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Contents

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[1] Text with EEA relevance

EN

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

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

Notice to readers — Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (see page 3 of the cover)

EN

([1]) Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 559/2013

of 18 June 2013

implementing Article 11(1) of Regulation (EU) No 377/2012 concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 377/2012 of 3 May 2012 concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau [1], and in particular Article 11(1) and (4) thereof,

Whereas:

(1) On 3 May 2012, the Council adopted Regulation (EU) No 377/2012.

(2) The Council has carried out a complete review of the list of persons, as set out in Annex I to Regulation (EU) No 377/2012, to which Article 2(1) and (2) of that Regulation apply. The Council has concluded that the persons listed in Annex I to Regulation (EU) No 377/2012 should continue to be subject to the specific restrictive measures provided for therein.

(3) On 20 March 2013, the United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 2048 (2012), updated the information concerning one designated person. In order to implement the decision of the Committee, the Council adopted Implementing Decision 2013/293/CFSP of 18 June 2013 implementing Decision 2012/285/CFSP concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau [2].

(4) The entry for that person in Annex I to Regulation (EU) No 377/2012 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 377/2012 shall be amended as set out in the Annex to this Regulation.

Article 2

The 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 Luxembourg, 18 June 2013.

For the Council
The President
P. HOGAN

[1] OJ L 119, 4.5.2012, p. 1.

[2] See page 39 of this Official Journal.

ANNEX

The entry for the person set out below in Annex I to Regulation (EU) No 377/2012 shall be replaced by the following:

Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport/ID card number, etc.)	Grounds for listing	Date of designation
'Major Idrissa DJALÓ	Nationality: Guinea-Bissau D.o.b.: 18 December 1954 Official function: Protocol advisor to the Armed Forces Chief of Staff and subsequently, Colonel and Chief of Protocol of the Headquarters of the Armed Forces Passport: AAISO40158 Date of issue: 2.10.2012 Place of issue: Guinea-Bissau Date of expiry: 2.10.2015	Point of Contact for the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012 and one of its most active members. He was one of the first officers to publicly assume his affiliation to the "Military Command", having signed one of its first communiqués (No 5, dated 13 April 2012). Major Djaló also belongs to the Military Intelligence.	18.7.2012'

COMMISSION IMPLEMENTING REGULATION (EU) No 560/2013

of 14 June 2013

approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Traditional Grimsby Smoked Fish (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs [1], and in particular the second sentence of Article 53(2) thereof,

Whereas:

(1) In accordance with the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined the United Kingdom's application for the approval of an amendment to the specification for the protected geographical indication 'Traditional Grimsby Smoked Fish', registered under Commission Regulation (EC) No 986/2009 [2].

(2) The application concerns an amendment to the method of production in order to provide flexibility in the sourcing of the raw materials to now include fillets as well as fresh whole fish.

(3) The Commission has examined the amendment in question and decided that it is justified. Since this concerns a minor amendment, in accordance with Article 53(2) of Regulation (EU) No 1151/2012, the Commission may adopt it without using the procedure set out in Articles 50 and 52 of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The amendment to the specification for the protected geographical indication 'Traditional Grimsby Smoked Fish' in Annex I to this Regulation is approved.

Article 2

The consolidated single document setting out the main points of the specification is set out in Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 14 June 2013.

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

[1] OJ L 343, 14.12.2012, p. 1.
[2] OJ L 277, 22.10.2009, p. 17.

ANNEX I

The following amendment to the specification for the protected geographical indication 'Traditional Grimsby Smoked Fish' has been approved:

Fresh whole fish *and fillets* are usually sourced from Iceland, Faroe and Norway but can be sourced from other areas.

ANNEX II

SINGLE DOCUMENT

Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1]

'TRADITIONAL GRIMSBY SMOKED FISH'

EC No: UK-PGI-0105-01022-23.07.2012

PGI (X) PDO ( )

1. **Name**

'Traditional Grimsby Smoked Fish'

2. **Member State or Third Country**

United Kingdom

3. **Description of the agricultural product or foodstuff**

3.1. *Type of product*

Class 1.7. *Fresh fish, molluscs, and crustaceans and products derived there from*

3.2. *Description of product to which the name in point 1 applies*

'Traditional Grimsby Smoked Fish' are fillets of cod and haddock, weighing between 200 and 700 grams, which have been cold smoked in accordance with the traditional method within the defined geographical area. They are cream to beige in colour, with a dry texture and a smoked slightly salty flavour. They are sold to a range of outlets, as processed, in purpose built cartons (whose weight must not exceed 5 kilograms) or in individual vacuum packs.

3.3. *Raw materials (for processed products only)*

Whole fish and fillets of cod and haddock, weighing between 200 and 700 grams

3.4. *Feed (for products of animal origin only)*

N/A

3.5. *Specific steps in production that must take place in the identified geographical area*

All brining and smoking of the filleted fish.

3.6. *Specific rules concerning slicing, grating, packaging, etc.*

The smoked fish are packed into interleaved shallow purpose built cartons or in individual vacuum packs in order to maintain freshness.

3.7. *Specific rules concerning labelling*

N/A

4. **Concise definition of the geographical area**

The town of Grimsby, as defined by its administrative boundaries, in the district of North East Lincolnshire.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The characteristics of 'Traditional Grimsby Smoked Fish' are linked to the geographical area on the basis of tradition, reputation, the smoking process and the skills of those involved in the process. Skills which have been passed down from generation to generation.

The port of Grimsby is unique in England in that it is sited on a promontory, which separates the Humber Estuary from the North Sea. This position exposes the port to cool dry winds off the sea and estuary which aid the process of traditional fish smoking by keeping mean summer maximum temperatures below 20 degrees Celsius, which is significantly cooler than inland.

[1] OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

Across the UK the town of Grimsby is synonymous with the processing of fish. The port and town regard it as a matter of pride that for over a century the many fish merchants have been able to supply most types of fish to anywhere in the country and more recently even further into Europe. 'Traditional Grimsby Smoked Fish' is one of the most important products associated with the port.

The tradition and processes involved can be proven and demonstrated back to the late 19th century. Grimsby has been synonymous with fish smoking in the UK since 1850 when the railway first allowed the rapid transportation of smoked fish to London and eventually to every corner of the country. At that time, of course, no refrigeration equipment or ice making capability now used so extensively in the preservation of fresh and perishable produce such as fish existed. In order to keep and extend the shelf-life of their perishable products the choice was salting, drying, smoking or a combination of all of these. Traditional fish smoking in Grimsby has continued to be successful despite the preference for mechanical kilns in other parts of the country.

For much of the first half of the 20th century the port of Grimsby was the largest fishing port in the world. Its position amongst names such as Vigo, Esbjerg, Boulogne sur Mer and Bremerhaven with which the town is twinned is unassailable. The town today is still the largest centre of fish production in the UK with 106 companies currently members of the Grimsby Fish Merchants Association. This diverse merchanting base has always been the port's strength and has resulted in Grimsby Fish Markets pivotal role in wet fish sales not only in the UK but also at a European level.

5.2. *Specificity of the product*

'Traditional Grimsby Smoked Fish' are fillets of cod and haddock, weighing between 200 and 700 grams. They are cream to beige in colour, with a dry texture and a smoked slightly salty flavour. The fillets of fish have been cold smoked in accordance with traditional methods and skilled know-how which has been handed down over generations these include:

filleting the whole fish by hand,

brining the fillets of fish,

placing the filleted fish on speats, in the smokehouse chimneys at heights that suit the cold smoking process.

Preparing the base of the smokehouse to be laid with a covering of sawdust where 'fire' is introduced to start the sawdust smouldering. Monitoring the rate at which the fish is smoked is dependent on the size of the fish, and the ambient temperature and humidity.

Regular monitoring of the smoking process by skilled smokers is carried out to ensure the fish is smoked evenly, moving and removing fish when necessary.

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)*

Grimsby's position on the east coast has a second advantage of being a place in the UK which is least prone to humid rain bearing south westerly winds which prevail in most other parts of the UK. It has a maritime climate, which means that although there are only small fluctuations in seasonal weather on a day to day basis the weather can be changeable.

The experience and expertise required to smoke fish successfully in the traditional way can only be learnt over many years with the knowledge often being handed down over generations. This in contrast to the modern mechanical kiln, which is a sealed oven that is electrically heated and regulated simply by turning dials. Due to these sustainable sources and being able to take advantage of Grimsby's strategic position at the centre of a chilled fish distribution network daily supplies of freshly smoked fish can be guaranteed anywhere in the country.

Grimsby is fortunate in that it can source its fish from such a wide area that an experienced buyer can normally find some fish which is suitable for smoking whatever time of the year. In order to smoke the fish successfully the fish smoker has to allow for the many variables of fish, season and weather. In Grimsby generations of expertise enables the traditional fish smoker to produce a consistent quality product by touch and eye alone.

'Traditional Grimsby Smoked Fish' is highly praised by the food industry at large, such as Waitrose whose fish buyer has stated that 'With modern-day kilns you just don't get that depth of flavour. With traditional fish, it's like eating something completely different. The real thing is amazing. Unbeatable. Smoky. Rich. Perfect.' Equally the traditional fish smoking methods are well appreciated by chefs alike. Rick Stein states 'I've visited Grimsby and was amazed at the skill involved in traditional fish smoking. It's worlds apart from computer-controlled kiln drying.'

Chef Mitch Tonks also believes the traditional smoking method makes all the difference to taste of the fish and enhances its organoleptic qualities; 'They cure their fish in the traditional way and smoke them in old smokehouses which smell gorgeous, and I'm sure this helps the flavour. They use only large haddocks and the result is a perfect balance of smoke and sweet fish.'

Grimsby smoked fish is served in many of the country's finest eateries, including J Sheekey, Scott's and even Delia Smith's Norwich City Football Club's restaurant. Regular supplies are sent to the Royal household. Legend has it that the Queen ate it for breakfast the morning after her 1947 marriage to Prince Philip.

Reference to publication of the specification

(Article 5(7) of Regulation (EC) No 510/2006)

http://archive.defra.gov.uk/foodfarm/food/industry/regional/foodname/products/documents/grimsby-fish-spec-120619.pdf

COMMISSION IMPLEMENTING REGULATION (EU) No 561/2013

of 14 June 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Schwarzwälder Schinken (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs [1], and in particular Article 52(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [2].

(2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Germany's application for the approval of amendments to the specification for the protected geographical indication 'Schwarzwälder Schinken' registered under Commission Regulation (EC) No 123/97 [3].

(3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union*, as required by Article 6(2) of Regulation (EC) No 510/2006 [4]. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 14 June 2013.

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

[1] OJ L 343, 14.12.2012, p. 1.
[2] OJ L 93, 31.3.2006, p. 12.
[3] OJ L 22, 24.1.1997, p. 19.
[4] OJ C 274, 11.9.2012, p. 2.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.2. Meat products (cooked, salted, smoked, etc.)

GERMANY

Schwarzwälder Schinken (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 562/2013

of 14 June 2013

approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Queijo Serra da Estrela (PDO)]

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs [1], and in particular Article 53(2)(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 entered into force on 3 January 2013. It repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [2].

(2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Portugal's application for the approval of amendments to the specification for the protected geographical indication 'Queijo Serra da Estrela' registered under Commission Regulation (EC) No 1107/96 [3], as amended by Regulation (EC) No 197/2008 [4].

(3) The purpose of the application is to amend the specification. Portugal requests the possibility of marketing 'Queijo Serra da Estrela' in a smaller format (0.5 kg). The minimum diameter of the cheese shall therefore be reduced from 11 to 9 cm. Portugal also requests for it to be made mandatory to affix a numbered casein mark in order to improve the traceability of the product.

(4) The Commission has examined the amendments in question and decided that they are justified. Since this is a minor amendment, the Commission may adopt it without using the procedure set out in Articles 50 to 52 of Regulation (EU) No 1151/2012,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected designation of origin 'Queijo Serra da Estrela' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the Single Document setting out the main points of the specification.

Article 3

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

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

Done at Brussels, 14 June 2013.

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

[1] OJ L 343, 14.12.2012, p. 1.
[2] OJ L 93, 31.3.2006, p. 12.
[3] OJ L 148, 21.6.1996, p. 1.
[4] OJ L 59, 4.3.2008, p. 8.

ANNEX I

In the specification for the protected designation of origin 'Queijo Serra da Estrela' the following amendment is approved:

Product description: Portugal requests the possibility of marketing 'Queijo Serra da Estrela' in a smaller format (0.5 kg), which is the minimum dimension required to preserve its specific organoleptic features. The minimum diameter of the cheese shall therefore be reduced from 11 to 9 cm.

Proof of origin: Portugal requests for it to be made mandatory to affix a numbered casein mark in order to improve the traceability of the product, to certify the region of origin and to establish a link between each batch received, always in accordance with the requirements of the specifications, and each batch of 'Queijo Serra da Estrela' produced.

The casein marks shall follow the model approved by the producer group, which shall make them available to all interested producers without discrimination to avoid any duplications of numberings or series. These marks cannot be transferred from one cheese to another and become unusable when removed.

ANNEX II

SINGLE DOCUMENT

Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [1]

'QUEIJO SERRA DA ESTRELA'

EC No: PT-PDO-0217-0213 – 17.1.2011

PGI () PDO (X)

1. **Name**

'Queijo Serra da Estrela'

2. **Member State or Third Country**

Portugal

3. **Description of the agricultural product or foodstuff**

3.1. *Type of product*

Class 1.3. Cheeses

3.2. *Description of product to which the name in (1) applies*

Cheese obtained by slow draining of the curds, following coagulation of unadulterated raw ewe's milk obtained from Bordaleira Serra da Estrela and/or Churra Mondegueira ewes, using the cardoon flower (*Cynara cardunculus*, L) as rennet. The minimum ripening time for 'Queijo Serra da Estrela' cheese is 30 days. When the ripening time reaches a minimum of 120 days, the designation of origin 'Queijo Serra da Estrela' is qualified as 'Velho' (mature).

The main characteristics of the product are as follows:

	'Queijo Serra da Estrela'	'Queijo Serra da Estrela' 'Velho' (mature)
Shape and consistency	Short (flat) regular cylinder with bulging sides and some bulging on the top and no defined edge	Short (flat) regular cylinder, slight or no bulging on the sides and no spine
Rind	Smooth and semi-soft	Smooth to slightly wrinkled and hard to extra hard.
Weight	Between 0.5 and 1.7 kg	0.7 to 1.2 kg
Diameter	9 to 20 cm	11 to 20 cm
Height	4 to 6 cm	3 to 6 cm
Texture	Closed, slightly buttery, loses its shape on cutting, well bound, creamy and smooth, with few or no eyes	Closed or with some eyes, slightly dry crumbly body, smooth
Colour	White or slightly sallow	Yellowish to orange/light brown, becoming darker from the outside towards the centre
Sensory characteristics	Smooth, clean and slightly acidic bouquet	Pleasant, lingering, clean, strong to slightly strong and slightly spicy/salty bouquet
Protein	26 to 33 %	36 to 43 %
Fats	45 to 60 %	> 60 %
Humidity	61 to 69 %	49 to 56 %
Ash	5 to 6.5 %	7 to 8 %

[1] Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

3.3. *Raw materials (for processed products only)*

The raw materials used are exclusively as follows:

— unadulterated raw ewe's milk obtained from Bordaleira Serra da Estrela and/or Churra Mondegueira ewes in the defined geographical area. The rearing and feeding conditions of the animals are subject to specific rules;

— edible salt;

— the cardoon flower (*Cynara cardunculus*, L), a plant-based rennet.

3.4. *Feed (for products of animal origin only)*

Since open-air rearing is the most common technique, only extensive or semi-extensive production systems are permitted. The animals graze in an area with characteristically wild vegetation including pine forests, thickets and meadows. Transhumance, where the animals are moved to other zones (or pastures) located in the same geographical area (according to the time of the year and available feed) is practised regularly. Other pasture and fodder species are also usually grown in the region and are used as feed supplements for local sheep during periods in which feed is less available. However, and only in times of extreme climatic and soil conditions (snow or drought for instance), straight or compound feedstuffs may be used to strengthen animals' diets, mainly at the start and end of the gestation period or at the height of the lactation period. The use of these feedstuffs must be authorised by the producer group and is controlled both quantitatively and qualitatively by the certification body.

3.5. *Specific steps in production that must take place in the defined geographical area*

Given that the animals must be of certified genetic or territorial origin, that their diet is governed by strict rules in terms of pasture quality and quantity, that the natural surroundings are crucial for obtaining milk and cheese with the required characteristics, that of all the steps in production are regularly monitored both for product traceability and for the organoleptic qualities of the final product, and that the manufacture and ripening stages are delicate operations both in terms of traceability and the authenticity, hygiene and the sensory properties of the final product, all of the production steps of 'Queijo Serra da Estrela' must take place in the geographical area defined in point 4, from the birth of the animals to the packaging of the cheese, whatever commercial presentation is used.

3.6. *Specific rules on slicing, grating, packaging, etc.*

Since 'Queijo Serra da Estrela' is a live product which continues to develop even after it is preserved, cut and packaged, these operations may only take place in the region of origin in view of the need to:

— guarantee the product's authenticity and the physical, chemical and organoleptic characteristics which define the special quality of these cheeses – attributes which only the producers, who live in the region and regularly consume these products, are capable of recognising;

— assess the quality of each cheese individually before subjecting it to any of the above-mentioned operations;

— ensure that the cheese, even when cut, remains characteristically creamy. To achieve that, it is imperative to select cheeses which are sufficiently mature when the relevant operation is carried out;

— ensure that, for 'queijo velho', the slices have the required consistency, with crumbling. To achieve that, it is imperative to select cheeses with the appropriate bouquet and consistency during the ripening phase, which is an opportune time to cut the cheese;

— guarantee the traditional reputation of the product is maintained and is not imitated and that the consumer is not misled;

— guarantee that the health and hygiene conditions of the product are constantly maintained throughout the various operations;

— make it possible to monitor the operations properly and in line with regulatory requirements;

— guarantee that each unit or portion of cheese is traceable to its production facilities and its agricultural holding, thereby ensuring the geographical origin of the product.

3.7. *Specific rules concerning labelling*

In addition to the mandatory wording required by the law, the following are also mandatory:

— the words 'QUEIJO SERRA DA ESTRELA – Protected designation of origin', supplemented by the qualifier 'VELHO' for cheeses whose ripening exceeds 120 days;

— the certification mark bearing the name of the product, the name of the monitoring and certification body and a serial number rendering the product traceable.

4. **Concise definition of the geographical area**

The geographical area is limited to the municipalities of Carregal do Sal, Celorico da Beira, Fornos de Algodres, Gouveia, Mangualde, Manteigas, Nelas, Oliveira do Hospital, Penalva do Castelo and Seia and to the parishes of Carapito, Cortiçada, Dornelas, Eirado, Forninhos, Penaverde and Valverde, to the municipality of Aguiar da Beira and the parishes of Anceriz, Barril do Alva, Cerdeira, Coja, Pomares and Vila Cova do Alva, to the municipality of Arganil and the parishes of Aldeia de Carvalho, Cortes do Meio, Erada, Paul, Sarzedo, Unhais da Serra and Verdelhos, to the municipality of Covilhã and the parishes of Aldeia Viçosa, Cavadoude, Corujeira, Fala, Famalicão, Fernão Joanes, Maçainhas de Baixo, Mizarela, Pero Soares, Porto da Carne, São Vicente, Sé Seixo Amarelo, Trinta, Vale de Estrelas, Valhelhas, Videmonte, Vila Cortez do Mondego and Vila Soeiro, to the municipality of Guarda and the parishes of Midões, Póvoa de Midões and Vila Nova de Oliveirinha, to the municipality of Tábua and the parishes of Canas de Santa Maria, Ferreirós do Dão, Lobão da Beira, Molelos, Mosteiro de Fráguas, Nandufe, Parada de Gonta, Sabugosa, São Miguel do Outeiro, Tonda and Tondela, to the municipality of Tondela and the parishes of Aldeia Nova, Carnicães, Feital, Fiães, Freches, Santa Maria, São Pedro, Tamanho, Torres, Vila Franca das Naves and Vilares, to the municipality of Trancoso and the parishes of Fragosela, Loureiro de Silgueiros, Povolide and São João de Lourosa and to the municipality of Viseu.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The entire region is located on the Beira uplands, with agro-climactic conditions characterised by long, cold and rainy winters with occasional snow and hot, dry summers.

On top of the tree cover mentioned previously, this region contains stretches of shrubs and herbs which make up the diet of the grazing animals. The herbs are mainly composed of brushwood [ericas, ulex (gorse bushes), cytisus (jennets) and genistas (wild jennets or *genistas purgans*)]. The natural pasture is made up of wild perennial grasses and the cultivated pasture is mainly composed of white clover and subterranean clover. As for the flowers, acidophilus species prevail and are mainly composed of grasses and leguminous plants which can withstand the cold, acidity and low soil fertility. The fodder crops most regularly used are essentially as follows: oats, rye, corn, fodder sorghum and marsh grass or yearly ray-grass.

The region is home to two breeds used exclusively for producing this cheese: the 'Bordaleira Serra da Estrela' and the 'Churra Mondegueira'. For centuries, animals have fully taken advantage of the rough pasture in this region.

5.2. *Specificity of the product*

As a result of the know-how of its producers, 'Queijo Serra da Estrela' is obtained exclusively from raw milk, using the cardoon flower as a natural rennet.

'Queijo Serra da Estrela' has distinctive characteristics due to the production conditions described above. It is commercialised as a flat regular cylinder with slightly bulging sides on its upper surface and no defined edge, with a smooth, semi-soft rind and a closed, slightly buttery texture which loses its shape on cutting. It is well-bound, creamy and smooth, sometimes containing a few white or sallow eyes. It has a smooth, clean and slightly acidic bouquet. These characteristics grow naturally stronger during the maturing process, leading to the production of 'Queijo Serra da Estrela' Velho, which can be described as follows: smooth to slightly rough rind, hard to extra hard consistency, closed texture or with a few eyes, body dry and slightly crumbly, smooth, dark yellow to orange getting darker from the outside towards the centre; pleasant, lingering, clean, strong to slightly strong and slightly spicy/salty bouquet.

5.3. *Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)*

The climate and soil conditions of the Serra da Estrela region have allowed agricultural and forestry activities to develop, one of the main ones being the rearing of sheep from the local 'Bordaleira Serra da Estrela' and 'Churra Mondegueria' breeds. The milk they produce is used to make the renowned cheeses and creamy cheeses (requeijão) of Serra da Estrela, which have distinctive characteristics in terms of colour, fragrance, bouquet and texture.

The region and the cheeses produced there were already mentioned in texts by Roman authors. The cheeses were also described as the food of choice on board ship during the Age of Discovery and were mentioned in sixteenth-century plays.

Reference to publication of the specification

[Article 5, paragraph 7, of Regulation (EC) No 510/2006]

http://www.dgadr.pt/images/docs/val/dop_igp_etg/Valor/CE_QueijoSE_Versao_Comissao.pdf

COMMISSION IMPLEMENTING REGULATION (EU) No 563/2013

of 14 June 2013

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Arroz del Delta del Ebro/Arròs del Delta de l'Ebre (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs [1], and in particular Article 52(2) thereof,

Whereas:

(1) Regulation (EU) No 1151/2012 repealed and replaced Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs [2].

(2) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Spain's application for the approval of amendments to the specification for the protected designation of origin 'Arroz del Delta del Ebro'/'Arròs del Delta de l'Ebre' registered under Commission Regulation (EC) No 1059/2008 [3].

(3) Since the amendments in question are not minor, the Commission published the amendment application in the *Official Journal of the European Union* [4], as required by Article 6(2) of Regulation (EC) No 510/2006. As no statement of objection under Article 7 of that Regulation has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

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

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

Done at Brussels, 14 June 2013.

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

[1] OJ L 343, 14.12.2012, p. 1.
[2] OJ L 93, 31.3.2006, p. 12.
[3] OJ L 283, 28.10.2008, p. 34.
[4] OJ C 278, 14.9.2012, p. 7.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

SPAIN

Arroz del Delta del Ebro/Arròs del Delta de l'Ebre (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 564/2013

of 18 June 2013

on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of 22 May 2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products [1], and in particular Article 80(1) thereof,

Whereas:

(1) The structure and amount of the fees payable to the European Chemicals Agency, (hereinafter referred to as 'the Agency'), as well as the conditions for payment should be established.

(2) The structure and amount of the fees should take account of the work required by Regulation (EU) No 528/2012 to be carried out by the Agency. Fees should be set at such a level as to ensure that the revenue derived from them, when combined with other sources of the Agency's revenue, is sufficient to cover the cost of the services delivered.

(3) It follows from Article 80(3)(d) of Regulation (EU) No 528/2012 that the structure and amount of fees is to take into account whether information has been submitted jointly or separately. In order to reflect the actual work load of the Agency and to promote joint submission of information, it is appropriate to only levy one fee per application, in case several persons apply jointly for the approval of an active substance or the renewal of an approval of an active substance.

(4) To take into account the specific needs of small and medium-sized enterprises within the meaning of Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium sized enterprises [2] (hereinafter 'SMEs') established in the Union, reduced fees for active substance approval, renewal of approval or inclusion in Annex I to Regulation (EU) No 528/2012 and biocidal product authorisation or renewal should apply to such companies. The levels of the reductions should take into account the significant proportion of SMEs in the biocides sector combined with the interest of avoiding excessive fees for other enterprises while ensuring that the Agency's work is fully financed. For the purpose of discouraging applications for products containing active substances fulfilling one of the substitution criteria listed in Article 10(1) of Regulation (EU) No 528/2012, as well as of such active substances, reductions should not apply to applications for such biocidal products or active substances.

(5) Taking into account the Agency's work required to handle an appeal lodged in accordance with Article 77 of Regulation (EU) No 528/2012, it is appropriate to levy a fee for such appeals in accordance with the third subparagraph of Article 77(1) of that Regulation. However, to avoid penalising persons launching justified appeals, it is appropriate to refund such fees where the appeal is well founded.

(6) Taking into account the reduced work required by the Agency in cases where applications are rejected before or during validation, or withdrawn during their assessment, it is appropriate to provide for partial refund of fees in such cases.

(7) For the purpose of encouraging applications for approval of active substances that are suitable alternatives to approved active substances fulfilling one of the exclusion criteria listed in Article 5(1) of Regulation (EU) No 528/2012, it is appropriate to provide for reimbursement of the fee for such applications.

(8) The fee for applications for inclusion in Annex I to Regulation (EU) No 528/2012 of active substances that do not give rise to concern should take into account the estimated work required by the Agency to handle such applications, as well as the public interest in allowing products containing such substances to be authorised.

(9) For the purpose of discouraging applications for approval or renewal of approval of active substances fulfilling one of the substitution criteria listed in Article 10(1) of Regulation (EU) No 528/2012 as well as applications for authorisation or renewal of products requiring a comparative assessment in accordance with Article 23 of Regulation (EU) No 528/2012, and of contributing to financing the waivers and reductions provided for by this Regulation, it is appropriate to provide for increased fees for such applications.

[1] OJ L 167, 27.6.2012, p. 1.
[2] OJ L 124, 20.5.2003, p. 36.

(10) In view of the Agency's work required to handle a request for an opinion on the classification of a change in accordance with Commission Implementing Regulation (EU) No 354/2013 of 18 April 2013 on changes of biocidal products authorised in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council [1], it is appropriate to levy a fee for such requests. However, to avoid, to the extent possible, penalising applicants whose requests to have a change classified as minor or administrative are justified, it is appropriate to grant a fee reduction to the subsequent application for a change, where the request leads to a recommendation to classify the change as an administrative or minor change.

(11) Given the Agency's work required to treat submissions for inclusion in the list of relevant persons referred to in Article 95 of Regulation (EU) No 528/2012, it is appropriate to levy a fee for such submissions. The amount of work required for such submission will vary significantly depending on whether the relevant person submits a letter of access or a new dossier, since, in the latter case, the Agency will have to check that the dossier complies with Annex II to Regulation (EU) No 528/2012 or, where appropriate, Annex IIA to Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing on the market of biocidal products [2]. It is appropriate to differentiate the fee accordingly.

(12) Given the Agency's work required to handle a request for confidentiality in accordance with Article 66(4) of Regulation (EU) No 528/2012, it is appropriate to levy a fee for such requests.

(13) Since the Agency's budget is drawn up and implemented in euro, and its accounts are also presented in euro in accordance with Article 19 of 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 [3], with Article 17 of Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities [4] and with Article 17 of the Financial Regulation of the European Chemicals Agency of 24 September 2008 [5], it is appropriate to levy fees only in euro.

(14) It follows from Article 80(3)(f) of Regulation (EU) No 528/2012 that the deadlines for the payment of fees should be fixed taking due account of the deadlines of the procedures provided for in that Regulation.

(15) The fees set out in this Regulation should be reviewed at appropriate intervals, with a view to aligning the fees with the inflation rate and with the actual costs to the Agency of the services provided. These reviews should take into account the Agency's increased experience in dealing with applications under the Regulation and the efficiencies thereby gained.

(16) The Standing Committee on Biocidal Products referred to in Article 82(1) of Regulation (EU) No 528/2012 did not deliver an opinion on the measures provided for in this Regulation. Since an implementing act was deemed to be necessary, the chair submitted the draft implementing act to the appeal committee for further deliberation. The appeal committee did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

CHAPTER I

FEES

Article 1

Fees for work in relation to active substances

The Agency shall levy the fees provided for in Table 1 of Annex I for work required by Regulation (EU) No 528/2012 to be carried out in relation to approval and renewal of approval of active substances, as well as inclusion in Annex I to that Regulation.

Article 2

Fees for work in relation to Union authorisation of biocidal products

The Agency shall levy the fees provided for in Table 1 of Annex II for work required by Regulation (EU) No 528/2012 to be carried out in relation to Union authorisation of biocidal products.

Article 3

Other fees

1. The Agency shall levy the fees provided for in Annex III for work required by Regulation (EU) No 528/2012 to be carried out in relation to establishment of technical equivalence, applications for mutual recognition, requests for inclusion in the list of relevant persons, and requests for confidential treatment of information submitted to the Agency.

2. The Agency shall levy the annual fees provided for in Annex III for every biocidal product or biocidal product family authorised by the Union. The annual fee shall be due on the first and each subsequent anniversary of the entry into force of the authorisation. It shall relate to the preceding year.

[1] OJ L 109, 19.4.2013, p. 4.
[2] OJ L 123, 24.2.1998, p. 1.
[3] OJ L 298, 26.10.2012, p. 1.
[4] OJ L 357, 31.12.2002, p. 72.
[5] MB/53/2008 final.

Article 4

Fees for appeals against a decision of the Agency under Article 77 of Regulation (EU) No 528/2012

1. For any appeal against a decision of the Agency under Article 77 of Regulation (EU) No 528/2012, the Agency shall levy a fee as set out in Annex III.

2. An appeal shall not be considered to be received by the Board of Appeal until the relevant fee has been received by the Agency.

3. If the appeal is considered inadmissible by the Board of Appeal, the fee shall not be refunded.

4. The Agency shall refund the fee levied in accordance with paragraph 1 if the Executive Director of the Agency rectifies a decision in accordance with Article 93(1) of Regulation (EU) No 1907/2006 of the European Parliament and of the Council [1], or if the appeal is decided in favour of the appellant.

Article 5

Reimbursement possibility for alternatives to approved active substances fulfilling one of the exclusion criteria

1. Upon submission of an application to the Agency for the approval of an active substance, which may be a suitable alternative, within the meaning of the second subparagraph of Article 5(2) of Regulation (EU) No 528/2012, to an approved active substance fulfilling one of the exclusion criteria pursuant to Article 5(1) of that Regulation, an applicant may request reimbursement of the fee to be paid to the Agency.

2. Upon receipt of the opinion from the Agency in accordance with Article 8(4) of Regulation (EU) No 528/2012, which shall also include a recommendation on whether the active substance is a suitable alternative within the meaning of the second subparagraph of Article 5(2) of Regulation (EU) No 528/2012, the Commission shall decide on the request.

3. Where the Commission decides that the active substance is a suitable alternative, the Agency shall inform the applicant thereof and fully reimburse the fee referred to in paragraph 1.

CHAPTER II

SUPPORT FOR SMEs

Article 6

Recognition of SME status

1. Before submission of an application to the Agency for approval, renewal or inclusion in Annex I to Regulation (EU) No 528/2012 of an active substance or for Union authorisation of a biocidal product or biocidal product family, submitted in accordance with Articles 7(1), 13(1), 28(4), 43(1) or 45(1) of that Regulation respectively, containing a claim for SME reduction, the prospective applicant shall submit to the Agency the relevant elements proving entitlement to such reduction by virtue of the status of SME in the meaning of Recommendation 2003/361/EC.

2. In the case of an application for approval, renewal or inclusion of an active substance in Annex I to Regulation (EU) No 528/2012, the question shall be determined by reference to the active substance manufacturer that is represented by the prospective applicant. In case of an application for product authorisation or renewal of product authorisation, the question shall be determined by reference to the prospective authorisation holder.

3. The Agency shall publish a list of the relevant elements to be submitted in accordance with paragraph 1.

4. Within 45 days of receipt of all the relevant elements referred to in paragraph 1, the Agency shall decide what SME status, if any, can be recognised.

5. A recognition of an enterprise as an SME shall be valid for applications submitted under Regulation (EU) No 528/2012 for two years.

6. An appeal may be brought, in accordance with Article 77 of Regulation (EU) No 528/2012 against a decision taken by the Agency under paragraph 4.

Article 7

Fee Reductions

1. Reductions of fees payable to the Agency as set out in Table 2 of Annex I and Table 2 of Annex II shall be granted to SMEs established in the Union.

2. Reductions for applications for active substance approval, renewal of approval or inclusion in Annex I to Regulation (EU) No 528/2012 shall only be granted when the active substance is not a candidate for substitution.

3. Reductions for applications for biocidal product authorisation or renewal of authorisation shall only be granted when the product does not contain an active substance which is a candidate for substitution.

CHAPTER III

PAYMENTS

Article 8

Mode of payment

1. The fees provided for by this Regulation shall be paid in euro.

2. Payments shall be made only after the Agency has issued an invoice.

3. By derogation from paragraph 2, payments due under Article 4 shall be made at the time of the submission of the appeal.

4. Payments shall be made by means of a transfer to the bank account of the Agency.

Article 9

Identification of the payment

1. Every payment, with the exception of payments referred to in Article 8(3), shall indicate in the reference field the invoice number.

[1] OJ L 396, 30.12.2006, p. 1.

2. Payments referred to in Article 8(3) shall indicate, in the reference field, the identity of the appellant(s) and, if available, the number of the decision that is being appealed against.

3. If the purpose of the payment cannot be established, the Agency shall set a deadline by which the paying party must notify it in writing of the purpose of the payment. If the Agency does not receive a notification of the purpose of the payment before expiry of that deadline, the payment shall be considered invalid and the amount concerned shall be refunded to the paying party.

Article 10

Date of payment

1. Unless otherwise provided, fees shall be paid within 30 days from the date on which the invoice is notified by the Agency.

2. The date on which the full amount of the payment is deposited in a bank account held by the Agency shall be considered to be the date on which the payment has been made.

3. The payment shall be considered to have been made in time where sufficient documentary evidence is produced to show that the paying party ordered the transfer to the bank account indicated on the invoice before expiry of the relevant deadline. A confirmation of the transfer order issued by a financial institution shall be regarded as sufficient evidence.

Article 11

Insufficient payment

1. A deadline for payment shall be considered to have been observed only if the full amount of the fee has been paid in due time.

2. When an invoice relates to a group of transactions, the Agency may attribute any under-payment to any of the relevant transactions. The criteria for the attribution of payments shall be laid down by the Management Board of the Agency.

Article 12

Refund of amounts paid in excess

1. The arrangements for the refund to the paying party of amounts paid in excess of a fee shall be fixed by the Executive Director of the Agency and published on the website of the Agency.

However, where an amount paid in excess is below EUR 200 and the party concerned has not expressly requested a refund, the amount paid in excess shall not be refunded.

2. It shall not be possible to count any amount paid in excess and not refunded as being made towards future payments to the Agency.

Article 13

Refunds of amounts in case of applications rejected before or during validation or withdrawn during the assessment

1. The Agency shall reimburse 90 % of the fee collected where an application for active substance approval or biocidal product authorisation, submitted in accordance with respectively Article 7(1) or 43(1) of Regulation (EU) No 528/2012, or an application for a minor or major change of a product, is rejected before or during the validation phase.

2. The Agency shall reimburse 75 % of the fee collected where an application for active substance approval or biocidal product authorisation, submitted in accordance with respectively Article 7(1) or 43(1) of Regulation (EU) No 528/2012, or an application for a major change of a product, is withdrawn before the evaluating Competent Authority has transmitted its assessment report to the Agency.

The fee collected shall not be reimbursed where an application is withdrawn after the evaluating Competent Authority has transmitted its assessment report to the Agency.

3. The arrangements for the refund of the remaining amount to the paying party shall be fixed by the Executive Director of the Agency and published on the website of the Agency.

CHAPTER IV

FINAL PROVISIONS

Article 14

Reimbursement of rapporteurs

Members of the Biocidal Product Committee acting as rapporteurs shall be reimbursed through the fees paid in accordance with Article 80(2) to the Member States' competent authorities acting as evaluating competent authority.

Article 15

Charges

1. Subject to a favourable opinion from the Commission, the Agency may establish by decision of its Management Board charges for administrative or technical services that it provides in accordance with Regulation (EU) No 528/2012 at the request of a party in order to facilitate its implementation. The Executive Director of the Agency may decide not to levy a charge on international organisations or countries that request assistance from the Agency.

2. The charges shall be set at such a level as to cover the costs of the services delivered by the Agency and shall not exceed what is necessary to cover those costs.

3. The charge shall be paid within 30 calendar days from the date on which the invoice is notified by the Agency.

Article 16

Provisional estimate

The Management Board of the Agency shall, when producing an estimate of the overall expenditure and income for the following financial year in accordance with Article 96(5) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council [1], include a specific provisional estimate of income from fees and charges from activities entrusted to the Agency in accordance with Regulation (EU) No 528/2012 which is separate from income from any subsidy from the Union.

Article 17

Review

The Commission shall review the fees and charges provided for in this Regulation annually by reference to the inflation rate as measured by means of the European Index of Consumer Prices as published by Eurostat. A first review shall be carried out at the latest by 1 January 2015.

The Commission shall also keep this Regulation under continual review in the light of significant information becoming available in relation to the underlying assumptions for anticipated income and expenditure of the Agency. At the latest by 1 January 2015, the Commission shall review this Regulation with a view to amend it, if appropriate, taking into account in particular the resources required by the Agency and those required by the competent authorities of the Member States for services of a similar nature. The review shall take into consideration the impacts on the SMEs, and review the fee reduction rates allowable to SMEs where appropriate.

Article 18

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

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

Done at Brussels, 18 June 2013.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 396, 30.12.2006, p. 1.

ANNEX I

Fees relating to active substances

Table 1

Standard fees

General description of task; relevant provision in Regulation (EU) No 528/2012	Specific condition or task description	Fee (EUR)
Approval of an active substance; Article 7(2)	Fee for the first product-type for which that active substance is approved	120 000
	Additional fee per additional product-type	40 000
	Additional fee per product-type (for both the first product-type and any additional product-type) if the active substance is a candidate for substitution in accordance with Article 10 of Regulation (EU) No 528/2012	20 000
	Fee for the amendment of an approval, other than the addition of a product-type.	20 000
Renewal of an approval; Article 13(3)	Fee for the first product-type for which renewal of that active substance is sought	15 000
	Additional fee per additional product-type	1 500
	Additional fee for the first product-type for which renewal of that active substance is sought in case a full evaluation is found necessary in accordance with Article 14(1) of Regulation (EU) No 528/2012	25 000
	Additional fee per additional product-type in case a full evaluation is found necessary in accordance with Article 14(1) of Regulation (EU) No 528/2012	2 500
	Additional fee per product-type (for both the first product-type and any additional product-type) if the active substance is a candidate for substitution in accordance with Article 10 of Regulation (EU) No 528/2012	20 000
Inclusion in Annex I of an active substance; Article 28	Fee for the first inclusion in Annex I of an active substance	10 000
	Fee for the amendment of an inclusion of an active substance in Annex I	2 000
Notification in accordance with Article 3a of Regulation (EC) No 1451/2007	Fee per substance/product-type combination. The fee for the notification shall be deducted from the subsequent application in accordance with Article 7 of Regulation (EU) No 528/2012.	10 000

Table 2

Fee reductions for applications for the approval, renewal of approval, inclusion in Annex I of active substances if the active substance manufacturer is an SME established in the Union, except where the active substance is a candidate for substitution

Type of enterprise	Reduction (% of the standard fee)
Micro enterprise	60
Small enterprise	40
Medium enterprise	20

ANNEX II

Fees for Union authorisation of biocidal products

Table 1

Standard fees

General description of task; relevant provision in Regulation (EU) No 528/2012	Specific condition or task description	Fee (EUR)
Granting of Union authorisation, single product; Article 43(2)	Fee per product not identical with (one of) the representative product(s) assessed for the purpose of the substance approval	80 000
	Fee per product identical with (one of) the representative product(s) assessed for the purpose of the substance approval	40 000
	Additional fee per product when comparative assessment in accordance with Article 23 of Regulation (EU) No 528/2012 is required	40 000
	Additional fee per product when the requested authorisation is provisional in accordance with Article 55(2) of Regulation (EU) No 528/2012	10 000
Granting of Union authorisation, biocidal product family; Article 43(2)	Fee per family	150 000
	Additional fee per family when comparative assessment in accordance with Article 23 of Regulation (EU) No 528/2012 is required	60 000
	Additional fee per family when the requested authorisation is provisional in accordance with Article 55(2) of Regulation (EU) No 528/2012	15 000
Notification to the Agency of an additional product within a biocidal product family; Article 17(6)	Fee per additional product	2 000
Union authorisation of a same biocidal product; Article 17(7)	Fee per product constituting a 'same product' within the meaning of Commission Implementing Regulation (EU) No 414/2013 of 6 May 2013 specifying a procedure for the authorisation of same biocidal products in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council [1]	2 000
Major change of an authorised product or product family; Article 50(2)	Fee per application	40 000
Minor change of an authorised product or product family; Article 50(2)	Fee per application	15 000
Administrative change of an authorised product or product family; Article 50(2)	Fee per notification	2 000
Recommendation on the classification of a change of an authorised product or product family; Article 50(2)	Fee per request in accordance with Regulation (EU) No 354/2013. If the recommendation is to classify the change as an administrative or minor change, the fee for the request shall be deducted from the subsequent application or notification in accordance with Regulation (EU) No 354/2013.	2 000

General description of task; relevant provision in Regulation (EU) No 528/2012	Specific condition or task description	Fee (EUR)
Renewal of Union authorisation, single product; Article 45(3)	Fee per product	5 000
	Additional fee per product in case a full evaluation is found necessary in accordance with Article 14(1) of Regulation (EU) No 528/2012	15 000
	Additional fee per product when comparative assessment in accordance with Article 23 of Regulation (EU) No 528/2012 is required	40 000
Renewal of Union authorisation, biocidal product family; Article 45(3)	Fee per product family	7 500
	Additional fee per product family in case a full evaluation is found necessary in accordance with Article 14(1) of Regulation (EU) No 528/2012	22 500
	Additional fee per product family when comparative assessment in accordance with Article 23 of Regulation (EU) No 528/2012 is required	60 000

([1]) OJ L 125, 7.5.2013, p. 4.

Table 2

Fee reductions for applications for the granting and renewal of Union authorisation of biocidal products or biocidal product families, if the prospective authorisation holder is an SME established in the Union, except where the product contains an active substance which is a candidate for substitution

Type of enterprise	Reduction (% of the standard fee)
Micro enterprise	30
Small enterprise	20
Medium enterprise	10

ANNEX III

Other fees

General description of task; relevant provision in Regulation (EU) No 528/2012)	Specific condition or task description	Fee (EUR)
Technical equivalence; Article 54(3)	Fee, when difference between the active substance sources is limited to a change in manufacturing location, and application is based solely on analytical data	5 000
	Fee, when difference between the active substance sources goes beyond a change in the manufacturing location, and application is based solely on analytical data	20 000
	Fee when previous conditions are not met.	40 000
Annual fee for biocidal products authorised by the Union; Article 80(1)(a)	Fee per Union authorisation of a biocidal product	10 000
	Fee per Union authorisation of a biocidal product family	20 000
Mutual Recognition Submission fee; Article 80(1)(a)	Fee per product or product family concerned by an application for mutual recognition, per Member State where mutual recognition is sought	700
Appeal; Article 77(1)	Fee per appeal	2 500
Submission for inclusion in the list of relevant persons; Article 95	Fee per submission of a letter of access to a dossier already found complete by the Agency or an evaluating Competent Authority	2 000
	Fee per submission of a letter of access to part of a dossier already found complete by the Agency or an evaluating Competent Authority, together with complementary data	20 000
	Fee per submission of a new dossier	40 000
Requests under Article 66(4) submitted to the Agency	Fee per item for which confidentiality is requested	1 000

COMMISSION IMPLEMENTING REGULATION (EU) No 565/2013

of 18 June 2013

amending Regulations (EC) No 1731/2006, (EC) No 273/2008, (EC) No 566/2008, (EC) No 867/2008, (EC) No 606/2009, and Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011 as regards the notification obligations within the common organisation of agricultural markets and repealing Regulation (EC) No 491/2007

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Article 192(2), in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands [2], establishes common rules for notifying information and documents by Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. Regulation (EC) No 792/2009 also sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection. The obligation to use these information systems has to be provided for in each regulation establishing a specific notification obligation.

(2) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.

(3) Several notification obligations can be fulfilled via that system, in particular those provided for in Commission Regulations (EC) No 1731/2006 of 23 November 2006 on special detailed rules for the application of export refunds in the case of certain preserved beef and veal products [3], (EC) No 273/2008 of 5 March 2008 laying down detailed rules for the application of Council Regulation (EC) No 1255/1999 as regards methods for the analysis and quality evaluation of milk and milk products [4], (EC) No 566/2008 of 18 June 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing of the meat of bovine animals aged 12 months or less [5], (EC) No 867/2008 of 3 September 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards operators' organisations in the olive sector, their work programmes and the financing thereof [6] and (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions [7], and 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 [8].

(4) In the interest of efficient administration and taking account of the experience, some notifications should be simplified, specified or deleted.

(5) Commission Regulation (EC) No 491/2007 of 3 May 2007 laying down detailed rules for implementing Council Regulation (EC) No 1947/2005 as regards the communication of data concerning seeds [9] covers only notifications which are no longer useful due to the end of the specific aid for certain species of seeds.

(6) Implementing Regulation (EU) No 543/2011 foresees in its Article 135 a notification of customary market days for the representative markets. Since the electronic notification system allows to notify prices daily, it is no longer necessary to notify customary market days.

(7) Commission Implementing Regulation (EU) No 1333/2011 [10] foresees in its Article 9 an obligation to notify the Commission of the list of traders marketing bananas granted the exemption from checks on conformity with marketing standards. This notification has not proved to be useful for ensuring compliance with those marketing standards in the banana sector. It should therefore be deleted.

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 228, 1.9.2009, p. 3.
[3] OJ L 325, 24.11.2006, p. 12.
[4] OJ L 88, 29.3.2008, p. 1.
[5] OJ L 160, 19.6.2008, p. 22.
[6] OJ L 237, 4.9.2008, p. 5.
[7] OJ L 193, 24.7.2009, p. 1.
[8] OJ L 157, 15.6.2011, p. 1.
[9] OJ L 116, 4.5.2007, p. 3.
[10] OJ L 336, 20.12.2011, p. 23.

(8) Regulations (EC) No 1731/2006, (EC) No 273/2008, (EC) No 566/2008, (EC) No 867/2008 and (EC) No 606/2009, and Implementing Regulations (EU) No 543/2011 and (EU) No 1333/2011, should therefore be amended accordingly. Regulation (EC) No 491/2007 should be repealed.

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 of Regulation (EC) No 1731/2006 is replaced by the following:

'*Article 5*

Additional control measures

1. The Member States shall lay down more detailed measures for controlling production of the preserved products and shall notify the Commission thereof. In particular, they shall take all necessary steps to exclude any possibility of substitution of the raw materials used or of the products in question.

2. The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

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

Article 2

Regulation (EC) No 273/2008 is amended as follows:

(1) Article 19 is deleted;

(2) the following Article 19a is inserted:

'*Article 19a*

Notifications

The notifications provided for in Article 2, Article 4(1) and in Annex III C shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

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

Article 3

Article 9 of Regulation (EC) No 566/2008 is replaced by the following:

'*Article 9*

Notifications

The notifications provided for in Article 4(1) and (3), Article 6(3) and Article 8(1) and (2) shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

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

Article 4

In Article 18 of Regulation (EC) No 867/2008, paragraph 4 is replaced by the following:

'4. The communications provided for in this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

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

Article 5

Regulation (EC) No 606/2009 is amended as follows:

(1) in Article 4, the following paragraph 5 is added:

'5. The notification of information or documents to the Commission provided for in point (c) of paragraph 1 and paragraphs 3 and 4 shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

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

(2) point 2 of Appendix 3 of Annex I A is replaced by the following:

'2. Greece shall notify the Commission in advance if it intends to amend the provisions referred to in paragraph 1(b). That notification shall be made in accordance with Regulation (EC) No 792/2009. If the Commission does not respond within two months of such notification, Greece may implement the planned amendments.';

(3) in point 3 of Annex I B, Part A, the second sentence is replaced by the following:

'Member States shall notify the Commission, in advance and in accordance with Regulation (EC) No 792/2009, of all the necessary technical information for the wines concerned, including their product specifications and the annual quantities produced.';

(4) in point 3 of Annex I C, the second paragraph is replaced by the following:

'Member States shall notify those derogations to the Commission in accordance with Regulation (EC) No 792/2009. The Commission shall then inform the other Member States.'.

Article 6

Implementing Regulation (EU) No 543/2011 is amended as follows:

(1) in Article 134, point (a) of paragraph 1 is replaced by the following:

'(a) the average representative prices of the products imported from third countries sold on the representative import markets listed in Annex XVII, and significant prices recorded on other markets for large quantities of imported products, or, where no prices for the representative markets are available, significant prices for imported products recorded on other markets; and';

(2) Article 135 is deleted;

(3) in Article 146, paragraph 3 is replaced by the following:

'3. The notifications provided for in Article 9(2), Article 18(3) and (4), Articles 97 and 128, Article 129(1), Articles 130 and 131 and in this Article and the request provided for in Article 92(1), shall be made in accordance with Regulation (EC) No 792/2009.';

(4) the title of Annex XVII is replaced by the following: 'Representative markets referred to in Article 134(1)(a)'.

Article 7

In Article 9 of Implementing Regulation (EU) No 1333/2011, the second subparagraph of paragraph 3 is deleted.

Article 8

Regulation (EC) No 491/2007 is repealed.

Article 9

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

It shall apply from 1 July 2013.

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

Done at Brussels, 18 June 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 566/2013

of 18 June 2013

amending Annex I to Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [1], and in particular Article 74(1) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 44/2001 lists the rules of national jurisdiction referred to in Articles 3(2) and 4(2) of the Regulation.

(2) Annex I to Regulation (EC) No 44/2001 has been amended on several occasions, most recently by Commission Regulation (EU) No 156/2012 [2] so as to update the rules of national jurisdiction.

(3) Poland has notified the Commission of additional amendments to the list set out in Annex I.

(4) Pursuant to Article 2 of the Agreement between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters [3], this Regulation should, under international law, apply to the relations between the European Union and Denmark.

(5) Regulation (EC) No 44/2001 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 44/2001, the entry for Poland is replaced by the following:

'— in Poland: Article 1103 point 4 and Article 1110 of the Code of Civil Procedure (Kodeksu postępowania cywilnego) in so far as the latter establish jurisdiction exclusively on the basis of one of the following circumstances: the applicant is a Polish citizen or has their habitual residence, domicile or registered office in Poland.'

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 18 June 2013.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 12, 16.1.2001, p. 1.
[2] OJ L 50, 23.2.2012, p. 3.
[3] OJ L 299, 16.11.2005, p. 62.

COMMISSION IMPLEMENTING REGULATION (EU) No 567/2013

of 18 June 2013

correcting Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 [1], and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

(1) Annex III to Commission Regulation (EC) No 1235/2008 [2] sets out the list of third countries whose system of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007. In relation to some countries listed in that Annex as amended by Commission Implementing Regulation (EU) No 508/2012 [3] the internet address indicated for some control bodies is not correct or no longer correct.

(2) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control bodies and control authorities competent to carry out controls and issue certificates in third countries for the purpose of equivalence. In relation to some control bodies or control authorities the text of that Annex as amended by Implementing Regulation (EU) No 508/2012 and Commission Implementing Regulation (EU) No 125/2013 [4] contains errors as regards the product categories indicated for some third countries.

(3) In addition, for one control body the internet address as indicated in Annexes III and IV to Regulation (EC) No 1235/2008 is incorrect.

(4) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be corrected accordingly.

(5) For the sake of legal certainty, the corrected provisions relating to AGRECO R.F. GÖDERZ GmbH should apply from the date of application of Annex II to Implementing Regulation (EU) No 508/2012 and the corrected provisions relating to IMO-Control Sertifikasyon Tic. Ltd Şti and Organización Internacional Agropecuaria should apply from the date of application of Annex II to Implementing Regulation (EU) No 125/2013.

(6) The measures provided for in this Regulation are in accordance with the opinion of the regulatory Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1235/2008 is corrected as follows:

(1) Annex III is corrected in accordance with Annex I to this Regulation;

(2) Annex IV is corrected in accordance with Annex II 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*.

However, point (1) of Annex II shall apply from 1 July 2012 and points (3) and (4) of Annex II shall apply from 1 April 2013.

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

Done at Brussels, 18 June 2013.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 189, 20.7.2007, p. 1.
[2] OJ L 334, 12.12.2008, p. 25.
[3] OJ L 162, 21.6.2012, p. 1.
[4] OJ L 43, 14.2.2013, p. 1.

ANNEX I

Annex III to Regulation (EC) No 1235/2008 is corrected as follows:

(1) in point 5 of the text relating to 'Canada', the entry relating to CA-ORG-002 is replaced by the following:

'CA-ORG-002	British Columbia Association for Regenerative Agriculture (BCARA)	www.certifiedorganic.bc.ca'

(2) in the text relating to 'Costa Rica', point 4 is replaced by the following:

'4. Competent authority: Servicio Fitosanitario del Estado, Ministerio de Agricultura y Ganadería, www.sfe.go.cr'.

(3) the text relating to 'India' is corrected as follows:

(a) point 4 is replaced by the following:

'4. Competent authority: Agricultural and Processed Food Export Development Authority APEDA, http://www.apeda.gov.in/apedawebsite/index.asp'.

(b) in point 5, the entries relating to IN-ORG-009, IN-ORG-011, IN-ORG-016, IN-ORG-019 and IN-ORG-021 are replaced by the following:

'IN-ORG-009	ISCOP (Indian Society for Certification of Organic products)	www.iscoporganiccertification.org
IN-ORG-011	Natural Organic Certification Agro Pvt. Ltd (NOCA Pvt. Ltd)	www.nocaagro.com
IN-ORG-016	Rajasthan Organic Certification Agency (ROCA)	www.krishi.rajasthan.gov.in
IN-ORG-019	TUV India Pvt. Ltd	www.tuvindia.co.in
IN-ORG-021	Madhya Pradesh State Organic Certification Agency (MPSOCA)	www.mpkrishi.org'

(4) in point 5 of the text relating to 'Japan', the entry related to JP-BIO-005 is replaced by the following:

'JP-BIO-005	Japan Organic & Natural Foods Association	http://jona-japan.org/english/'

(5) in point 5 of the text relating to Tunisia, the entry relating to TN-BIO-004 is replaced by the following:

'TN-BIO-004	Lacon	www.lacon-institut.com'

(6) in point 5 of the text relating to the United States, the entries relating to US-ORG-005, US-ORG-023, US-ORG-028 and US-ORG-055 are replaced by the following:

'US-ORG-005	BIOAGRIcert	http://www.bioagricert.org/english
US-ORG-023	Maryland Department of Agriculture	http://mda.maryland.gov/foodfeedquality/Pages/certified_md_organic_farms.aspx
US-ORG-028	Montana Department of Agriculture	http://agr.mt.gov/agr/Producer/Organic/Info/index.html
US-ORG-055	Texas Department of Agriculture	http://www.texasagriculture.gov/regulatoryprograms/organics.aspx'

ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is corrected as follows:

(1) in point 3 of the text relating to 'AGRECO R.F. GÖDERZ GmbH', the entry for Ghana is replaced by the following:

'Ghana	GH-BIO-151	x	—	—	x	—	—'

(2) in the text relating to 'BioAgriCert S.r.l.', point 2 is replaced by the following:

'2. Internet address: http://www.bioagricert.org/english/';

(3) in the text relating to 'IMO-Control Sertifikasyon Tic. Ltd Şti', point 3 is replaced by the following:

'3. Third countries, code numbers and product categories concerned:

Third country	Code number	Category of products					
		A	B	C	D	E	F
Turkey	TR-BIO-158	x	—	—	x	—	—'

(4) in point 3 of the text relating to 'Organización Internacional Agropecuaria', the entry for Argentina is replaced by the following:

'Argentina	AR-BIO-110	—	—	x	—	—	—'

COMMISSION IMPLEMENTING REGULATION (EU) No 568/2013

of 18 June 2013

approving the active substance thymol, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC [1], and in particular Articles 13(2) and 78(2) thereof,

Whereas:

(1) In accordance with Article 80(1)(a) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC [2] is to apply, with respect to the procedure and the conditions for approval, to active substances for which a decision has been adopted in accordance with Article 6(3) of that Directive before 14 June 2011. For thymol the conditions of Article 80(1)(a) of Regulation (EC) No 1107/2009 are fulfilled by Commission Implementing Decision 2011/266/EU [3].

(2) In accordance with Article 6(2) of Directive 91/414/EEC, the United Kingdom received on 7 March 2008 an application from Eden Research PLC for the inclusion of the active substance thymol in Annex I to Directive 91/414/EEC. Implementing Decision 2011/266/EU confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.

(3) For that active substance, the effects on human and animal health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 30 June 2011.

(4) The draft assessment report was reviewed by the Member States and the European Food Safety Authority (hereinafter 'the Authority'). The Authority presented to the Commission its conclusion on the review of the pesticide risk assessment of the active substance thymol [4] on 15 October 2012. The draft assessment report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and the draft assessment report was finalised on 17 May 2013 in the format of the Commission review report for thymol.

(5) It has appeared from the various examinations made that plant protection products containing thymol may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the use which was examined and detailed in the Commission review report. It is therefore appropriate to approve thymol.

(6) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions. It is, in particular, appropriate to require further confirmatory information.

(7) A reasonable period should be allowed to elapse before approval in order to permit Member States and the interested parties to prepare themselves to meet the new requirements resulting from the approval.

(8) Without prejudice to the obligations provided for in Regulation (EC) No 1107/2009 as a consequence of approval, taking into account the specific situation created by the transition from Directive 91/414/EEC to Regulation (EC) No 1107/2009, the following should, however, apply. Member States should be allowed a period of six months after approval to review authorisations of plant protection products containing thymol. Member States should, as appropriate, vary, replace or withdraw authorisations. By way of derogation from that deadline, a longer period should be provided for the submission and assessment of the update of the complete Annex III dossier, as set out in Directive 91/414/EEC, of each plant protection product for each intended use in accordance with the uniform principles.

(9) The experience gained from inclusions in Annex I to Directive 91/414/EEC of active substances assessed in the framework of Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market [5] has shown that difficulties can arise in interpreting the duties of

[1] OJ L 309, 24.11.2009, p. 1.
[2] OJ L 230, 19.8.1991, p. 1.
[3] OJ L 114, 4.5.2011, p. 3.
[4] *EFSA Journal* (2012) 10(11):2916. Available online: www.efsa.europa.eu
[5] OJ L 366, 15.12.1992, p. 10.

holders of existing authorisations in relation to access to data. In order to avoid further difficulties it therefore appears necessary to clarify the duties of the Member States, especially the duty to verify that the holder of an authorisation demonstrates access to a dossier satisfying the requirements of Annex II to that Directive. However, this clarification does not impose any new obligations on Member States or holders of authorisations compared to the Directives which have been adopted until now amending Annex I to that Directive or the Regulations approving active substances.

(10) In accordance with Article 13(4) of Regulation (EC) No 1107/2009, the Annex to Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances [1] should be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Approval of active substance

The active substance thymol, as specified in Annex I, is approved subject to the conditions laid down in that Annex.

Article 2

Re-evaluation of plant protection products

1. Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing thymol as an active substance by 31 May 2014.

By that date they shall in particular verify that the conditions in Annex I to this Regulation are met, with the exception of those identified in the column on specific provisions of that Annex, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to Directive 91/414/EEC in accordance with the conditions of Article 13(1) to (4) of that Directive and Article 62 of Regulation (EC) No 1107/2009.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing thymol as either the only active substance or as one of several active substances, all of which were listed in the Annex to Implementing Regulation (EU) No 540/2011 by 30 November 2013 at the latest, Member States shall re-evaluate the product in accordance with the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009, on the basis of a dossier satisfying the requirements of Annex III to Directive 91/414/EEC and taking into account the column on specific provisions of Annex I to this Regulation. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 29(1) of Regulation (EC) No 1107/2009.

Following that determination Member States shall:

(a) in the case of a product containing thymol as the only active substance, where necessary, amend or withdraw the authorisation by 31 May 2015 at the latest; or

(b) in the case of a product containing thymol as one of several active substances, where necessary, amend or withdraw the authorisation by 31 May 2015 or by the date fixed for such an amendment or withdrawal in the respective act or acts which added the relevant substance or substances to Annex I to Directive 91/414/EEC or approved that substance or those substances, whichever is the latest.

Article 3

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

Article 4

Entry into force and date of application

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

It shall apply from 1 December 2013.

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

Done at Brussels, 18 June 2013.

For the Commission
The President
José Manuel BARROSO

[1] OJ L 153, 11.6.2011, p. 1.

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity [1]	Date of approval	Expiration of approval	Specific provisions
Thymol CAS No 89-83-8 CIPAC No 969	5-methyl-2-propan-2-yl-phenol	≥ 990 g/kg	1 December 2013	30 November 2023	For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on thymol, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 May 2013, shall be taken into account. In this overall assessment Member States shall pay particular attention to — the protection of operators, workers, bystanders and residents, ensuring that conditions of use include the application of adequate personal protective equipment, where appropriate; — the protection of groundwater, when the substance is applied in regions with vulnerable soil and/or climatic conditions; — the risk to aquatic organisms; — the risk to birds and mammals. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards (a) data comparing natural background exposure situations of thymol in relation to exposure from the use of thymol as a plant protection product. This data shall cover human exposure as well as exposure of birds, mammals and aquatic organisms; (b) the long-term and reproductive toxicity, in a form of a full report (in English) of the Combined Test of Repeated Oral-Administration Toxicity and Reproductive Toxicity of Thymol; (c) the groundwater exposure. The applicant shall submit to the Commission, the Member States and the Authority that information by 30 November 2015.

[1] Further details on identity and specification of active substance are provided in the review report.

ANNEX II

In Part B of the Annex to Implementing Regulation (EU) No 540/2011, the following entry is added:

Number	Common Name, Identification Numbers	IUPAC Name	Purity (*)	Date of approval	Expiration of approval	Specific provisions
'47	Thymol CAS No 89-83-8 CIPAC No 969	5-methyl-2-propan-2-yl-phenol	≥ 990 g/kg	1 December 2013	30 November 2023	For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on thymol, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 17 May 2013, shall be taken into account. In this overall assessment Member States shall pay particular attention to — the protection of operators, workers, bystanders and residents, ensuring that conditions of use include the application of adequate personal protective equipment, where appropriate; — the protection of groundwater, when the substance is applied in regions with vulnerable soil and/or climatic conditions; — the risk to aquatic organisms; — the risk to birds and mammals. Conditions of use shall include risk mitigation measures, where appropriate. The applicant shall submit confirmatory information as regards (a) data comparing natural background exposure situations of thymol in relation to exposure from the use of thymol as a plant protection product. This data shall cover human exposure as well as exposure of birds, mammals and aquatic organisms; (b) the long-term and reproductive toxicity, in a form of a full report (in English) of the Combined Test of Repeated Oral-Administration Toxicity and Reproductive Toxicity of Thymol; (c) the groundwater exposure. The applicant shall submit to the Commission, the Member States and the Authority that information by 30 November 2015.'

(*) Further details on identity and specification of active substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) No 569/2013

of 18 June 2013

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

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors [2], and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round 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, 18 June 2013.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MK	56,9
	TR	74,3
	ZZ	65,6
0707 00 05	MK	27,2
	TR	139,4
	ZZ	83,3
0709 93 10	TR	141,1
	ZZ	141,1
0805 50 10	AR	100,0
	TR	102,5
	ZA	110,2
	ZZ	104,2
0808 10 80	AR	170,8
	BR	97,0
	CL	134,6
	CN	95,8
	NZ	141,7
	US	145,5
	UY	165,4
	ZA	108,2
	ZZ	132,4
0809 10 00	IL	342,4
	TR	236,5
	ZZ	289,5
0809 29 00	TR	382,4
	US	660,1
	ZZ	521,3
0809 30	IL	214,0
	MA	207,9
	TR	174,9
	ZZ	198,9
0809 40 05	CL	149,1
	IL	308,9
	ZA	117,4
	ZZ	191,8

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

DECISIONS

COUNCIL IMPLEMENTING DECISION 2013/293/CFSP

of 18 June 2013

implementing Decision 2012/285/CFSP concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to Council Decision 2012/285/CFSP of 31 May 2012 concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau [1], and in particular Articles 3(1) and 5(2) thereof,

Whereas:

(1) On 31 May 2012, the Council adopted Decision 2012/285/CFSP.

(2) The Council has carried out a complete review of the list of persons set out in Annexes II and III to Decision 2012/285/CFSP, to which Article 1(1)(b) and Article 2(1) and (2) of that Decision apply. The Council has concluded that the persons listed in Annexes II and III to Decision 2012/285/CFSP should continue to be subject to the specific restrictive measures provided for therein.

(3) On 20 March 2013, United Nations Security Council Committee, established pursuant to United Nations Security Council Resolution 2048 (2012), updated the information concerning one person subject to the travel ban imposed under Resolution 2048 (2012).

(4) The entries for that person in Annexes I and III to Decision 2012/285/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and III to Decision 2012/285/CFSP are hereby amended in accordance with the Annex to this Decision.

Article 2

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

Done at Luxembourg, 18 June 2013.

For the Council

The President

P. HOGAN

[1] OJ L 142, 1.6.2012, p. 36.

ANNEX

The entries for the person set out below in Annexes I and III to Decision 2012/285/CFSP shall be replaced by the following:

Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport/ID card number, etc.)	Grounds for listing	Date of designation
'Major Idrissa DJALÓ	Nationality: Guinea-Bissau D.o.b.: 18 December 1954 Official function: Protocol advisor to the Armed Forces Chief of Staff and subsequently, Colonel and Chief of Protocol of the Headquarters of the Armed Forces Passport: AAISO40158 Date of issue: 2.10.2012 Place of issue: Guinea-Bissau Date of expiry: 2.10.2015	Point of Contact for the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012 and one of its most active members. He was one of the first officers to publicly assume his affiliation to the "Military Command", having signed one of its first communiqués (No 5, dated 13 April 2012). Major Djaló also belongs to the Military Intelligence.	18.7.2012'

COMMISSION DECISION

of 19 December 2012

on state aid SA 26374 (C 49/08) (ex N 402/08) implemented by Poland for PZL Dębica S.A.

(notified under document C(2012) 9464)

(Only the Polish text is authentic)

(Text with EEA relevance)

(2013/294/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having called on interested parties to submit their comments pursuant to those provisions [1],

Whereas:

I. THE PROCEDURE

(1) By letter of 13 August 2008, Poland informed the Commission of measures it planned to grant to support the restructuring of PZL Dębica S.A. ('PZL Dębica' or 'the company'). By letter of 3 October 2008 the Commission asked Poland to submit certain missing documents. These were provided on 20 October 2008.

(2) By letter dated 19 December 2008, the Commission informed Poland that it had decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union ('the Treaty') in respect of the measures ('the opening decision').

(3) The opening decision was published in the *Official Journal of the European Union* [2]. The Commission called on interested parties to submit their comments. No interested third party commented on the opening decision.

(4) The Polish authorities submitted additional information in reply to the opening decision on 12 February 2009, 9 July 2010, 16 May 2011, 7 June 2011, and 8 June 2011.

(5) On 18 August 2011 Poland asked the Commission to refrain from assessing the notified aid until 31 October 2011. On 10 October 2011 Poland withdrew some of the notified measures i.e. a capital injection and a preferential loan which were both supposed to be awarded by the state-owned Industrial Development Agency.

(6) On 2 November 2011 Poland submitted a report with a view to establishing that the remainder of the notification, i.e. deferral of social security debt, passed the private creditor test and therefore did not constitute state aid.

(7) By letter of 26 July 2012 the Commission asked Poland to provide additional explanations on a number of points. Poland replied by letter dated 31 August 2012, in which it informed the Commission that an agreement on the deferral of the social security debt had been concluded on 1 March 2012 and that the outstanding debt to the local Office of the Marshall had been repaid on 14 August 2012.

(8) Information was last provided by the Polish authorities on 6 December 2012.

II. THE BENEFICIARY AND ITS RESTRUCTURING PLANS

1. The Beneficiary

(9) PZL Dębica has 212 employees. It is a medium-sized company active primarily in the production of refrigeration equipment such as compressors, units for ice water and chillers, air and liquid coolers, spray-and-evaporative condensers, vertical and horizontal shell-and-tube condensers, tank apparatus: liquid separators, horizontal tanks, inter-stage coolers, economisers, oil separators and refrigerating valves.

(10) The company is located in Podkarpackie Province, a region covered by Article 107(3)(a) of the Treaty. It was founded in 1938 and has been a joint stock company since 1995. In 1999 the company's shares were held by the Treasury (25,08 %) and the employees (74,92 %). In 2006 the company was fully privatised: its shares were predominantly held by the current and former employees and their heirs. In 2010 a private investor, Eurotech, acquired a 16,7 % share in PZL Dębica.

[1] OJ C 53, 6.3.2009, p. 17.
[2] OJ C 53, 6.3.2009, p. 17.

(11) The company's market share on the Polish refrigerator equipment market is small (less than 1 % in 2006). Exports in 2006 accounted for 15,6 % of overall sales, of which 6,8 % went outside the European Union. On the Polish market the company faces strong competition from a number of companies, for instance York International, GEA GRASSO Refrigeration Division, Mycom International Refrigeration (Ltd), MOSTOSTAL Wrocław S.A., Aerzen Maschinenfabrik GmbH and Zakład Metalowy PILZNO.

2. **The first restructuring plan**

(12) According to the Polish authorities, the company's financial difficulties date back to 2002. At that time a restructuring plan was adopted for 2002-07. The plan was updated in October 2003 and included the following measures:

a) a write-off by the State Fund for Rehabilitation of Persons with Disabilities of PLN 2 358 689,41;

b) a write-off by Dębica City Council of PLN 1 063 790,45;

c) a preferential loan from the Enterprise Restructuring Fund of PLN 3 890 000 for the repayment of part of the social security debt to the Social Security Office;

d) deferral by the Social Security Office of debt with a nominal value of PLN 1 364 600;

e) a write-off by Dębica Tax Office of PLN 914 522,15;

f) four measures identified as *de minimis* aid with a total value of PLN 17 055,81.

(13) Due to budgetary constraints, the Enterprise Restructuring Fund was not able to grant PZL Dębica the promised loan (recital (12)c)). Consequently, the Social Security Office decided not to defer the remainder of the debt owed to it (see recital (12)d)). As a result, the financial restructuring at the heart of the plan was not achieved by PZL Dębica.

(14) Despite this, the company succeeded in implementing the other elements of the restructuring plan, with the result that it recorded a modest profit as early as 2006. The financial results of the company between 2002 and 2011 are summarised in Table 1 below.

Table 1

Financial results of PZL Dębica 2002-11 (PLN million)

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012 [1]
Net sales	11,5	13,1	15	11,6	15,9	14	15	15,2	14	15,9	21,5
EBIT	– 0,7	0,3	– 0,2	– 2	1,6	2	1,3	1,9	1,1	1,5	3,5
Net profit	**– 2,1**	**– 0,9**	**– 1,2**	**– 3**	**0,5**	**1**	**0,01**	**0,5**	**0,01**	**0,2**	**2,7**

EUR 1 = approx. PLN 4
[1] August 2012 forecast for 2012 as a whole, based on data for Q1 and Q2 of 2012.

3. **The second restructuring plan**

(15) Following the non-implementation of financial restructuring in the first restructuring plan, the Commission was notified of a second restructuring plan in August 2008. To a large extent, this second plan was designed to implement financial restructuring of the company. It provided for the following measures:

a) a capital injection by the Industrial Development Agency of PLN 4 965 800;

b) a preferential loan from the Industrial Development Agency of PLN 5 534 200 for the repayment of part of the debt to the Social Security Office;

c) deferral of further social security debt towards the Social Security Office with a nominal value of PLN 3 million;

d) a write-off by the local Office of the Marshall of PLN 101 600.

III. **THE OPENING DECISION**

(16) The opening decision expressed doubts as regards the compatibility with the internal market of the following aid measures forming part of the first restructuring plan:

a) deferral by Dębica City Council of debt with a nominal value of PLN 1 164 900;

b) a write-off by Dębica Tax Office of PLN 914 522,15;

c) deferral by the Social Security Office of debt with a nominal value of PLN 1 364 600.

The Commission also queried the classification of the measures listed in Table 2 below as *de minimis* aid.

(17) In addition, the Commission expressed doubts as to whether the restructuring plan comprised all the elements necessary to restore PZL Dębica's viability and whether a restructuring period of 12 years were not too long in view of point 35 of the Community Guidelines on state aid for rescuing and restructuring firms in difficulty ([3]) ('the R&R Guidelines').

(18) In view of the aid already awarded under the first plan (recitals (12)a) and (12)b)), the Commission also questioned the company's eligibility for new restructuring aid (see recital (15)) in the light of the one-time-last-time principle (laid down in Section 3.3 of the R&R Guidelines).

(19) In the opening decision the Commission stated that for the measures which Poland had classified as pre-accession measures (recitals (16)a) to (16)c)) no legally binding document had been presented to it by which the competent national authorities had undertaken to grant aid.

(20) As regards the actual amount of the aid already awarded to the company, the Commission also expressed its doubts as to whether the *de minimis* aid awarded in 2006 could be considered as such, as it had awarded it to a company in difficulty, which, according to Article 1(1)(h) of 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 ([4]), did not qualify for such aid.

(21) Lastly, the Commission doubted that the proposed compensatory measures could be accepted as they were associated with the restoration of the company's long-term viability and as such could not be considered as compensatory measures. The Commission also stated that Poland had not demonstrated that the abandoned activities were not loss-making.

IV. COMMENTS OF THE MEMBER STATE

(22) This chapter contains only the comments of the Polish authorities relating to the measures which were not withdrawn in the course of the investigation.

1. The length of restructuring

(23) As regards the length of the restructuring process, the Polish authorities stated that both restructuring plans should be treated as a single plan as the failure of the first plan was not the fault of the company and the second restructuring plan essentially continued the incomplete financial restructuring of the first plan.

2. One-time-last-time principle

(24) Poland withdrew the aid measures listed under recitals (15)a) and (15)b) as, under the opening decision, granting these measures could potentially be incompatible with the one-time-last-time principle. The Polish authorities explained that the withdrawal was a consequence of the fact that PZL Dębica had lost large company status. As a company with fewer than 250 employees, PZL Dębica no longer qualified for financing from the Industrial Development Agency, which provides financing for large companies only. However, the deferral of the debt to the Social Security Office and write-off of debt to the Office of the Marshall were not withdrawn. Poland's arguments concerning these measures are set out below.

3. Aid promised before accession

(25) As regards the three measures classified in the opening decision as aid promised before accession to the EU (recitals (16)a) to (16)c) of this Decision), Poland provided documentary evidence to support its claim that the aid was awarded prior to accession and therefore did not constitute new aid.

Debt to Dębica City Council

(26) With regard to the debt to Dębica City Council, Poland submitted a notarial deed confirming that the debt had been settled on 31 May 2004 by way of a transfer of property to Dębica City Council. The deed referred to the settlement of principal of PLN 1 116 788,60 and interest of PLN 592 669,80 ([5]).

(27) Poland also explained that this measure had not been included in the first restructuring plan because the aid application submitted by PZL Dębica to Dębica City Council had been rejected.

Debt to the Tax Office

(28) With regard to the debt to the Tax Office of PLN 914 552,15, Poland submitted a decision dated 20 October 2003 on restructuring conditions signed by

([3]) OJ C 244, 1.10.2004, p. 2.
([4]) OJ L 379, 28.12.2006, p. 5.
([5]) For this debt accumulated in 2001-2, interest varied between 14 % and 31 % in the deferral period 2001-4. See Table 3. The amount of the debt indicated in the opening decision (PLN 1 164 900) was corrected by Poland to PLN 1 116 788,60.

the Head of the local Tax Office. According to that decision PLN 636 729,85, plus interest of PLN 277 822,30, was to be written off.

(29) Poland explained that the statement in the opening decision that this aid had been promised before accession but was not awarded was incorrect for a number of reasons.

(30) First, Poland explained the aid award mechanism as provided for by the Restructuring of Businesses' Public-Law Liabilities Act of 30 August 2002 ([6]) ('the 2002 Act'). Under that Act, further to an application from a company in difficulty, an awarding authority (e.g. the Tax Office) can issue a decision on the restructuring conditions ('restructuring decision'). This decision confers on the beneficiary the right to receive aid. The actual payment or write-off (depending on the measure) takes place on the basis of an implementing decision in which the awarding authority acknowledges that restructuring has been completed ('implementing decision'). According to the Polish authorities, this implementing decision serves to confirm that the beneficiary (i) has submitted an updated restructuring programme together with information on the company's financial condition, (ii) has paid a restructuring fee and (iii) has not accumulated new debts vis-à-vis the awarding authority. The implementing decision is merely an administrative document which confirms that the terms of the restructuring decision have been complied with. Under the 2002 Act, the awarding authority checks compliance with the restructuring conditions not earlier than 15 months after the restructuring decision is handed down.

(31) Second, Poland informed the Commission that the Tax Office had not issued an implementing decision for PZL Dębica. According to Poland, this was due to uncertainty on the part of some public authorities on how to interpret the state aid rules applicable as of 1 May 2004. As a result, some authorities had decided to wait until the Commission had adopted a position on these measures. Poland has submitted a declaration by the Head of the Tax Office in question confirming that was the case for PZL Dębica.

(32) Third, Poland indicated that the decision of the Tax Office of 20 October 2003 had conferred the right to the write-off on PZL Dębica. Poland referred to the Commission decision of 6 November 2008 concerning the Gdynia shipyard ([7]) in support of its claim that the domestic legal order must be applied to determine whether the document in question conferred the right to aid. Poland also referred to the legitimate expectations of the aid recipients and indicated that failure by the awarding authority to issue an implementing decision could be challenged by PZL Dębica in court. In that connection, Poland referred to rulings by the Supreme Court and the Supreme Administrative Court which confirmed that restructuring decisions placed an obligation on the state and that implementing decisions could not affect that obligation as they were mandatory i.e. not subject to administrative discretion ([8]).

(33) In addition, Poland submitted a declaration by the Head of the local Tax Office confirming that PZL Dębica fulfilled the necessary legal requirements for the implementing decision (mentioned in recital (30)) to be issued, but stating that the Tax Office was awaiting the outcome of the Commission's investigation.

(34) The measure referred to in recital (16)c) is dealt with under Title 5 below - Deferral of debt to the Social Security Office.

4. **De minimis**

(35) The Polish authorities informed the Commission that all the *de minims* measures had been awarded to the company in 2006 when 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 was in force ([9]) (Regulation (EC) No 1998/2006 did not enter into force until 1 January 2007); under Regulation (EC) No 69/2001 it was not prohibited to award *de minimis* aid to companies in financial difficulty.

(36) Referring to the doubts raised by the Commission concerning the calculation mechanism, the Polish authorities explained the formula used to calculate the aid elements indicated in the Polish Regulation of 11 August 2004 ([10]). The formula takes into account the difference between the reference rate and the rate used to calculate the late payment charge An updated calculation of the *de minimis* aid element was provided (see Table 2).

([6]) Journal of Laws No 155, item 1287, as amended.

([7]) Commission Decision of 6 November 2008 on state aid C 17/05 (ex N 194/05 and PL 34/04) granted by Poland to Stocznia Gdynia (OJ L 33, 4.2.2010, p. 1).

([8]) Judgment of the Supreme Administrative Court of 22 February 2005 in case I FSK 630/05 and judgment of the Supreme Court of 12 March 2007 in case I UK 288/06.

([9]) OJ L 10, 13.1.2001, p. 30.

([10]) Regulation of the Cabinet of 11 August 2004 on the specific method of calculating the value of state aid awarded in various forms (Journal of Laws No 194, item 1983).

Table 2

***De minimis* aid – according to Poland**

Awarding authority	Type of measure and decision date		Duration	
Mayor of Dębica	Deferral decision of 7.4.2006	PLN 264 186	84 days	PLN 35,00
Mayor of Dębica	Deferral decision of 7.4.2006		14 days	PLN 52,84
Head of Dębica Tax Office	Deferral decision of 8.9.2006	PLN 614 520	7 days	PLN 6,06
Mayor of Dębica	Write-off decision of 5.10.2006	PLN 20 772	—	PLN 20 772
Mayor of Dębica	Deferral decision of 5.10.2006	PLN 83 704	72 days	PLN 7,75
			TOTAL:	**20 873,65**

(37) Poland informed the Commission that only the Tax Office had provided security for the purposes of the deferral. This covered 100 % of the nominal value of the deferral. Poland also pointed out that even if 600 base points were added to the rate, in line with the Commission notice on the method for setting the reference and discount rates of 1997 ([11]), the value of the *de minimis* aid would still be far below the threshold of EUR 100 000.

5. **Deferral of debt to the Social Security Office**

(38) As regards the deferral of debt in the form of social security liabilities, which increased in both restructuring plans, the Polish authorities recalled first that this debt increased as a consequence of the failure of the financial restructuring envisaged in the first restructuring plan. Under that plan the debt to the Social Security Office was to be settled in the form of: (i) repayment of PLN 3 890 000 using the loan from the Enterprise Restructuring Fund and (ii) deferral of a further PLN 1 364 600. As stated above (see recital (13)) financial restructuring of this debt failed.

(39) In addition, the Polish authorities noted that the Social Security Office had decided to participate in the second restructuring plan, which provided for (i) repayment of PLN 5,5 million from a loan to be granted by the Industrial Development Agency and (ii) deferral of an additional PLN 3 million. As indicated above (see recital (5)) PZL Dębica did not obtain the promised loan and Poland withdrew the corresponding part of the notification.

(40) Poland informed the Commission that PZL Dębica's debt to the Social Security Office, like all funds owed to public authorities, had attracted interest calculated by the formula described in Article 56 of the Polish Tax Code of 29 August 1997 ([12]). The interest rate is equivalent to 200 % of the base rate published by the National Bank of Poland, plus 2 % (200 base points) (see Table 3 below). The rate may not be lower than 8 %; in the present case it was between 10 % and 46 %.

Table 3

Changes in interest rates from 2000 to 2012

Interest rate	Period of application	Interest rate	Period of application	Interest rate	Period of application	Interest rate	Period of application
41 %	from 18.11.1999 to 23.02.2000	**20 %**	from 26.09.2002 to 23.10.2002	**13 %**	from 30.06.2005 to 27.07.2005	**13 %**	from 24.12.2008 to 28.01.2009

([11]) OJ C 273, 9.9.1997, p. 3.
([12]) Journal of Laws No 137, item 926, as amended.

Interest rate	Period of application	Interest rate	Period of application	Interest rate	Period of application	Interest rate	Period of application
43 %	from 24.02.2000 to 30.08.2000	**18 %**	from 24.10.2002 to 27.11.2002	**12,5 %**	from 28.07.2005 to 31.08.2005	**11,5 %**	from 28.01.2009 to 26.02.2009
46 %	from 31.08.2000 to 28.02.2001	**17,5 %**	from 28.11.2002 to 29.01.2003	**12 %**	from 01.09.2005 to 31.01.2006	**11 %**	from 26.02.2009 to 26.03.2009
44 %	from 01.03.2001 to 28.03.2001	**17 %**	from 30.01.2003 to 26.02.2003	**11,5 %**	from 01.02.2006 to 28.02.2006	**10,5 %**	from 26.03.2009 to 25.06.2009
42 %	from 29.03.2001 to 27.06.2001	**16 %**	from 27.02.2003 to 26.03.2003	**11 %**	from 01.03.2006 to 25.04.2007	**10 %**	from 25.06.2009 to 09.11.2010
39 %	from 28.06.2001 to 22.08.2001	**15,5 %**	from 27.03.2003 to 24.04.2003	**11,5 %**	from 27.04.2007 to 26.06.2007	**12 %**	from 09.11.2010 to 20.01.2011
37 %	from 23.08.2001 to 25.10.2001	**14,5 %**	from 25.04.2003 to 28.05.2003	**12 %**	from 28.06.2007 to 29.08.2007	**12,5 %**	from 20.01.2011 to 06.04.2011
34 %	from 26.10.2001 to 28.11.2001	**14 %**	from 29.05.2003 to 25.06.2003	**12,5 %**	from 30.08.2007 to 28.11.2007	**13 %**	from 06.04.2011 to 12.05.2011
31 %	from 29.11.2001 to 30.01.2002	**13,5 %**	from 26.06.2003 to 30.06.2004	**13 %**	from 29.01.2007 to 31.01.2008	**13,5 %**	from 12.05.2011 to 09.06.2011
27 %	from 31.01.2002 to 25.04.2002	**14,5 %**	from 01.07.2004 to 28.07.2004	**13,5 %**	from 31.01.2008 to 28.02.2008	**14 %**	from 09.06.2011 to 10.05.2012
25 %	from 26.04.2002 to 29.05.2002	**15 %**	from 29.07.2004 to 25.08.2004	**14 %**	from 28.02.2008 to 27.03.2008	**14,5 %**	from 10.05.2012
24 %	from 30.05.2002 to 26.06.2002	**16 %**	from 26.08.2004 to 30.03.2005	**14,5 %**	from 27.03.2008 to 26.06.2008		
23 %	from 27.06.2002 to 28.08.2002	**15 %**	from 31.03.2005 to 27.04.2005	**15 %**	from 26.06.2008 to 27.11.2008		
21 %	from 29.08.2002 to 25.09.2002	**14 %**	from 28.04.2005 to 29.06.2005	**14,5 %**	from 27.11.2008 to 24.12.2008		

(41) Poland submitted detailed tables setting out changes in the debt to the Social Security Office. A summary of changes until 31 August 2012 is set out in Table 4. Poland indicated that in spite of the debt, which was mainly accumulated in 2000-05, the company made significant current payments to the Social Security Office, i.e. more than PLN 16 million between 2000 and August 2012.

Table 4

Changes in the debt to the Social Security Office

Social Security Office				
Year in which the debt was incurred	Amount of debt	Interest accrued on the amount until deferral	Paid debt (sale of assets, seizure, other)	Current payments
2000	858 316,96	1 620 527		716 640,45
2001	316 419	459 493		1 488 486,33
2002	865 163	1 047 139		660 324,32
2003	895 884	934 062	85 778,2	605 518,54
2004	901 451	811 765	1 693 035,91	746 285,3
2005	864 702,91	649 609	359 747,06	434 477,93

Social Security Office				
Year in which the debt was incurred	Amount of debt	Interest accrued on the amount until deferral	Paid debt (sale of assets, seizure, other)	Current payments
2006				1 296 650,17
2007	52 576,90	28 202	2 143 961,82	1 537 920,23
2008	733,03	262	860 347,5	2 173 711,58
2009	605,51	159	61 677,5	1 709 954,28
2010	585,2	104	1 943 231,85	1 933 300,65
2011			1 281 171,85	1 998 651,89
2012			996 249,84	1 229 480,82
Total on 15.8.2012	**4 756 437,51**	**5 551 322**	**9 425 201,53**	**16 531 402,49**

(42) The Polish authorities also provided information on the other measures taken by the Social Security Office to secure and recover the debt.

a) Firstly, in 2001-07 the Social Security Office had a mortgage covering 100 % of the value of the debt. As the amount of the debt grew, new assets were added to the mortgage to cover the new debt.

b) Secondly, as of 2003 the Social Security Office took debt recovery action, obtaining almost PLN 9 million from the controlled sale of the company's assets and the seizure of PZL Dębica's accounts. Poland provided detailed information on the sale of PZL Dębica's assets thanks to which the company managed to reduce its debt to the Social Security Office by about PLN 7 million between 2004 and 2008 (see Table 5). Poland explained that PZL Dębica intended to continue selling its assets; however, since 2009, as a result of the economic crisis, it has not been able to find a buyer prepared to offer a market price.

c) Thirdly, Poland submitted evidence from that time indicating that in 2006 the Social Security Office had considered filing for PZL Dębica's bankruptcy. Poland provided a letter dated 20 November 2006 in which the Social Security Office informed the company of its intention to file for PZL Dębica's bankruptcy. In reply, on 12 December 2006, PZL Dębica provided the Social Security Office with details of the first restructuring plan, its financial situation and future prospects, indicating *inter alia* that in 2006 the company would record a profit for the first time. PZL Dębica asked the Social Security Office to refrain from filing for bankruptcy and not to seize any more of its assets, which, it argued, hampered the ongoing restructuring process. In its reply of 16 January 2007 the Social Security Office informed PZL Dębica that it had decided not to file for bankruptcy but would continue with the seizure and sale of the company's assets.

d) Lastly, Poland explained that the PLN 9 million recovered by the Social Security Office in 2003-12 included voluntary repayments by the company, made possible by the profits generated since 2006 and the capital injected by a private investor in 2010.

Table 5

Sale of PZL Dębica's assets

Plot No	Asset type	Date of sale	Sale price (PLN)
430/51 430/52 430/14	galvanising line	17.02.2004	[…] (*)
430/144	undeveloped plot	19.10.2006	[…]
430/104	undeveloped plot	31.01.2007	[…]
430/141	compressor building	5.07.2007	[…]
430/44	developed plot	15.11.2007	[…]
430/10	industrial building	12.12.2007	[…]
430/113	developed plot		
430/114	developed plot		
430/115	developed plot		
430/156	road		

Plot No	Asset type	Date of sale	Sale price (PLN)
430/49 430/140 430/155 430/157 430/159	developed and undeveloped plots, road	16.01.2008	[…]
430/162	warehouse	09.07.2008	[…]
430/164 430/166	undeveloped plots	16.12.2008	[…]
		Total:	**7 171 500**

(*) Business secret

(43) In October 2011, following the withdrawal of some of the notified measures i.e. the capital injection and preferential loan, Poland informed the Commission of its assessment that the deferral of social security debt (see recital (15)c) as part of the notified restructuring plan) passed the private creditor test and therefore did not constitute state aid.

(44) For that purpose, a study was commissioned by PZL Dębica in 2011 from 'Consulting', an independent company based in Katowice. The report presented an analysis of the private creditor test based on a comparison between the following two scenarios:

a) Option 1 – enforcement of all financial claims by the Social Security Office. According to the study this would oblige PZL Dębica to file for bankruptcy. In this scenario, the Social Security Office would recover between 60 % and 70 % in 3 to 4 years.

b) Option 2 - settlement of debt to the Social Security Office by deferring the total amount owed. In that scenario, the Social Security Office would receive the full amount owed plus a deferral fee of PLN 1,6 million in 96 instalments. In addition, the Social Security Office would receive PLN 2 million per year in current payments by virtue of the company's continuing operations.

(45) In August 2012 Poland informed the Commission that a debt deferral agreement based on the private creditor test had been concluded between PZL Dębica and the Social Security Office on 1 March 2012. Poland explained that the Social Security Office had considered the advantages of each option with a view to maximising debt recovery. The agreement covers the amount owed on that day of PLN [7-13 million], comprising debt of PLN [3,5-6,5 million] and interest of PLN [3,5-6,5 million]. A deferral fee of PLN [1-1,7 million] was added to that amount. The deferral provides for repayment in 96 monthly instalments, of which 9 have already been paid. Poland submitted the following comparison of the options available to the Social Security Office in 2012 (Table 6).

Table 6

Comparison of recovery options for PZL Dębica's debt to the Social Security Office (in PLN)

	Option 1 - deferral	Option 2 - liquidation
Proportion of debt settled (principal + interest)	[7-13 million] 100 %	[4-8 million] between 60 % and 70 %
Additional amounts	[1-1,7 million] deferral fee	No interest from the time of liquidation
Current payments until the debt has been recovered in full	15,2 million	2,9 million
Total amount received	[23,2 – 29,9 million]	[6,9 – 10,9 million]
Due date	by 2020 Earlier recovery possible if additional mortgaged assets sold at the market price before 2020	after 2016

(46) Poland has pointed out that the Social Security Office still holds a mortgage on the company's assets worth a total of PLN 6 243 002,55. Under the agreement, any sale of assets automatically decreases the deferred amount, thereby enabling repayment to be made more quickly than in the 96 months provided for.

6. **Debt to the Office of the Marshall**

(47) Poland confirmed to the Commission that the debt to the local Office of the Marshall referred to in the second restructuring plan had been settled on 14 August 2012. It comprised a debt of PLN 61 104,97 incurred between 1999 and 2001 and interest of PLN 103 566,29 which had accrued since then.

V. **ASSESSMENT**

(48) According to Article 107(1) of the Treaty, state aid is aid awarded by a Member State or through state resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods in so far as it affects trade between Member States.

(49) The conditions laid down in Article 107(1) of the Treaty are cumulative and therefore for a measure to be qualified as state aid all the conditions must be fulfilled.

(50) On the basis of the opening decision, the Commission will assess the following measures:

a) the withdrawn measures;

b) the pre-accession measures;

c) the debts settled by PZL Dębica;

d) the measures awarded after Poland's accession to the EU:

(i) *de minimis* aid;

(ii) deferral of debt to the Social Security Office.

1. **The withdrawn measures**

(51) According to Article 8 of Council Regulation (EC) No 659/1999 of 22 March 1999 laying down detailed rules for the application of Article 93 of the Treaty ([13]), a Member State may withdraw the notification after the opening of the formal investigation procedure in due time before the Commission has taken a decision on the aid character of the notified measure and the procedure is closed accordingly.

(52) The Polish authorities have withdrawn two of the measures to be implemented under the second restructuring plan, namely a capital injection and a preferential loan totalling PLN 10,5 million (see recitals (15)a) and (15)b)). Thus, pursuant to Article 8 of Council Regulation (EC) No 659/1999, the Commission's investigation into these measures must be closed.

2. **The pre-accession measures**

(53) The aid measures that were awarded before and are not applicable after the accession of Poland to the EU cannot be examined by the Commission, either under the procedures laid down in Article 108 of the Treaty or under the interim mechanism. That mechanism neither requires nor empowers the Commission to review aid measures which are not applicable after accession.

(54) Aid awarded by Poland is deemed to have been awarded before accession if the competent authority adopted a legally binding deed before 1 May 2004 by which it undertook to award the aid. Individual aid is not applicable after accession if the precise economic exposure of the state was known when the aid was awarded.

([13]) OJ L 83, 27.3.1999, p. 1.

(55) If, on the other hand, the measures were awarded after accession, they would constitute new aid and their compatibility would be assessed by the Commission under the procedure laid down in Article 108 of the Treaty.

(56) In addition to two measures referred to in the opening decision as pre-accession measures (see recitals (12)a) and (12)b)) Poland claims that a write-off decision issued by the local Tax Office in 2003 covering an amount of PLN 914 522,15 should also be treated as pre-accession aid.

Write-off by Dębica Tax Office

(57) Responding to the concerns raised by the Commission in the opening decision in connection with the fact that no aid award document had been provided, Poland supplied an aid award document dated 20 October 2003 and clarified the mechanism for awarding aid under the 2002 Act (see recital (30)).

(58) The Polish authorities have provided the Commission with an analysis of Polish law indicating that the restructuring decision of 2003 constitutes a legally binding document on the basis of which the Tax Office is obliged to write off tax arrears. A number of objectively verifiable conditions were attached to the restructuring decision (see recital (28)). The Polish authorities have confirmed that PZL Dębica complies with those conditions. In the absence of any indication to the contrary, the Commission therefore considers that the write-off was granted before Poland acceded to the EU.

3. **The debts settled by PZL Dębica**

(59) In the course of the investigation Poland informed the Commission that PZL Dębica had settled the following debts:

a) a debt to Dębica City Council with a nominal value of PLN 1 116 788,60, plus interest of PLN 592 669,80, settled on 31 May 2004;

b) a debt to the local Office of the Marshall with a nominal value of PLN 61 104,97, plus interest of PLN 103 566,29, settled on 14 August 2012.

(60) Poland provided confirmation that these debts had been settled.

Debt to Dębica City Council settled on 31 May 2004

(61) Poland informed the Commission that as part of restructuring negotiations with public creditors which led to the first restructuring plan being updated in October 2003, PZL Dębica had asked Dębica City Council to include in

the restructuring plan an amount of PLN 1 116 788,60 which it owed to the Council. Dębica City Council refused and the company managed to settle the debt on 31 May 2004, one month after Poland acceded to the European Union.

(62) The Commission notes that the debt had been subject to compound interest at a high rate ranging from 44 % to 13,5 % (see Table 3). The accumulated interest settled by PZL Dębica on 31 May 2004 amounted to PLN 592 669,80.

(63) The recovery rate that would have been applied by the Commission to aid made available unlawfully to a company in Poland between 1 and 31 May 2004 was 7,62 % ([14]). That is a much lower rate than the interest rate applied to the debt by Poland.

(64) On the basis that the debt was repaid in full and the interest rate of 13,5 % applied to the debt between 1 and 31 May 2004 was much higher than the recovery rate of 7,62 % applied by the Commission, the Commission concluded that recovery was completed in accordance with the Notice from the Commission 'Towards an effective implementation of Commission decisions ordering Member States to recover unlawful and incompatible state aid' ([15]) ('the recovery notice'). The amount of interest actually repaid exceeds the amount of interest that would have had to be repaid in the event of a negative decision, calculated according to Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty ([16]). The Commission therefore simply takes note of the settlement of the debt, without prejudice to the classification of this measure in the future for the application of the one-time-last-time principle.

Debt to the local Office of the Marshall settled on 14 August 2012

(65) The Commission notes that the local Office of the Marshall decided in 2007 to write off the debt, which was therefore included in the second restructuring plan. The restructuring plan was notified to the Commission.

(66) At the same time, the Commission notes that the debt was subject to compound interest at a rate ranging from 46 % to 10 % (see Table 3). The total interest settled by PZL Dębica on 14 August 2012 amounted to PLN 103 566,29, nearly double the amount of the original debt of PLN 61 104,97.

([14]) For the applicable recovery rate see: http://ec.europa.eu/competition/state_aid/legislation/reference_rates.html

([15]) OJ C 272, 15.11.2007, p. 4.

([16]) OJ L 140, 30.4.2004, p. 1.; see in particular Articles 9 and 11.

(67) The Commission considers that a *de facto* deferral took place between 1999 (when the first part of the debt was incurred) and 2012 (when the debt was repaid) and that the local Office of the Marshall thereby conferred an advantage on the company, already in serious financial difficulty, by mitigating the burden associated with normal business activities, which includes repayment of debts to public authorities.

(68) The recovery rate that would have been applied by the Commission to aid unlawfully made available to a company in Poland after Poland's accession to the EU until settlement of the debt was between 5,26 % and 7,62 % ([17]). That is a much lower rate than the interest rate actually applied to the debt by Poland.

(69) On the basis that the debt was repaid in full and the interest rate of between 10 % and 16 % applied to PZL Dębica's debt between 1 May 2004 and 14 August 2012 was much higher that the recovery rate applied by the Commission of between 5,26 % and 7,62 %, the Commission concludes that, irrespective of the legality of the aid, recovery was completed in compliance with the Commission's recovery notice. The amount of interest actually paid exceeds the amount of interest that would have to be paid pursuant to Regulation (EC) No 794/2004.

4. **Measures awarded after Poland's accession to the EU**

4.1. *De minimis*

(70) Poland informed the Commission of five measures to a total value of PLN 20 873,65 which, it argued, should be treated as *de minimis* aid (listed in Table 2). These measures fall within the scope of application of Regulation (EC) No 69/2001.

(71) The Commission acknowledges that Regulation (EC) No 69/2001, which allowed the award of up to EUR 100 000 (approx. PLN 400 000), did not explicitly exclude companies in difficulty. That said, the Regulation did specifically envisage that loans, which can be compared to deferrals, should be 'backed by normal security and […] not involve abnormal risk' (recital 6). In this case, the Commission takes the view that only the deferral of the Tax Office of 8 September 2006 complied with that requirement.

(72) First, the Commission considers that Poland did not provide sufficient information to allow verification of the calculation mechanism of the *de minimis* aid and the amount of aid presented by Poland as the 'amount of aid' in Table 2. In particular, detailed information was

([17]) See footnote 14.

not provided on the applicable reference rates and the rates used to calculate the late payment charge, which would have enabled the calculations made according to the formula applied by Poland to be checked (see recital (36)). Therefore the Commission considers the nominal amount of the three deferrals granted by the Mayor of Dębica on 7 April, 28 July and 5 October 2006, for which no security was provided, as the amount to be taken into consideration for *de minimis* purposes. An amount of PLN 264 186 was the subject of two deferral decisions by the Mayor of Dębica. Since these decisions concerned the same subject, the amount will be taken into consideration only once.

(73) In case of the 7-day deferral granted by the Tax Office on 8 September 2006, for which security had been provided covering 100 % of the deferred amount of PLN 614 550, the Commission calculated the aid element by adding 400 base points to the applicable reference rate of 5,56 %, as provided for by the Commission notice on the method for setting the reference and discount rates of 1997 ([18]). The aid in this case amounts to PLN 1 126.

(74) As for the write-off decision issued by the Mayor of Dębica on 5 October 2006, it amounts to a cash grant and should therefore be counted in full.

(75) In the light of the above, the total value of the aid is PLN 369 788 (approx. EUR 93 437 ([19])) (see Table 7). The total being less than EUR 100 000, these measures are covered by Regulation (EC) No 69/2001. Poland confirmed that PZL Dębica had not received any other *de minimis* aid.

Table 7

***De minimis* aid**

Awarding authority	Type of measure and decision date	Nominal amount	Duration	Amount of aid
Mayor of Dębica	Deferral decision dated 7.4.2006	PLN 264 186 EUR 66 604	84 days	PLN 264 186 EUR 66 604
Mayor of Dębica	Deferral decision dated 28.7.2006		14 days	
Head of Dębica Tax Office	Deferral decision dated 8.9.2006	PLN 614 520 EUR 154 236	7 days	PLN 1 126 EUR 282
Mayor of Dębica	Write-off decision dated 5.10.2006	PLN 20 772 EUR 5 279	—	PLN 20 772 EUR 5 279
Mayor of Dębica	Deferral decision dated 5.10.2006	PLN 83 704 EUR 21 272	72 days	PLN 83 704 EUR 21 272
			TOTAL	**PLN 369 788** **EUR 93 437**

4.2. *Deferral of debt to the Social Security Office*

(76) Article 107(1) of the Treaty covers interventions in various forms which reduce a company's normal costs and which, without being subsidies in the strict sense of the word, are similar in character and have the same effect. It is established case-law that the conduct of a public body with responsibility for collecting social security contributions which tolerates late payment of those contributions confers on an undertaking experiencing serious financial difficulty a commercial advantage by mitigating the burden associated with the normal application of the social security system which cannot be wholly removed by the interest and default surcharges applied to the late payment ([20]).

([18]) OJ C 273, 9.9.1997, p. 3.
([19]) For conversion purposes the Commission used the average exchange rates of the National Bank of Poland on the date of the aid award decision. See http://www.nbp.pl/home.aspx?c=/ascx/archa.ascx
([20]) Case C 256/97 *DMT* [1999] ECR I-3913, paragraph 30; Case T-36/99 *Lenzing* v *Commission* [2004] ECR II-3597, paragraph 137.

(77) In this case the Social Security Office allowed PZL Dębica to accumulate significant amounts of debt in 2000-05. Changes in the total debt, including interest, are set out in Table 4.

(78) As a preliminary remark the Commission points out that state aid to PZL Dębica may have been awarded by virtue of the failure to enforce in full PZL Dębica's public debt to the Social Security Office ([21]).

(79) Poland argues that the deferral of debt by the Social Security Office does not involve state aid as the Social Security Office acted like a private creditor when it agreed in March 2012 to a deferral of the total amount owed, which was to be paid in accordance with a repayment schedule in 96 instalments. Poland submitted an analysis of the private creditor test, carried out in October 2011 and confirming, in its view, that the Social Security Office would be better off deferring its claims on PZL Dębica rather than enforcing them. Poland also claims that the Social Security Office, which participated in both restructuring plans, always had ample information on PZL Dębica's financial condition and prospects and that it always acted in full knowledge of the company's position. Lastly, Poland referred to a number of actions undertaken by the Social Security Office to secure and enforce the debt. According to Poland, this confirms that the Social Security Office acted like a private creditor and sought to recover its claim.

(80) Under established case-law, the conditions which a measure must meet in order to be treated as 'aid' for the purposes of Article 107 of the Treaty are not met if the recipient public undertaking could, in circumstances which correspond to normal market conditions, obtain the same advantage as that which has been made available to it through state resources. In the case of public undertakings, that assessment is made by applying, in principle, the private investor test (in this case, the private creditor test) ([22]). If a Member State relies on that test during the administrative procedure, it must, where there is doubt, establish unequivocally and on the basis of objective and verifiable evidence that the measure does indeed pass that test ([23]). With a view to establishing whether an advantage was granted that could be classified as state aid within the meaning of Article 107(1) of the Treaty, Poland must therefore provide evidence demonstrating that the public authorities acted in the same way as a hypothetical private creditor, who would not tolerate non-payment and would take effective action to enforce the debt even if this resulted in insolvency proceedings.

(81) The hypothetical private creditor would closely monitor the economic situation of the debtor; the lack of a restructuring plan and poor prospects for a return to viability would hasten debt recovery.

(82) It follows that in order to determine whether any state aid was awarded by the public authorities, it must be established that in this case the Social Security Office sought to recover all the monies owed to it without incurring financial losses and that by deciding not to file for the company's bankruptcy the Social Security Office intended to maximise recovery of the amounts owed to it as the hypothetical private creditor would ([24]).

(83) The Commission will analyse the report submitted by Poland on the decision taken in 2012 to sign the deferral agreement. However, the Commission notes that the Social Security Office had allowed debt to accumulate for a number of years. Indeed, the information provided by Poland relates to the entire period from the end of the first restructuring period (and even before) to the commissioning of the study in October 2011 with a view to concluding a deferral agreement. In view of the notification in 2008 of a second restructuring plan, the company did not actively seek an agreement with its creditors. The Commission must therefore also check that the behaviour of the Social Security Office between the end of the first restructuring period and the signing of the deferral agreement passes the private creditor test.

(84) In the following recitals the Commission will refer to (i) the Social Security Office's involvement in the first restructuring plan, (ii) partial enforcement of the debt by the Social Security Office between 2007 and 2012 following the failure of the first restructuring plan, and (iii) the deferral agreement of 1 March 2012. The first restructuring plan was approved by the competent national authority before Poland acceded to the EU and mainly covers the pre-accession period. The assessment of points (ii) and (iii) is decisive for the conclusion concerning the behaviour of the Social Security Office. The Commission's assessment will nevertheless focus again on changes in PZL Dębica's situation under the first restructuring plan, as it is vital to understand how this situation evolved.

([21]) Cf. C-342/96 *Tubacex [1999] ECR I-2459*, paragraph 46, C-256/97 *DMT* [1999] ECR I-*3913*, paragraph 21, C-480/98 *Magefesa* [*2000]* ECR *I-8717*, T-152/99 *HAMSA* [*2002]* ECR *II-3049*, paragraph 167.

([22]) Case C-124/10 *Électricité de France* v *Commission*, judgment of 5.7.2012, not yet published, paragraph 78 citing (see, to that effect, Case C-303/88 *Italy* v *Commission* [1991] ECR I-1433, paragraph 20; Case C-482/99 *France* v *Commission* [2002] ECR I-4397, paragraphs 68 to 70; and *Comitato 'Venezia vuole vivere' and Others* v *Commission*, not yet published, paragraph 91 and the case-law cited).

([23]) Case C-124/10 *Électricité de France* v *Commission*, judgment of 5.7.2012, not yet published.

([24]) Case C-256/97 *DM Transports* [1999] ECR I-3913, paragraph 30.

Social Security Office involvement in the first restructuring plan

(85) As mentioned above, the Social Security Office decided to participate in the first restructuring plan prepared and approved in 2002, i.e. before Poland acceded to the EU. The plan included restructuring of financial debt to the Social Security Office. On the basis of that restructuring plan, the Social Security Office agreed to defer PLN 1 364 600 in debt, while a larger amount of PLN 3 890 000 was to be settled by way of a loan from the Enterprise Restructuring Fund. As explained above (see recital (13)) PZL Dębica did not receive financing from the Fund. Consequently the Social Security Office decided not to defer the remaining part of the debt and in 2006 it threatened to institute proceedings to have the company declared bankrupt.

(86) The Commission notes that despite the failure of the financial restructuring and the financial arrears at the end of the first restructuring period, PZL Dębica managed to record a modest profit in 2006 (see Table 1). This confirms that the company's organisational and technological restructuring efforts had borne fruit.

(87) In addition, from 2001 onwards the Social Security Office established security on a number of PZL Dębica's assets to cover the growing debt. The value of the mortgage reached PLN 11,6 million in 2007, covering 100 % of the debt.

(88) Lastly, the Commission notes that as of 2003 the Social Security Office began enforcing the debt through the sale of PZL Dębica's assets (as illustrated in Table 5). The Social Security Office decided, however, not to proceed with a fire sale, which usually generates lower amounts than would normally be the case. Indeed, in the context of reduced demand for industrial assets as a result of the current economic climate, this phenomenon could only be exacerbated. Instead, the Social Security Office agreed to a controlled sale organised by the company. The Social Security Office had to consent to the sale on the basis of an offer from a third party and the net profit from the sale was then transferred to the Social Security Office. The evidence provided by Poland leads to the conclusion that although the sale conducted by PZL Dębica generated market values, the sales process was slower than a fire sale. Between 2004 and 2006 the Social Security Office recovered over PLN 1,6 million through the controlled sale of PZL Dębica's assets.

Enforcement of the debt by the Social Security Office between 2007 and 2012

(89) The failure of financial restructuring in the first restructuring plan and the mounting debt of PZL Dębica resulted in the Social Security Office giving serious consideration to the bankruptcy scenario at the end of 2006. As explained above (see recital (42)c)) on 20 November 2006 the Social Security Office informed the company of its intention to file for the bankruptcy of PZL Dębica. Following the information provided to the Social Security Office by PZL Dębica on 12 December 2006, that threat was not carried out. The Commission has assessed whether the Social Security Office acted like a hypothetical private creditor between 2007 (when the first restructuring period ended) and 2012 (when the deferral agreement was concluded).

(90) The Commission first assessed the information provided by PZL Dębica to the Social Security Office on 12 December 2006. The company put forward a thorough analysis of its economic and financial situation and details of its future prospects. The Commission notes that the following points presented by the company to the Social Security Office would be important for a hypothetical private creditor to assess the debtor's situation and determine the appropriate course of action in order to maximise recovery of the debts, and would therefore be monitored by the creditor:

a) the company's growing sales and reduced production costs, which were achieved as a result of the restructuring measures undertaken by PZL Dębica under the first restructuring plan;

b) the forecast profits for 2006 and an explanation that it was the failure to achieve profits before 2006 that led to the increase in the debt and PZL Dębica's incapacity to repay quicker;

c) the overall positive revenue trend forecast for the coming years, which would allow continuous repayment of the debt and would guarantee that no new debt would accrue;

d) the company's marketing and innovation efforts and the new markets on which, as a result of its new marketing strategy, the company had started selling its products (coal and copper mining and new contracts with partners in Ukraine and China);

e) the lack of other significant debts towards any other public authority or private creditor;

f) an undertaking by the company to settle current and future social security payments on time.

(91) The Commission notes that on the basis of the comprehensive information set out above indicating a growth path for PZL Dębica and tangible revenue for the Social Security Office, it was reasonable to assume that more would be recovered by allowing the company to continue to operate than by forcing it into liquidation. That said, the Commission notes that, as a matter of

prudence, the Social Security Office did not agree to suspend enforcement proceedings which, according to PZL Dębica, were stifling the restructuring process. The Social Security Office therefore acted like a private creditor, which would choose the course of action that would allow it to maximise recovery of the debt.

(92) The Commission notes that in 2008 the Social Security Office adhered to the second restructuring plan and thereby signed up to deferral of part of the debt. The remainder of the debt was to be settled as a result of an injection of funds by the state-owned Industrial Development Agency. However, the standstill obligation was respected and the measures were not implemented. The Commission notes that the Social Security Office did not rely on implementation of the second restructuring plan as a solution to the outstanding debt, but continued with the course of action embarked upon in 2007, as described above.

(93) In 2007 and 2008 thanks to the controlled sale of PZL Dębica's assets, in addition to the monies referred to in recital (88), the Social Security Office recovered over PLN 5,4 million (see Table 5). According to Poland, the lack of sales of company assets after 2008, despite the fact that the Social Security Office held a mortgage on three real estate properties worth more than PLN 6 million in total, must be seen in the economic context in which the sale of PZL Dębica's assets took place. Poland claimed that the economic crisis and reduced scale of business activity in the region had contributed to a lack of interest in PZL Dębica's assets and had made it difficult to sell them at a price considered acceptable by the Social Security Office.

(94) On the other hand, as noted above, the Social Security Office had maintained the seizure of PZL Dębica's account, which brought it a further PLN 475 369 between 2007 and 2010.

(95) Indeed, ongoing enforcement brought the Social Security Office more than PLN 7 million in the period under review (see recital (96)b)); the fact that the debt recovery process took longer was addressed by the compound interest applied to the debt.

(96) The Commission also analysed whether between 2007 and 2012 PZL Dębica had respected the pledges made when the Social Security Office decided in January 2007 not to institute insolvency proceedings against it. The Commission notes that:

a) PZL Dębica has been a profitable company since 2006 and managed to attract a private investor in 2010 (see recital (10)); at the same time, its net results were hampered by its ineligibility for public tenders and inability to obtain credit on the market as a result of its outstanding debt;

b) The company has managed to reduce its debt by PLN 7 million since 2006; in addition to the controlled sale of assets and seizure mentioned above, the company met its repayment commitment each year and used its profits and a capital injection of 2010 by a private investor to reduce its debt;

c) The company has been keeping up with current payments to the Social Security Office and other public authorities since 2006 and therefore, leaving aside a marginal debt of PLN 1 900, no new debt has accrued since then.

(97) The Commission concludes that PZL Dębica's return to profitability in 2006, the good prospects for long-term viability and ongoing fulfilment of its current financial obligations since 2006, as well as the entry of the private investor in 2010, are important factors which a private creditor would take into account when deciding whether the course of action adopted in 2007 continued to be the best way to maximise recovery.

Deferral agreement of 1 March 2012

(98) Poland submitted an analysis of the private creditor test conducted by an external consultant in October 2011, i.e. prior to the deferral transaction of 1 March 2012. The report compares two options: (i) enforcement of all financial claims by the Social Security Office and (ii) settlement of debts to the Social Security Office by way of deferral of the total amount owed. The test concludes that the Social Security Office should opt for deferral, which guarantees recovery of the full amount of the debt, whereas the liquidation scenario would lead to recovery of some 60 %-70 % of the debt.

(99) The Commission has critically analysed the report and the assumptions made therein.

(100) First, the Commission notes that the test conclusions are based on the analysis of (i) PZL Dębica's actual economic and financial situation, (ii) the company's assets and all its liabilities, (iii) the company's market position, (iv) the results of restructuring and (v) the legal rules and practice applicable to insolvency proceedings in Poland.

(101) In the liquidation scenario, the Social Security Office would be able to recover only about 60 % to 70 % of the debt in 3 or 4 years ([25]). The reduction in the amount that it is possible to recover results mainly from the high costs of liquidation and the low liquidation value of the company's assets. As regards the liquidation value, the Commission notes that in the bankruptcy scenario the value of these assets in a fire sale is reduced by about

([25]) On the basis of data on the length of insolvency proceedings provided by the Supreme Audit Office.

50 % due to the fact that they will be sold separately and will not be used as a going concern. The figure is also affected by reduced demand for industrial assets in the context of crisis in the real economy, but remains above the average revenue from sales of assets in bankruptcy in Poland, which is 26,86 % of their fair value.

(102) In the deferral scenario described in recital (44), the report considers the following elements to be important from the perspective of a private creditor seeking to maximise the recovery of the amounts owed to him:

— the return to profitability by PZL Dębica in 2006 as a result of restructuring;

— the portfolio of current orders with PZL Dębica and its sales network in Poland and abroad;

— the entry of a private investor – Eurotech - in 2010, which acquired 16,7 % of the newly issued shares of PZL Dębica;

— a letter of intent of 2011 from Eurotech declaring that it wished to inject additional capital and acquire a further 15 % of the company's shares, subject to the Commission decision;

— the prospect of much better financial results when the company regains access to public tenders and external financing, which is subject to the signature of the deferral agreement;

— the fact that between 2006 and 2011 PZL Dębica settled its current contributions vis-à-vis all public bodies on time (on average PLN 5 million per year) and

— the fact that thanks to the deferral the Social Security Office will receive an additional PLN 18 million in current social contributions over the eight years in which the debt is repaid.

(103) The Commission cannot agree to take the final element into account as the compulsory future payments cannot be compared to the revenue a private company could expect from an economic activity. Indeed, collecting compulsory social payments is not an economic activity.

(104) The Commission notes that the signed agreement provides for the recovery of the full amount of the debt due on 1 March 2012 i.e. PLN [7-13 million], comprising debt of PLN [3,5-6,5 million] and interest of PLN [3,5-6,5 million]. A deferral fee of PLN [1-1,7 million] was added on top of that amount. The debt is to be repaid in 96 monthly instalments.

(105) The Commission also notes that the Social Security Office maintained a pledge on PZL Dębica's assets of PLN 6 243 002,55, which the Social Security Office intends to sell in a similar controlled procedure as in the case of the previous assets. Any income from the sale of these assets would be used to reduce PZL Dębica's debt to the Social Security Office.

(106) The Commission also notes that the report does not contain a comparison of the present values of inflows in Option 1 and Option 2, which would allow the private creditor to determine which of the two options is more beneficial. The Commission calculated these present values for several discount rates, using conservative assumptions, i.e. 3 years in the case of the company's liquidation and 8 years in the case of deferral. Future gains by the Social Security Office originating from current payments were not included in the Commission's calculation. For all meaningful discount rates a private investor is better off under the deferral scenario than in the case of liquidation.

(107) Lastly, the Commission also notes that until November 2012 PZL Dębica paid the nine instalments provided for by the deferral on time.

(108) On that basis, the Commission considers that by agreeing to the deferral in March 2012, the Social Security Office behaved like a private creditor seeking to obtain the payment of sums owed to it by a debtor in financial difficulty. Therefore, the public creditor did not confer an advantage on PZL Dębica. Accordingly, settlement of the outstanding debt on the basis of the deferral laid down in the agreement signed between the company and the Social Security Office in March 2012 does not constitute state aid within the meaning of Article 107(1) of the Treaty.

VI. **CONCLUSION**

(109) The Commission considers the aid measures referred to in recital (52) as having been withdrawn. Thus, pursuant to Article 8 of Regulation (EC) No 659/1999, the Commission's investigation into these measures must be closed.

(110) The Commission considers the aid measures referred to in recital (56) as having been granted before Poland acceded to the EU and not applicable after that date. They may not be investigated by the Commission under the procedure laid down in Article 108 of the Treaty or under the interim mechanism.

(111) As regards the measures referred to in recital (59), the Commission notes that any aid made available unlawfully would be considered to have been recovered in accordance with the recovery notice.

(112) The aid measures referred to in Table 7 fall within the scope of application of Regulation (EC) No 69/2001 and do not exceed the threshold laid down in that Regulation.

(113) Lastly, the Commission considers that the measure referred to in recitals (76) to (108) does not constitute aid within the meaning of Article 107(1) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

The procedure laid down in Article 108(2) of the Treaty instituted by the Commission Decision of 19 December 2008 concerning state aid C 49/08 (ex N 402/08) — Restructuring aid to PZL Dębica is closed in respect of the following measures for PZL Dębica:

a) two measures amounting to PLN 4 965 800 and PLN 5 534 200, which Poland notified on 13 August 2008 and withdrew on 10 October 2011 pursuant to Article 8 of the Procedural Regulation;

b) a measure amounting to PLN 914 522,15 with regard to which a decision of the Tax Office was issued on 20 October 2003, on the basis that it was granted before Poland acceded to the EU and is not applicable after that date;

c) a measure with a nominal value of PLN 61 104,97, plus interest of PLN 103 566,29, settled on 14 August 2012, constituting unlawful aid pursuant to Article 7(5) of Regulation (EC) No 659/1999. The aid was recovered on 14 August 2012 by Poland in line with the recovery notice ([26]);

d) the five measures for PZL Dębica listed in Table 7, on the grounds that they were *de minimis* aid within the meaning of Article 2 of Regulation (EC) No 69/2001;

e) the deferral of PLN [7-13 million] awarded to PZL Dębica on the basis of the deferral agreement of 1 March 2012 with the Social Security Office, pursuant to Article 7(2) of Regulation (EC) No 659/1999, on the grounds that the measure does not constitute aid within the meaning of Article 107(1) of the Treaty.

Article 2

This decision is addressed to the Republic of Poland.

Done at Brussels, 19 December 2012.

For the Commission

Joaquín ALMUNIA

Vice-President

([26]) OJ C 272, 15.11.2007, p. 4.

COMMISSION DECISION

of 17 June 2013

amending Decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/543/EC, 2009/544/EC, 2009/563/EC, 2009/564/EC, 2009/567/EC, 2009/568/EC, 2009/578/EC, 2009/598/EC, 2009/607/EC, 2009/894/EC, 2009/967/EC, 2010/18/EC and 2011/331/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products

(notified under document C(2013) 3550)

(2013/295/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel [1], and in particular point (c) of Article 8(3) thereof,

After consulting the European Union Eco-Labelling Board,

Whereas:

(1) Commission Decision 2006/799/EC of 3 November 2006 establishing revised ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to soil improvers [2] expires on 31 December 2013.

(2) Commission Decision 2007/64/EC of 15 December 2006 establishing revised ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to growing media [3] expires on 31 December 2013.

(3) Commission Decision 2009/300/EC of 12 March 2009 establishing the revised ecological criteria for the award of the Community Eco-label to televisions [4] expires on 31 October 2013.

(4) Commission Decision 2009/543/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to outdoor paints and varnishes [5] expires on 30 June 2013.

(5) Commission Decision 2009/544/EC of 13 August 2008 establishing the ecological criteria for the award of the Community eco-label to indoor paints and varnishes [6] expires on 30 June 2013.

(6) Commission Decision 2009/563/EC of 9 July 2009 on establishing the ecological criteria for the award of the Community eco-label for footwear [7] expires on 10 July 2013.

(7) Commission Decision 2009/564/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for campsite services [8] expires on 10 July 2013.

(8) Commission Decision 2009/567/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for textile products [9] expires on 10 July 2013.

(9) Commission Decision 2009/568/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Eco-label for tissue paper [10] expires on 10 July 2013.

(10) Commission Decision 2009/578/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label for tourist accommodation service [11] expires on 10 July 2013.

(11) Commission Decision 2009/598/EC of 9 July 2009 establishing the ecological criteria for the award of the Community Ecolabel for bed mattresses [12] expires on 10 July 2013.

(12) Commission Decision 2009/607/EC of 9 July 2009 establishing the ecological criteria for the award of the Community eco-label to hard coverings [13] expires on 10 July 2013.

[1] OJ L 27, 30.1.2010, p. 1.
[2] OJ L 325, 24.11.2006, p. 28.
[3] OJ L 32, 6.2.2007, p. 137.
[4] OJ L 82, 28.3.2009, p. 3.
[5] OJ L 181, 14.7.2009, p. 27.
[6] OJ L 181, 14.7.2009, p. 39.
[7] OJ L 196, 28.7.2009, p. 27.
[8] OJ L 196, 28.7.2009, p. 36.
[9] OJ L 197, 29.7.2009, p. 70.
[10] OJ L 197, 29.7.2009, p. 87.
[11] OJ L 198, 30.7.2009, p. 57.
[12] OJ L 203, 5.8.2009, p. 65.
[13] OJ L 208, 12.8.2009, p. 21.

(13) Commission Decision 2009/894/EC of 30 November 2009 on establishing the ecological criteria for the award of the Community eco-label for wooden furniture [1] expires on 1 December 2013.

(14) Commission Decision 2009/967/EC of 30 November 2009 on establishing the ecological criteria for the award of the Community Ecolabel for textile floor coverings [2] expires on 1 December 2013.

(15) Commission Decision 2010/18/EC of 26 November 2009 on establishing the ecological criteria for the award of the Community Ecolabel for wooden floor coverings [3] expires on 27 November 2013.

(16) Commission Decision 2011/331/EU of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for light sources [4] expires on 6 June 2013.

(17) An assessment has been carried out to evaluate the relevance and appropriateness of the current ecological criteria, as well as of the related assessment and verification requirements, established by those Decisions. Given the different stages of the revision process for those Decisions, it is appropriate to prolong the periods of validity of the ecological criteria and the related assessment and verification requirements which they set out. The period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2009/567/EC, 2009/543/EC, 2009/544/EC and 2009/598/EC should be prolonged until 30 June 2014. The period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2009/300/EC should be prolonged until 31 October 2014. The period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2006/799/EC, 2007/64/EC, 2009/894/EC and 2011/331/EU should be prolonged until 31 December 2014. The period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2009/563/EC and 2009/568/EC should be prolonged until 30 June 2015. The period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2009/564/EC and 2009/578/EC should be prolonged until 30 November 2015. The period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2009/967/EC and 2010/18/EC should be prolonged until 31 December 2015 and the period of validity of the ecological criteria and the related assessment and verification requirements set out in Decisions 2009/607/EC should be prolonged until 30 November 2017.

(18) Decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/543/EC, 2009/544/EC, 2009/563/EC, 2009/564/EC, 2009/567/EC, 2009/568/EC, 2009/578/EC, 2009/598/EC, 2009/607/EC, 2009/894/EC, 2009/967/EC, 2010/18/EC and 2011/331/EU should therefore be amended accordingly.

(19) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

Article 6 of Decision 2006/799/EC is replaced by the following:

'*Article 6*

The ecological criteria for the product group "soil improvers" and the related assessment and verification requirements shall be valid until 31 December 2014.'

Article 2

Article 5 of Decision 2007/64/EC is replaced by the following:

'*Article 5*

The ecological criteria for the product group "growing media" and the related assessment and verification requirements shall be valid until 31 December 2014.'

Article 3

Article 3 of Decision 2009/300/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "televisions", as well as the related assessment and verification requirements, shall be valid until 31 October 2014.'

Article 4

Article 3 of Decision 2009/543/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "outdoor paints and varnishes", as well as the related assessment and verification requirements, shall be valid until 30 June 2014.'

Article 5

Article 3 of Decision 2009/544/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "indoor paints and varnishes", as well as the related assessment and verification requirements, shall be valid until 30 June 2014.'

[1] OJ L 320, 5.12.2009, p. 23.
[2] OJ L 332, 17.12.2009, p. 1.
[3] OJ L 8, 13.1.2010, p. 32.
[4] OJ L 148, 7.6.2011, p. 13.

Article 6

Article 3 of Decision 2009/563/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "footwear", as well as the related assessment and verification requirements, shall be valid until 30 June 2015.'

Article 7

Article 4 of Decision 2009/564/EC is replaced by the following:

'*Article 4*

The ecological criteria for the product group "campsite service", as well as the related assessment and verification requirements, shall be valid until 30 November 2015.'

Article 8

Article 3 of Decision 2009/567/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "textile products", as well as the related assessment and verification requirements, shall be valid until 30 June 2014.'

Article 9

Article 3 of Decision 2009/568/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "tissue paper", as well as the related assessment and verification requirements, shall be valid until 30 June 2015.'

Article 10

Article 4 of Decision 2009/578/EC is replaced by the following:

'*Article 4*

The ecological criteria for the product group "tourist accommodation service", as well as the related assessment and verification requirements, shall be valid until 30 November 2015.'

Article 11

Article 3 of Decision 2009/598/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "bed mattresses", as well as the related assessment and verification requirements, shall be valid until 30 June 2014.'

Article 12

Article 3 of Decision 2009/607/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "hard coverings", as well as the related assessment and verification requirements, shall be valid until 30 November 2017.'

Article 13

Article 3 of Decision 2009/894/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "wooden furniture", as well as the related assessment and verification requirements, shall be valid until 31 December 2014.'

Article 14

Article 3 of Decision 2009/967/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "textile floor coverings", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 15

Article 3 of Decision 2010/18/EC is replaced by the following:

'*Article 3*

The ecological criteria for the product group "wooden floor coverings", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 16

Article 3 of Decision 2011/331/EU is replaced by the following:

'*Article 3*

The criteria for the product group "light sources", as well as the related assessment and verification requirements, shall be valid until 31 December 2014.'

Article 17

This Decision is addressed to the Member States.

Done at Brussels, 17 June 2013.

For the Commission

Janez POTOČNIK

Member of the Commission

NOTICE TO READERS

Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union*

In accordance with Council Regulation (EU) No 216/2013 of 7 March 2013 on the electronic publication of the *Official Journal of the European Union* (OJ L 69, 13.3.2013, p. 1), as of 1 July 2013, only the electronic edition of the Official Journal shall be considered authentic and shall have legal effect.

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