meeting, the chair shall be informed of the intended composition of the delegation of both Parties.

Meetings of the Subcommittee are jointly convened by the two Permanent Secretaries, acting in agreement with the Secretaries of the Cooperation Committee.

*Article 7*

Items for inclusion on the agenda shall be submitted to the Permanent Secretaries a minimum of 15 working days in advance of the Subcommittee meeting in question. Any supporting documentation shall be provided to the Permanent Secretaries a minimum of 10 working days in advance.

Based on these items, a provisional agenda shall be drawn up and forwarded, with available supporting documentation, to the Secretaries of the Cooperation Committee, as well as to the Permanent Representations of the Member States, not later than five working days before the Subcommittee meeting. In exceptional circumstances, with the written agreement of both Permanent Secretaries, items may be added to the agenda at short notice.

*Article 8*

Unless otherwise decided, Subcommittee meetings shall not be public.

*Article 9*

Minutes shall be taken for each meeting. A copy of the minutes and conclusions of each Subcommittee meeting shall be transmitted to the Secretaries of the Cooperation Committee. Copies shall also be forwarded to the Permanent Representations of the Member States.

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**RECOMMENDATION No 1/2013 OF THE EU-MOROCCO ASSOCIATION COUNCIL**  
**of 16 December 2013**  
**on the implementation of the EU-Morocco ENP Action Plan implementing the advanced status**  
**(2013-2017)**

THE EU-MOROCCO ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part, and in particular Article 80 thereof,

Whereas:

- (1) Article 80 of the Euro-Mediterranean Agreement gives the Association Council the power to make appropriate recommendations for the purpose of attaining the objectives of the Agreement.
- (2) Pursuant to Article 90 of the Euro-Mediterranean Agreement, the Parties are to take any general or specific measures required to fulfil their obligations under the Agreement and are to see to it that the objectives set out in the Agreement are attained.
- (3) The Parties to the Euro-Mediterranean Agreement have agreed on the text of the EU-Morocco European Neighbourhood Policy (ENP) Action Plan implementing the advanced status (2013-2017).
- (4) The EU-Morocco ENP Action Plan will support the implementation of the Euro-Mediterranean Agreement through the formulation and adoption, by agreement between the Parties, of specific measures which will provide practical guidance for the implementation of the Agreement.

(5) The EU-Morocco ENP Action Plan serves the dual purpose of setting out specific measures for the fulfilment of the Parties' obligations set out in the Euro-Mediterranean Agreement, and of providing a broader framework for further strengthening EU-Morocco relations to achieve a significant measure of economic integration and to deepen political cooperation, in accordance with the overall objectives of the Euro-Mediterranean Agreement,

HAS ADOPTED THE FOLLOWING RECOMMENDATION:

*Sole Article*

The Association Council recommends that the Parties implement the EU-Morocco ENP Action Plan implementing the advanced status (2013-2017) (1), in so far as implementation is directed towards attainment of the objectives of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Kingdom of Morocco, of the other part.

Done at Brussels, 16 December 2013.

*For the Association Council*

*The President*

*S. MEZOUAR*

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(1) See document ST 17584/13 on <http://register.consilium.europa.eu>

**DECISION No 1/2013 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE**

**of 6 December 2013**

**amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road**

(2013/804/EU)

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road (hereinafter 'the Agreement'), and in particular Article 52(4) thereof,

Whereas

- (1) The first indent of Article 52(4) of the Agreement provides that the Joint Committee should adopt decisions revising Annex 1.
- (2) Annex 1 was last revised by Decision No 1/2010 of the Joint Committee of 22 December 2010.
- (3) New legal acts of the European Union have been adopted in the areas covered by the Agreement. Annex 1 should be revised to take account of the changes in the relevant legislation of the European Union. For the sake of legal clarity and simplification, it is preferable to replace Annex 1 to the Agreement by the Annex to this Decision.

HAS DECIDED AS FOLLOWS:

**Article 1**

Annex 1 to the Agreement is replaced by the text of the Annex to this Decision.

**Article 2**

1. For the purposes of Directive 2004/49/EC of the European Parliament and of the Council (1) are recognised, on the basis of reciprocity,

- (a) the safety certificates granted by a national safety authority in accordance with Article 10(2), letter (a);
- (b) the national safety authorities established in the Swiss Confederation and in the European Union in accordance with Article 16.

(1) Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44).

2. In accordance with Article 8(2) and (4) of Directive 2004/49/EC, the Swiss Confederation and the European Union shall inform each other about national safety rules and communicate on a regular basis any amendments thereto so that they are put at the disposal of the industry and the operators.

**Article 3**

1. For the purposes of Directive 2008/57/EC of the European Parliament and of the Council (2) are recognised, on the basis of reciprocity,

- (a) the declarations of conformity or suitability for use provided for in Article 11 and defined in Annex IV which have been established by the manufacturers or their authorised representative;
- (b) the certificates of verification provided for in point 2.3 of Annex VI which have been issued by the notified bodies accredited or recognised in Switzerland or in a Member State of the European Union;
- (c) the declarations of verification provided for in Article 18(1) and defined in Annex V which have been established by the contracting entity or the manufacturer, or their authorised representative;
- (d) authorisations for placing in service of sub-systems and vehicles, including authorisations delivered before 19 July 2008, in particular according to RIC and RIV, as well as authorisations by type of vehicle delivered by a national safety authority according to Chapter V;
- (e) the list of conformity assessment bodies of the Swiss Confederation and of the European Union provided for in Article 28.

2. In accordance with Articles 9(2) and 17(3) of Directive 2008/57/EC, the Swiss Confederation and the European Union shall inform each other about national technical and operational rules supplementing or diverging from the relevant EU provisions and communicate on a regular basis any amendments thereto.

(2) 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 (OJ L 191, 18.7.2008, p. 1).

3. In accordance with Article 28(1) of Directive 2008/57/EC, the Swiss Confederation shall notify to the European Commission the conformity assessment bodies established in the Swiss Confederation. The European Commission shall publish this information on its website listing these bodies (NANDO information system).

*Article 4*

This Decision shall enter into force on 1 January 2014.

Done at Brussels, 6 December 2013.

*For the European Union*  
*The Chairman*  
Fotis KARAMITSOS

*For the Swiss Confederation*  
*The Head of the Swiss Delegation*  
Peter FÜGLISTALER

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## ANNEX

## 'ANNEX 1

**APPLICABLE PROVISIONS**

In accordance with Article 52(6) of this Agreement, Switzerland shall apply legal provisions equivalent to the following:

**Relevant provisions of Union law**

## SECTION 1 – ADMISSION TO THE OCCUPATION

- Council Directive 96/26/EC of 29 April 1996 on admission to the occupation of road haulage operator and road passenger transport operator and mutual recognition of diplomas, certificates and other evidence of formal qualifications intended to facilitate for these operators the right to freedom of establishment in national and international transport operations (OJ L 124, 23.5.1996, p. 1), as last amended by Council Directive 98/76/EC of 1 October 1998 (OJ L 277, 14.10.1998, p. 17).

## SECTION 2 – SOCIAL STANDARDS

- Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8), as last amended by Commission Regulation (EU) No 1266/2009 of 16 December 2009 (OJ L 339, 22.12.2009, p. 3).
- Regulation (EC) No 484/2002 of the European Parliament and of the Council of 1 March 2002 amending Council Regulations (EEC) No 881/92 and (EEC) No 3118/93 for the purposes of establishing a driver attestation (OJ L 76, 19.3.2002, p. 1).

For the purposes of this Agreement,

- (a) only Article 1 of Regulation (EC) No 484/2002 shall apply;
- (b) the European Community and the Swiss Confederation shall exempt from the obligation to hold a driver attestation all citizens of the Swiss Confederation, of a European Community Member State and of a Member State of the European Economic Area;
- (c) the Swiss Confederation may not exempt citizens of States other than those mentioned in point b) from the obligation to hold a driver attestation without prior consultation with and approval by the European Community.
- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).
- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).
- Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35), as last amended by Commission Directive 2009/5/EC of 30 January 2009 (OJ L 29, 31.1.2009, p. 45).
- Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).

## SECTION 3 – TECHNICAL STANDARDS

*Motor vehicles*

- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last amended by Commission Directive 2007/34/EC of 14 June 2007 (OJ L 155, 15.6.2007, p. 49).

- Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last amended by Commission Directive 2001/27/EC of 10 April 2001 (OJ L 107, 18.4.2001, p. 10).
- Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (OJ L 373, 31.12.1991, p. 26), as amended by Directive 2003/20/EC of the European Parliament and of the Council of 8 April 2003 (OJ L 115, 9.5.2003, p. 63).
- Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ L 129, 14.5.1992, p. 154), as amended by Directive 2004/11/EC of the European Parliament and of the Council of 11 February 2004 (OJ L 44, 14.2.2004, p. 19).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).
- Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).
- Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).
- Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).
- Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (Recast) (OJ L 141, 6.6.2009, p. 12).
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as amended by Commission Regulation (EU) No 582/2011 of 25 May 2011 (OJ L 167, 25.6.2011, p. 1).
- Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as amended by Commission Regulation (EU) No 64/2012 of 23 January 2012 (OJ L 28, 31.1.2012, p. 1).

#### *Transport of dangerous goods*

- Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35), as last amended by Council Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 162, 21.6.2008, p. 11).

— Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Directive 2012/45/EU of 3 December 2012 (OJ L 332, 4.12.2012, p. 18).

For the purposes of this Agreement the following derogations to Directive 2008/68/EC apply in Switzerland:

**1. Road transport**

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

**RO - a - CH - 1**

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex I, Section I.1, to this Directive: 1.1.3.6 and 6.8

Content of the Annex to the Directive: Exemptions related to the quantities transported per transport unit, regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 may benefit from the exemptions in 1.1.3.6 ADR.

Initial reference to the national legislation: Appendix 1, paragraphs 1.1.3.6.3(b) and 6.14, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Expiry date: 1 January 2017.

**RO - a - CH - 2**

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods as defined in 1.1.3.6.

Reference to Annex I, Section I.1, to this Directive: 1.1.3.6 and 5.4.1.

Content of the Annex to the Directive: Requirement to have a transport document.

Content of the national legislation: The transport of uncleaned empty containers belonging to Transport Category 4 and filled or empty gas cylinders for breathing apparatuses for use by emergency services or as diving equipment, in quantities not exceeding the limits set in 1.1.3.6, is not subject to the obligation to carry a transport document provided for in 5.4.1.

Initial reference to the national legislation: Appendix 1, paragraph 1.1.3.6.3(c) of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Expiry date: 1 January 2017.

**RO - a - CH - 3**

Subject: Transport of uncleaned empty tanks by companies servicing storage facilities for liquids hazardous to water.

Reference to Annex I, Section I.1, to this Directive: 6.5, 6.8, 8.2 and 9.

Content of the Annex to the Directive: Construction, equipping and inspection of tanks and vehicles; driver training.

Content of the national legislation: Vehicles and uncleanned empty tanks/containers used by companies servicing storage facilities for liquids hazardous to water to contain liquids while stationary tanks are being serviced are not subject to the construction, equipping and inspection regulations or to the labelling and orange-plate identification regulations stipulated by the ADR. They are subject to particular labelling and identification regulations, and the driver of the vehicle is not obliged to have undertaken the training described in 8.2.

Initial reference to the national legislation: Appendix 1, paragraph 1.1.3.6.3.10, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Expiry date: 1 January 2017.

Derogations for Switzerland under Article 6(2)(b)(i) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

**RO - bi - CH - 1**

Subject: Transport of domestic waste containing dangerous goods to waste disposal installations.

Reference to Annex I, Section I.1, to this Directive: 2, 4.1.10, 5.2 and 5.4.

Content of the Annex to the Directive: Classification, combined packaging, marking and labelling, documentation.

Content of the national legislation: The rules include provisions relating to the simplified classification of domestic waste containing (domestic) dangerous goods by an expert recognised by the competent authority, to the use of appropriate receptacles and to driver training. Domestic waste which cannot be classified by the expert may be transported to a treatment centre in small quantities identified by package and by transport unit.

Initial reference to the national legislation: Appendix 1, paragraph 1.1.3.7, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: These rules may only be applied to the transport of domestic waste containing dangerous goods between public treatment sites and waste disposal installations.

Expiry date: 1 January 2017.

**RO - bi - CH - 2**

Subject: Return transport of fireworks.

Reference to Annex I, Section I.1, to this Directive: 2.1.2, 5.4.

Content of the Annex to the Directive: Classification and Documentation.

Content of the national legislation: With the aim of facilitating the return transport of fireworks with UN numbers 0335, 0336 and 0337 from retailers to suppliers, exemptions regarding the indication of the net mass and product classification in the transport document are envisaged.

Initial reference to the national legislation: Appendix 1, paragraph 1.1.3.8, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: Detailed checking of the exact contents of each item of unsold product in each package is practically impossible for products intended for retail trade.

Expiry date: 1 January 2017.

**RO - bi - CH - 3**

Subject: ADR training certificate for journeys undertaken with the purpose of transporting vehicles which have broken down, journeys related to repairs, journeys made to the examination of tank vehicles/tanks, and journeys with tank vehicles made by experts responsible for the examination of the vehicle in question.

Reference to Annex I, Section I.1, to this Directive: 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: ADR training and certificates are not required for journeys undertaken with the purpose of transporting vehicles that have broken down or test drives related to repairs, journeys with tank vehicles made to the examination of the tank vehicle or its tank, and journeys made by experts responsible for the examination of tank vehicles.

Initial reference to the national legislation: Instructions of 30 September 2008 of the Federal Department of Environment, Transport, Energy and Communication (DETEC) on the carriage of dangerous goods by road.

Comments: In some cases, vehicles which have broken down or are undergoing repairs and tank vehicles being prepared for technical inspection or being checked at the time of the inspection still contain dangerous goods.

The requirements in 1.3 and 8.2.3 are still applicable.

Expiry date: 1 January 2017.

## 2. Rail transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

### RA - a - CH - 1

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex II, Section II.1, to this Directive: 6.8.

Content of the Annex to the Directive: Regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 are authorised.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6) and Appendix 1, Chapter 6.14, of the Ordinance relating to the carriage of dangerous goods by road (SDR, RS 741.621).

Expiry date: 1 January 2017.

### RA - a - CH - 2

Subject: Transport document.

Reference to Annex II, Section II.1, to this Directive: 5.4.1.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: Use of a collective term in the transport document and an annexed list containing the information prescribed as stipulated above.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6).

Expiry date: 1 January 2017.

- Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).

## SECTION 4 – ACCESS AND TRANSIT RIGHTS WITH REGARD TO RAILWAYS

- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).
- Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).
- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2009/149/EC of 27 November 2009 (OJ L 313, 28.11.2009, p. 65).
- Commission Regulation (EC) No 62/2006 of 23 December 2005 concerning the technical specification for interoperability relating to the telematic applications for freight subsystem of the trans-European conventional rail system (OJ L 13, 18.1.2006, p. 1), as amended by Commission Regulation (EU) No 328/2012 of 17 April 2012 (OJ L 106, 18.4.2012, p. 14).
- Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).

- Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).
- 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 (Recast) (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2013/9/EU of 11 March 2013 (OJ L 68, 12.3.2013, p. 55).
- Commission Decision 2008/163/EC of 20 December 2007 concerning the technical specification of interoperability relating to “safety in railway tunnels” in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 1), as last amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to “persons with reduced mobility” in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 72), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Decision 2008/232/EC of 21 February 2008 concerning a technical specification for interoperability relating to the “rolling stock” sub-system of the trans-European high-speed rail system (OJ L 84, 26.3.2008, p. 132), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Regulation (EC) No 352/2009 of 24 April 2009 on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council (OJ L 108, 29.4.2009, p. 4).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).
- Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).
- Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).
- Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).
- Commission Decision 2011/229/EU of 4 April 2011 concerning the technical specifications of interoperability relating to the subsystem “rolling stock – noise” of the trans-European conventional rail system (OJ L 99, 13.4.2011, p. 1), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Decision 2011/274/EU of 26 April 2011 concerning a technical specification for interoperability relating to the “energy” subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 1), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Decision 2011/275/EU of 26 April 2011 concerning a technical specification for interoperability relating to the “infrastructure” subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 53), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Decision 2011/291/EU of 26 April 2011 concerning a technical specification for interoperability relating to the rolling stock subsystem “Locomotives and passenger rolling stock” of the trans-European conventional rail system (OJ L 139, 26.5.2011, p. 1), as last amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem “telematics applications for passenger services” of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as amended by Commission Regulation (EU) No 665/2012 of 20 July 2012 (OJ L 194, 21.7.2012, p. 1).

- Commission Implementing Decision 2011/633/EU of 15 September 2011 on the common specifications of the register of railway infrastructure (OJ L 256, 1.10.2011, p. 1).
- 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).
- Commission Decision 2012/88/EU of 25 January 2012 on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system (OJ L 51, 23.2.2012, p. 1).
- Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the “operation and traffic management” subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1).
- Commission Regulation (EU) No 1077/2012 of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation (OJ L 320, 17.11.2012, p. 3).
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).
- 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 and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1).

#### SECTION 5 – OTHER FIELDS

- Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).
- Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network (OJ L 167, 30.4.2004, p. 39).
- Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).‘

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**CORRIGENDA**

Corrigendum to Council Regulation (EC) No 1256/2008 of 16 December 2008 imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China and Russia following a proceeding pursuant to Article 5 of Regulation (EC) No 384/96, originating in Thailand following an expiry review pursuant to Article 11(2) of the same Regulation, originating in Ukraine following an expiry review pursuant to Article 11(2) and an interim review pursuant to Article 11(3) of the same Regulation, and terminating the proceedings in respect of imports of the same product originating in Bosnia and Herzegovina and Turkey

(*Official Journal of the European Union L 343 of 19 December 2008, p. 1*)

Page 4, recital (20) (f) Exporting producers in Ukraine, second indent

for: "— OJSC Interpipe Nizhnedneprovsk Tube Rolling Plant."

read: "— OJSC Interpipe Nizhnedneprovsky Tube Rolling Plant."

Page 36, recital (350), table, column "Company", entry for Ukraine

Page 37, Article 1(2), table, column "Company", entry for Ukraine

for: "OJSC Interpipe Nizhnedneprovsky Tube Rolling Plant ..."

read: "OJSC Interpipe Nizhnedneprovsky Tube Rolling Plant ...".

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★ Recommendation No 1/2013 of the EU-Morocco Association Council of 16 December 2013 on the implementation of the EU-Morocco ENP Action Plan implementing the advanced status (2013-2017) .....	78
2013/804/EU:	
★ Decision No 1/2013 of the Community/Switzerland Inland Transport Committee of 6 December 2013 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road .....	79

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Corrigenda

★ Corrigendum to Council Regulation (EC) No 1256/2008 of 16 December 2008 imposing a definitive anti-dumping duty on imports of certain welded tubes and pipes of iron or non-alloy steel originating in Belarus, the People's Republic of China and Russia following a proceeding pursuant to Article 5 of Regulation (EC) No 384/96, originating in Thailand following an expiry review pursuant to Article 11(2) of the same Regulation, originating in Ukraine following an expiry review pursuant to Article 11(2) and an interim review pursuant to Article 11(3) of the same Regulation, and terminating the proceedings in respect of imports of the same product originating in Bosnia and Herzegovina and Turkey (OJ L 343, 19.12.2008, p. 1) .....	88
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