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EN

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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2012/13/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 May 2012

on the right to information in criminal proceedings

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 82(2) thereof,

Having regard to the proposal from the European Commission,

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

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

After consulting the Committee of the Regions,

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

Whereas:

(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice. According to the Presidency Conclusions of the European Council in Tampere of 15 and 16 October 1999, and in particular point 33 thereof, the principle of mutual recognition of judgments and other decisions of judicial authorities should become the cornerstone of judicial cooperation in both civil and criminal matters within the Union because enhanced mutual recognition and the necessary approximation of legislation would facilitate cooperation between competent authorities and the judicial protection of individual rights.

(2) On 29 November 2000, the Council, in accordance with the Tampere conclusions, adopted a programme of measures to implement the principle of mutual recognition of decisions in criminal matters ⁽³⁾. The introduction to the programme states that mutual recognition

is 'designed to strengthen cooperation between Member States but also to enhance the protection of individual rights'.

(3) The implementation of the principle of mutual recognition of decisions in criminal matters presupposes that Member States trust in each other's criminal justice systems. The extent of mutual recognition is very much dependent on a number of parameters, which include mechanisms for safeguarding the rights of suspects or accused persons and common minimum standards necessary to facilitate the application of the principle of mutual recognition.

(4) Mutual recognition of decisions in criminal matters can operate effectively only in a spirit of trust in which not only judicial authorities but all actors in the criminal process consider decisions of the judicial authorities of other Member States as equivalent to their own, implying not only trust in the adequacy of other Member States' rules, but also trust that those rules are correctly applied.

(5) Article 47 of the Charter of Fundamental Rights of the European Union (hereinafter 'the Charter') and Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter 'the ECHR') enshrine the right to a fair trial. Article 48(2) of the Charter guarantees respect for the rights of the defence.

(6) Article 6 of the Charter and Article 5 ECHR enshrine the right to liberty and security of person. Any restrictions on that right must not exceed those permitted in accordance with Article 5 ECHR and inferred from the case-law of the European Court of Human Rights.

(7) Although all the Member States are party to the ECHR, experience has shown that that alone does not always provide a sufficient degree of trust in the criminal justice systems of other Member States.

(8) Strengthening mutual trust requires detailed rules on the protection of the procedural rights and guarantees arising from the Charter and from the ECHR.

⁽¹⁾ OJ C 54, 19.2.2011, p. 48.

⁽²⁾ Position of the European Parliament of 13 December 2011 (not yet published in the Official Journal) and decision of the Council of 26 April 2012.

⁽³⁾ OJ C 12, 15.1.2001, p. 10.

- (9) Article 82(2) of the Treaty on the Functioning of the European Union provides for the establishment of minimum rules applicable in the Member States so as to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension. That Article refers to 'the rights of individuals in criminal procedure' as one of the areas in which minimum rules may be established.
- (10) Common minimum rules should lead to increased confidence in the criminal justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation in a climate of mutual trust. Such common minimum rules should be established in the field of information in criminal proceedings.
- (11) On 30 November 2009, the Council adopted a resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings⁽¹⁾ (hereinafter 'the Roadmap'). Taking a step-by-step approach, the Roadmap called for the adoption of measures regarding the right to translation and interpretation (measure A), the right to information on rights and information about the charges (measure B), the right to legal advice and legal aid (measure C), the right to communication with relatives, employers and consular authorities (measure D), and special safeguards for suspects or accused persons who are vulnerable (measure E). The Roadmap emphasises that the order of the rights is only indicative and thus implies that it may be changed in accordance with priorities. The Roadmap is designed to operate as a whole; only when all its component parts have been implemented will its benefits be felt in full.
- (12) On 11 December 2009, the European Council welcomed the Roadmap and made it part of the Stockholm Programme — An open and secure Europe serving and protecting citizens⁽²⁾ (point 2.4). The European Council underlined the non-exhaustive character of the Roadmap, by inviting the Commission to examine further elements of minimum procedural rights for suspects and accused persons, and to assess whether other issues, for instance the presumption of innocence, need to be addressed, in order to promote better cooperation in that area.
- (13) The first measure adopted pursuant to the Roadmap, measure A, was Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings⁽³⁾.
- (14) This Directive relates to measure B of the Roadmap. It lays down common minimum standards to be applied in the field of information about rights and about the accusation to be given to persons suspected or accused of having committed a criminal offence, with a view to enhancing mutual trust among Member States. This Directive builds on the rights laid down in the Charter, and in particular Articles 6, 47 and 48 thereof, by building upon Articles 5 and 6 ECHR as interpreted by the European Court of Human Rights. In this Directive, the term 'accusation' is used to describe the same concept as the term 'charge' used in Article 6(1) ECHR.
- (15) In its Communication of 20 April 2010 entitled 'Delivering an area of freedom, security and justice for Europe's citizens — Action Plan Implementing the Stockholm Programme', the Commission announced that it would present a proposal on the right to information on rights and information about charges in 2010.
- (16) This Directive should apply to suspects and accused persons regardless of their legal status, citizenship or nationality.
- (17) In some Member States an authority other than a court having jurisdiction in criminal matters has competence for imposing sanctions in relation to relatively minor offences. That may be the case, for example, in relation to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require that the competent authority ensure all the rights under this Directive. Where the law of a Member State provides for the imposition of a sanction regarding minor offences by such an authority and there is either a right of appeal or the possibility for the case to be otherwise referred to a court having jurisdiction in criminal matters, this Directive should therefore apply only to the proceedings before that court following such an appeal or referral.
- (18) The right to information about procedural rights, which is inferred from the case-law of the European Court of Human Rights, should be explicitly established by this Directive.
- (19) The competent authorities should inform suspects or accused persons promptly of those rights, as they apply under national law, which are essential to safeguarding the fairness of the proceedings, either orally or in writing, as provided for by this Directive. In order to allow the practical and effective exercise of those rights, the information should be provided promptly in the course of the proceedings and at the latest before the first official interview of the suspect or accused person by the police or by another competent authority.
- (20) This Directive lays down minimum rules with respect to the information on rights of suspects or accused persons. This is without prejudice to information to be given on other procedural rights arising out of the Charter, the ECHR, national law and applicable Union law as interpreted by the relevant courts and tribunals. Once the information about a particular right has been provided, the competent authorities should not be required to

⁽¹⁾ OJ C 295, 4.12.2009, p. 1.

⁽²⁾ OJ C 115, 4.5.2010, p. 1.

⁽³⁾ OJ L 280, 26.10.2010, p. 1.

reiterate it, unless the specific circumstances of the case or the specific rules laid down in national law so require.

necessary to enable them to prepare their defence and to safeguard the fairness of the proceedings.

- (21) References in this Directive to suspects or accused persons who are arrested or detained should be understood to refer to any situation where, in the course of criminal proceedings, suspects or accused persons are deprived of liberty within the meaning of Article 5(1)(c) ECHR, as interpreted by the case-law of the European Court of Human Rights.
- (22) Where suspects or accused persons are arrested or detained, information about applicable procedural rights should be given by means of a written Letter of Rights drafted in an easily comprehensible manner so as to assist those persons in understanding their rights. Such a Letter of Rights should be provided promptly to each arrested person when deprived of liberty by the intervention of law enforcement authorities in the context of criminal proceedings. It should include basic information concerning any possibility to challenge the lawfulness of the arrest, obtaining a review of the detention, or requesting provisional release where, and to the extent that, such a right exists in national law. To help Member States draw up such a Letter of Rights, a model is provided in Annex I. That model is indicative and may be subject to review in the context of the Commission's report on the implementation of this Directive and also once all the Roadmap measures have entered into force. The Letter of Rights may include other relevant procedural rights that apply in Member States.
- (23) Specific conditions and rules relating to the right of suspects or accused persons to have another person informed about their arrest or detention are to be determined by the Member States in their national law. As set out in the Roadmap, the exercise of that right should not prejudice the due course of the criminal proceedings.
- (24) This Directive is without prejudice to the provisions of national law concerning safety of persons remaining in detention facilities.
- (25) Member States should ensure that, when providing information in accordance with this Directive, suspects or accused persons are provided, where necessary, with translations or interpretation into a language that they understand, in accordance with the standards set out in Directive 2010/64/EU.
- (26) When providing suspects or accused persons with information in accordance with this Directive, competent authorities should pay particular attention to persons who cannot understand the content or meaning of the information, for example because of their youth or their mental or physical condition.
- (27) Persons accused of having committed a criminal offence should be given all the information on the accusation necessary to enable them to prepare their defence and to safeguard the fairness of the proceedings.
- (28) The information provided to suspects or accused persons about the criminal act they are suspected or accused of having committed should be given promptly, and at the latest before their first official interview by the police or another competent authority, and without prejudicing the course of ongoing investigations. A description of the facts, including, where known, time and place, relating to the criminal act that the persons are suspected or accused of having committed and the possible legal classification of the alleged offence should be given in sufficient detail, taking into account the stage of the criminal proceedings when such a description is given, to safeguard the fairness of the proceedings and allow for an effective exercise of the rights of the defence.
- (29) Where, in the course of the criminal proceedings, the details of the accusation change to the extent that the position of suspects or accused persons is substantially affected, this should be communicated to them where necessary to safeguard the fairness of the proceedings and in due time to allow for an effective exercise of the rights of the defence.
- (30) Documents and, where appropriate, photographs, audio and video recordings, which are essential to challenging effectively the lawfulness of an arrest or detention of suspects or accused persons in accordance with national law, should be made available to suspects or accused persons or to their lawyers at the latest before a competent judicial authority is called to decide upon the lawfulness of the arrest or detention in accordance with Article 5(4) ECHR, and in due time to allow the effective exercise of the right to challenge the lawfulness of the arrest or detention.
- (31) For the purpose of this Directive, access to the material evidence, as defined in national law, whether for or against the suspect or accused person, which is in the possession of the competent authorities in relation to the specific criminal case, should include access to materials such as documents, and where appropriate photographs and audio and video recordings. Such materials may be contained in a case file or otherwise held by competent authorities in any appropriate way in accordance with national law.
- (32) Access to the material evidence in the possession of the competent authorities, whether for or against the suspect or accused person, as provided for under this Directive, may be refused, in accordance with national law, where such access may lead to a serious threat to the life or fundamental rights of another person or where refusal of such access is strictly necessary to safeguard an important public interest. Any refusal of such access must be weighed against the rights of the defence of the suspect or accused person, taking into account the different stages of the criminal proceedings. Restrictions on such access should be interpreted strictly and in accordance

with the principle of the right to a fair trial under the ECHR and as interpreted by the case-law of the European Court of Human Rights.

- (33) The right of access to the materials of a case should be without prejudice to the provisions of national law on the protection of personal data and the whereabouts of protected witnesses.
- (34) Access to the materials of the case, as provided for by this Directive, should be provided free of charge, without prejudice to provisions of national law providing for fees to be paid for documents to be copied from the case file or for sending materials to the persons concerned or to their lawyer.
- (35) Where information is provided in accordance with this Directive, the competent authorities should take note of this in accordance with existing recording procedures under national law and should not be subject to any additional obligation to introduce new mechanisms or to any additional administrative burden.
- (36) Suspects or accused persons or their lawyers should have the right to challenge, in accordance with national law, the possible failure or refusal of the competent authorities to provide information or to disclose certain materials of the case in accordance with this Directive. That right does not entail the obligation for Member States to provide for a specific appeal procedure, a separate mechanism, or a complaint procedure in which such failure or refusal may be challenged.
- (37) Without prejudice to judicial independence and to differences in the organisation of the judiciary across the Union, Member States should provide or encourage the provision of adequate training with respect to the objectives of this Directive to the relevant officials in Member States.
- (38) Member States should undertake all the necessary action to comply with this Directive. A practical and effective implementation of some of the provisions such as the obligation to provide suspects or accused persons with information about their rights in simple and accessible language could be achieved by different means including non-legislative measures such as appropriate training for the competent authorities or by a Letter of Rights drafted in simple and non-technical language so as to be easily understood by a lay person without any knowledge of criminal procedural law.
- (39) The right to written information about rights on arrest provided for in this Directive should also apply, *mutatis mutandis*, to persons arrested for the purpose of the execution of a European Arrest Warrant under Council

Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States⁽¹⁾. To help Member States draw up a Letter of Rights for such persons, a model is provided in Annex II. That model is indicative and may be subject to review in the context of the Commission's report on implementation of this Directive and also once all the Roadmap measures have come into force.

- (40) This Directive sets minimum rules. Member States may extend the rights set out in this Directive in order to provide a higher level of protection also in situations not explicitly dealt with in this Directive. The level of protection should never fall below the standards provided by the ECHR as interpreted in the case-law of the European Court of Human Rights.
- (41) This Directive respects fundamental rights and observes the principles recognised by the Charter. In particular, this Directive seeks to promote the right to liberty, the right to a fair trial and the rights of the defence. It should be implemented accordingly.
- (42) The provisions of this Directive that correspond to rights guaranteed by the ECHR should be interpreted and implemented consistently with those rights, as interpreted in the case-law of the European Court of Human Rights.
- (43) Since the objective of this Directive, namely establishing common minimum standards relating to the right to information in criminal proceedings, cannot be achieved by Member States acting unilaterally, at national, regional or local level, and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (44) In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Directive.
- (45) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

⁽¹⁾ OJ L 190, 18.7.2002, p. 1.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter

This Directive lays down rules concerning the right to information of suspects or accused persons, relating to their rights in criminal proceedings and to the accusation against them. It also lays down rules concerning the right to information of persons subject to a European Arrest Warrant relating to their rights.

Article 2

Scope

1. This Directive applies from the time persons are made aware by the competent authorities of a Member State that they are suspected or accused of having committed a criminal offence until the conclusion of the proceedings, which is understood to mean the final determination of the question whether the suspect or accused person has committed the criminal offence, including, where applicable, sentencing and the resolution of any appeal.

2. Where the law of a Member State provides for the imposition of a sanction regarding minor offences by an authority other than a court having jurisdiction in criminal matters, and the imposition of such a sanction may be appealed to such a court, this Directive shall apply only to the proceedings before that court, following such an appeal.

Article 3

Right to information about rights

1. Member States shall ensure that suspects or accused persons are provided promptly with information concerning at least the following procedural rights, as they apply under national law, in order to allow for those rights to be exercised effectively:

- (a) the right of access to a lawyer;
- (b) any entitlement to free legal advice and the conditions for obtaining such advice;
- (c) the right to be informed of the accusation, in accordance with Article 6;
- (d) the right to interpretation and translation;
- (e) the right to remain silent.

2. Member States shall ensure that the information provided for under paragraph 1 shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons.

Article 4

Letter of Rights on arrest

1. Member States shall ensure that suspects or accused persons who are arrested or detained are provided promptly

with a written Letter of Rights. They shall be given an opportunity to read the Letter of Rights and shall be allowed to keep it in their possession throughout the time that they are deprived of liberty.

2. In addition to the information set out in Article 3, the Letter of Rights referred to in paragraph 1 of this Article shall contain information about the following rights as they apply under national law:

- (a) the right of access to the materials of the case;
- (b) the right to have consular authorities and one person informed;
- (c) the right of access to urgent medical assistance; and
- (d) the maximum number of hours or days suspects or accused persons may be deprived of liberty before being brought before a judicial authority.

3. The Letter of Rights shall also contain basic information about any possibility, under national law, of challenging the lawfulness of the arrest; obtaining a review of the detention; or making a request for provisional release.

4. The Letter of Rights shall be drafted in simple and accessible language. An indicative model Letter of Rights is set out in Annex I.

5. Member States shall ensure that suspects or accused persons receive the Letter of Rights written in a language that they understand. Where a Letter of Rights is not available in the appropriate language, suspects or accused persons shall be informed of their rights orally in a language that they understand. A Letter of Rights in a language that they understand shall then be given to them without undue delay.

Article 5

Letter of Rights in European Arrest Warrant proceedings

1. Member States shall ensure that persons who are arrested for the purpose of the execution of a European Arrest Warrant are provided promptly with an appropriate Letter of Rights containing information on their rights according to the law implementing Framework Decision 2002/584/JHA in the executing Member State.

2. The Letter of Rights shall be drafted in simple and accessible language. An indicative model Letter of Rights is set out in Annex II.

Article 6

Right to information about the accusation

1. Member States shall ensure that suspects or accused persons are provided with information about the criminal act they are suspected or accused of having committed. That information shall be provided promptly and in such detail as is necessary to safeguard the fairness of the proceedings and the effective exercise of the rights of the defence.

2. Member States shall ensure that suspects or accused persons who are arrested or detained are informed of the reasons for their arrest or detention, including the criminal act they are suspected or accused of having committed.

3. Member States shall ensure that, at the latest on submission of the merits of the accusation to a court, detailed information is provided on the accusation, including the nature and legal classification of the criminal offence, as well as the nature of participation by the accused person.

4. Member States shall ensure that suspects or accused persons are informed promptly of any changes in the information given in accordance with this Article where this is necessary to safeguard the fairness of the proceedings.

Article 7

Right of access to the materials of the case

1. Where a person is arrested and detained at any stage of the criminal proceedings, Member States shall ensure that documents related to the specific case in the possession of the competent authorities which are essential to challenging effectively, in accordance with national law, the lawfulness of the arrest or detention, are made available to arrested persons or to their lawyers.

2. Member States shall ensure that access is granted at least to all material evidence in the possession of the competent authorities, whether for or against suspects or accused persons, to those persons or their lawyers in order to safeguard the fairness of the proceedings and to prepare the defence.

3. Without prejudice to paragraph 1, access to the materials referred to in paragraph 2 shall be granted in due time to allow the effective exercise of the rights of the defence and at the latest upon submission of the merits of the accusation to the judgment of a court. Where further material evidence comes into the possession of the competent authorities, access shall be granted to it in due time to allow for it to be considered.

4. By way of derogation from paragraphs 2 and 3, provided that this does not prejudice the right to a fair trial, access to certain materials may be refused if such access may lead to a serious threat to the life or the fundamental rights of another person or if such refusal is strictly necessary to safeguard an important public interest, such as in cases where access could prejudice an ongoing investigation or seriously harm the national security of the Member State in which the criminal proceedings are instituted. Member States shall ensure that, in accordance with procedures in national law, a decision to refuse access to certain materials in accordance with this paragraph is taken by a judicial authority or is at least subject to judicial review.

5. Access, as referred to in this Article, shall be provided free of charge.

Article 8

Verification and remedies

1. Member States shall ensure that when information is provided to suspects or accused persons in accordance with

Articles 3 to 6 this is noted using the recording procedure specified in the law of the Member State concerned.

2. Member States shall ensure that suspects or accused persons or their lawyers have the right to challenge, in accordance with procedures in national law, the possible failure or refusal of the competent authorities to provide information in accordance with this Directive.

Article 9

Training

Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request those responsible for the training of judges, prosecutors, police and judicial staff involved in criminal proceedings to provide appropriate training with respect to the objectives of this Directive.

Article 10

Non-regression

Nothing in this Directive shall be construed as limiting or derogating from any of the rights or procedural safeguards that are ensured under the Charter, the ECHR, other relevant provisions of international law or the law of any Member State which provides a higher level of protection.

Article 11

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 2 June 2014.

2. Member States shall transmit the text of those measures to the Commission.

3. When Member States adopt those measures they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by the Member States.

Article 12

Report

The Commission shall, by 2 June 2015, submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive, accompanied, if necessary, by legislative proposals.

Article 13

Entry into force

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

*Article 14***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 22 May 2012.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

N. WAMMEN

ANNEX I

**Indicative model Letter of Rights**

The sole purpose of this model is to assist national authorities in drawing up their Letter of Rights at national level. Member States are not bound to use this model. When preparing their Letter of Rights, Member States may amend this model in order to align it with their national rules and add further useful information. The Member State's Letter of Rights must be given upon arrest or detention. This however does not prevent Member States from providing suspects or accused persons with written information in other situations during criminal proceedings.

You have the following rights when you are arrested or detained:

A. ASSISTANCE OF A LAWYER/ENTITLEMENT TO LEGAL AID

You have the right to speak confidentially to a lawyer. A lawyer is independent from the police. Ask the police if you need help to get in contact with a lawyer, the police shall help you. In certain cases the assistance may be free of charge. Ask the police for more information.

B. INFORMATION ABOUT THE ACCUSATION

You have the right to know why you have been arrested or detained and what you are suspected or accused of having done.

C. INTERPRETATION AND TRANSLATION

If you do not speak or understand the language spoken by the police or other competent authorities, you have the right to be assisted by an interpreter, free of charge. The interpreter may help you to talk to your lawyer and must keep the content of that communication confidential. You have the right to translation of at least the relevant passages of essential documents, including any order by a judge allowing your arrest or keeping you in custody, any charge or indictment and any judgment. You may in some circumstances be provided with an oral translation or summary.

D. RIGHT TO REMAIN SILENT

While questioned by the police or other competent authorities, you do not have to answer questions about the alleged offence. Your lawyer can help you to decide on that.

E. ACCESS TO DOCUMENTS

When you are arrested and detained, you (or your lawyer) have the right to access essential documents you need to challenge the arrest or detention. If your case goes to court, you (or your lawyer) have the right to access the material evidence for or against you.

F. INFORMING SOMEONE ELSE ABOUT YOUR ARREST OR DETENTION/INFORMING YOUR CONSULATE OR EMBASSY

When you are arrested or detained, you should tell the police if you want someone to be informed of your detention, for example a family member or your employer. In certain cases the right to inform another person of your detention may be temporarily restricted. In such cases the police will inform you of this.

If you are a foreigner, tell the police if you want your consular authority or embassy to be informed of your detention. Please also tell the police if you want to contact an official of your consular authority or embassy.

G. URGENT MEDICAL ASSISTANCE

When you are arrested or detained, you have the right to urgent medical assistance. Please let the police know if you are in need of such assistance.

H. PERIOD OF DEPRIVATION OF LIBERTY

After your arrest you may be deprived of liberty or detained for a maximum period of ... [fill in applicable number of hours/days]. At the end of that period you must either be released or be heard by a judge who will decide on your further detention. Ask your lawyer or the judge for information about the possibility to challenge your arrest, to review the detention or to ask for provisional release.

ANNEX II

**Indicative model Letter of Rights for persons arrested on the basis of a European Arrest Warrant**

The sole purpose of this model is to assist national authorities in drawing up their Letter of Rights at national level. Member States are not bound to use this model. When preparing their Letter of Rights, Member States may amend this model in order to align it with their national rules and add further useful information.

You have been arrested on the basis of a European Arrest Warrant. You have the following rights:

A. INFORMATION ABOUT THE EUROPEAN ARREST WARRANT

You have the right to be informed about the content of the European Arrest Warrant on the basis of which you have been arrested.

B. ASSISTANCE OF A LAWYER

You have the right to speak confidentially to a lawyer. A lawyer is independent from the police. Ask the police if you need help to get in contact with a lawyer, the police shall help you. In certain cases the assistance may be free of charge. Ask the police for more information.

C. INTERPRETATION AND TRANSLATION

If you do not speak or understand the language spoken by the police or other competent authorities, you have the right to be assisted by an interpreter, free of charge. The interpreter may help you to talk to your lawyer and must keep the content of that communication confidential. You have the right to a translation of the European Arrest Warrant in a language you understand. You may in some circumstances be provided with an oral translation or summary.

D. POSSIBILITY TO CONSENT

You may consent or not consent to being surrendered to the State seeking you. Your consent would speed up the proceedings. [Possible addition of certain Member States: It may be difficult or even impossible to change this decision at a later stage.] Ask the authorities or your lawyer for more information.

E. HEARING

If you do not consent to your surrender, you have the right to be heard by a judicial authority.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 458/2012

of 31 May 2012

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 ⁽¹⁾, and in particular Article 11(1) thereof,

Whereas:

- (1) On 3 May 2012, the Council adopted Regulation (EU) No 377/2012.
- (2) In view of the gravity of the situation in Guinea-Bissau, and in accordance with 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 ⁽²⁾, additional persons should be included in the list of natural and legal persons, entities or bodies subject to restrictive measures set out in Annex I to Regulation (EU) No 377/2012,

HAS ADOPTED THIS REGULATION:

Article 1

The list set out in Annex I to Regulation (EU) No 377/2012 shall be replaced by the list in the Annex.

Article 2

This Regulation shall enter into force on the date 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, 31 May 2012.

*For the Council**The President*

N. WAMMEN

⁽¹⁾ OJ L 119, 4.5.2012, p. 1.

⁽²⁾ See page 36 of this Official Journal.

ANNEX

List of persons referred to in Article 1

	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
1.	General António INJAI (a.k.a. António INDJAI)	Nationality: Guinea-Bissau d.o.b.: 20 January 1955 p.o.b.: Encheia, Sector de Bissorá, Região de Oio, Guiné-Bissau Parentage: Wasna Injai and Quiritché Cofte Official function: Lieutenant General Chief of Staff to the Armed Forces Passport: Diplomatic passport AAID00435 Date of issue: 18/02/2010 Place of issue: Guinea-Bissau Date of expiry: 18/02/2013	António Injai was personally involved in planning and leading the mutiny of 1 April 2010, culminating with the illegal apprehension of the Prime Minister, Carlo Gomes Junior, and the then Chief of Staff of the Armed Forces, José Zamora Induta; during the 2012 electoral period, in his capacity as Chief of Staff of the Armed Forces, Injai made statements threatening to overthrow the elected authorities and to put an end to the electoral process; António Injai has been involved in the operational planning of the coup d'état of 12 April 2012. In the aftermath of the coup, the first communiqué by the "Military Command" was issued by the Armed Forces General Staff, which is led by General Injai.	3.5.2012
2.	Major General Mamadu TURE (N'KRUMAH)	Nationality – Guinea-Bissau d.o.b. 26 April 1947 Official function: Deputy Chief of Staff to the Armed Forces Diplomatic Passport no DA0002186 Date of issue: 30.03.2007 Place of issue: Guinea-Bissau Date of expiry: 26.08.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
3.	General Estêvão NA MENA	d.o.b. 07 March 1956 Official function: Inspector-General of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
4.	Brigadier General Ibraima CAMARA (a.k.a. "Papa Camara")	Nationality – Guinea-Bissau d.o.b. 11 May 1964 Parentage: Suareba Camara and Sale Queita Official function: Chief of Staff of the Air Force Diplomatic Passport no AAID00437 Date of Issue: 18.02.2010 Place of issue: Guinea-Bissau Date of expiry: 18.02.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
5.	Lieutenant colonel Daba NA WALNA (a.k.a. "Daba Na Walna")	Nationality – Guinea-Bissau d.o.b. 6 June 1966 Parentage: Samba Naulna and In- Uasne Nanfafe Official function: Spokesperson of the "Military Command" Passport no SA 0000417 Date of issue: 29.10.2003 Place of issue: Guinea-Bissau Date of expiry: 10.03.2013	Spokesperson of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012

	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
6.	General Augusto MÁRIO CÔ	Official function: Army Chief of Staff.	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
7.	General Saya Braia Na NHAPKA	Nationality: Guinea-Bissau Official function: Chief of the Presidential Guard	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
8.	Colonel Tomás DJASSI	Nationality: Guinea-Bissau D.o.b.: 18 September 1968 Official function: Commander of the National Guard Passport: AAIS00820 Date of issue: 24.11.2010 Place of issue: Guinea-Bissau Date of expiry: 27.04.2012	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012
9.	Colonel Cranha DANFÁ	Nationality: Guinea-Bissau Official function: Head of Operations of the Armed Forces Joint Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012
10.	Colonel Celestino de CARVALHO	Nationality: Guinea-Bissau D.o.b.: 14.06.1955 Parentage: Domingos de Carvalho e Josefa Cabral Official function: President of the National Defence Institute Passport: Diplomatic passport DA0002166 Date of issue: 19.02.2007 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Former Air Force Chief of Staff. His presence in a delegation which met with ECOWAS on April 26th confirms his participation in the "Military Command".	1.6.2012
11.	Captain (Navy) Sanhá CLUSSE	Nationality: Guinea-Bissau Date of Birth: 28 September 1965 Parentage: Clusse Mutchá and Dalu Imbungue Official function: Acting Navy Chief of Staff Passport: SA 0000515 Date of issue: 08.12.2003 Place of issue: Guinea-Bissau Date of expiry: 29.08.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. His presence in a delegation which met with ECOWAS on April 26th confirms his participation in the "Military Command".	1.6.2012
12.	Lieutenant-colonel Júlio NHATE	Nationality: Guinea-Bissau Year of Birth: 1972 Official function: Commander of the Paratroop Regiment	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lt Col Júlio Nhate conducted the military operation supporting the coup of 12 April 2012.	1.6.2012
13.	Lieutenant-colonel Tchipa NA BIDON	Nationality: Guinea-Bissau Date of Birth: 28 May 1954 Parentage: "Nabidom" Official function: Head of the Military Intelligence Passport: Diplomatic Passport DA0001564 Date of issue: 30.11.2005 Place of issue: Guinea-Bissau Date of expiry: 15.05.2011	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012

	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
14.	Lieutenant-colonel Tcham NA MAN (a.k.a. Namam)	Nationality: Guinea-Bissau D.o.b.: 27 February 1953 Parentage: Biute Naman and Ndjade Na Noa Official function: Head of the Armed Forces Military Hospital Passport: SA0002264 Date of issue: 24.07.2006 Place of issue: Guinea-Bissau Date of expiry: 23.07.2009	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lieutenant-colonel Tcham Na Man is also a member of the Military High Command.	1.6.2012
15.	Major Samuel FERNANDES	Nationality: Guinea-Bissau Date of Birth: 22 January 1965 Parentage: José Fernandes e Segunda Iamite Official function: Assistant to the Chief of Operations of the National Guard Passport: AAIS00048 Date of issue: 24.03.2009 Place of issue: Guinea-Bissau Date of expiry: 24.03.2012	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
16.	Major Idrissa DJALÓ	Nationality: Guinea-Bissau D.o.b.: 06 January 1962 Official function: Protocol advisor to the Armed Forces Chief of Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. He was one of the first officers to publicly assume his affiliation to the "Military Command", having signed one of its first communiqués (n°5, dated April 13th). Major Djaló also serves in military intelligence.	1.6.2012
17.	Commander (Navy) Bion NA TCHONGO (a.k.a. Nan Tchongo)	Nationality: Guinea-Bissau D.o.b.: 8 April 1961 Parentage: Cunha Nan Tchongo and Bucha Natcham Official function: Chief of the Naval Intelligence Passport: Diplomatic passport DA0001565 Date of issue: 01.12.2005 Place of issue: Guinea-Bissau Date of expiry: 30.11.2008	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
18.	Commander (Navy) Agostinho Sousa CORDEIRO	Nationality: Guinea-Bissau D.o.b.: 28 May 1962 Parentage: Luis Agostinho Cordeiro and Domingas Soares Official function: Chief of Logistics of the Armed Forces Joint Staff Passport: SA0000883 Date of issue: 14.04.2004 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012	1.6.2012
19.	Captain Paulo SUNSAI	Nationality: Guinea-Bissau Official function: Assistant to the North Region Military Commander	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012

	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
20.	Lieutenant Lassana CAMARÁ	Nationality: Guinea-Bissau Official function: Chief of the Financial Services of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Responsible for Misappropriation of public funds belonging to Customs, the Transports Directorate-General and the Border and Migration Directorate-General. These funds finance the "Military Command".	1.6.2012
21.	Lieutenant Julio NA MAN	Nationality: Guinea-Bissau Official function: Aide-de-Camp of the Chief of Staff of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lt Na Man was active in the operational command of the 12 April coup, under orders from António Injai. He has also taken part, on behalf of the "Military Command", in meetings with political parties.	1.6.2012

COMMISSION REGULATION (EU) No 459/2012**of 29 May 2012****amending Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6)****(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 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ⁽¹⁾, and in particular Article 5(3),

Having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) ⁽²⁾, in particular Article 39(2) thereof,

Whereas:

- (1) Regulation (EC) No 715/2007 and Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information ⁽³⁾ establish common technical requirements for the type approval of motor vehicles and replacement parts with regard to their emissions and lay down rules for in-service conformity, durability of pollution control devices, on-board diagnostic (OBD) systems, measurement of fuel consumption and accessibility of vehicle repair and maintenance information.
- (2) Pursuant to Regulation (EC) No 715/2007, a particle number (PN) standard is to be defined for vehicles equipped with a positive ignition engine to be approved according to Euro 6 standards.
- (3) Particles emitted by vehicles may be deposited in the alveoli of human lungs, potentially leading to respiratory

and cardiovascular illness and increased mortality. Therefore it is in the public interest to have a high level of protection from those particles.

- (4) For measuring the particle emissions of positive ignition vehicles, the Particulate Measurement Programme (PMP) measurement protocol developed for diesel vehicles is currently used. However, evidence exists that the size spectra and chemical compositions of particle emissions of positive ignition can differ from those of diesel vehicles. Particle size spectra and chemical composition, and the effectiveness of the current measurement technique in controlling harmful particle emissions, should be kept under review. A revision of that measurement protocol for positive ignition vehicles may be required in the future.
- (5) Based on today's knowledge, the level of particle emissions from conventional, port fuel injection (PFI) engines that inject the fuel into the intake manifolds or inlet ports rather than directly into the combustion chamber is low. Therefore, it appears to be justified to limit regulatory action for the moment to vehicles equipped with direct injection engines, without excluding further research and monitoring of the particle emission performance of all positive ignition engines, in particular with respect to the size spectrum and chemical composition of emitted particles as well as to the real driving emissions, and the Commission should propose further regulatory measures if necessary, also taking into account the future market share of PFI engines.
- (6) Regulation (EC) No 692/2008 has set a particle number emission limit of 6×10^{11} #/km for Euro 6 diesel vehicles. In accordance with the principle of technology neutral legislation, a respective emission limit for Euro 6 positive ignition vehicles should be the same since there is no evidence suggesting that particles emitted by PI engines have a lower specific toxicity than particles emitted by diesel engines.
- (7) Gasoline particle filters (GPF), an effective after-treatment technology for abating particles emitted by positive ignition vehicles, are expected to become available for integration into some Euro 6 vehicles at a reasonable cost. In addition, it appears likely that within a time frame of three years after the mandatory Euro 6 dates set out in Article 10 of Regulation (EC) No 715/2007, a similar reduction of PN emissions can be achieved with internal engine measures at substantially lower costs for many applications. Any engine measure must be

⁽¹⁾ OJ L 171, 29.6.2007, p. 1.

⁽²⁾ OJ L 263, 9.10.2007, p. 1.

⁽³⁾ OJ L 199, 28.7.2008, p. 1.

applicable to all engine working conditions to ensure that, in the absence of aftertreatment devices, emission levels in real life driving conditions are not worsened.

- (8) In order to allow for all necessary technologies to be developed and to allow adequate lead time, a two step approach should be adopted, which would apply the Euro 6 diesel particle number limits also to direct injection positive ignition vehicles in its second phase.
- (9) Attention shall be given to the particle emissions of positive ignition vehicles under real driving conditions and the development of respective test procedures. The Commission should develop and introduce corresponding measurement procedures at the latest three years after the entry into force of Euro 6.
- (10) The Commission should keep under review the impact of PN abatement measures on CO₂ emissions of positive ignition vehicles.
- (11) Pursuant to Article 4(7) of Regulation (EC) No 692/2008, vehicles falling under the scope of that Regulation may only be type-approved to Euro 6 emission standards once on-board-diagnostic (OBD) thresholds limits have been introduced. OBD is an important tool for identifying malfunctions of pollution control devices.
- (12) In its Communication 2008/C 182/08 on the application and future development of Community legislation concerning vehicle emissions from light-duty vehicles and access to repair and maintenance information (Euro 5 and 6) ⁽¹⁾ the Commission has suggested a series of OBD threshold limits, which broadly reflect the thresholds applied to most light duty vehicles in the United States and Canada from the year 2013 onwards, where the majority of vehicles' OBD systems are compliant with the legislation set by the Californian Air Resources Board (CARB). An alignment of the Union's requirements with those of the United States would be in accordance with the objectives of international harmonisation and would provide a high level of environmental protection.
- (13) However, the OBD requirements in the United States are technologically challenging for vehicle manufacturers not exporting into the United States. Therefore, an initial period of three years of more lenient OBD requirements should be adopted, providing more lead time to the industry.
- (14) The final Euro 6 OBD threshold limits for CO, NMHC and PM provided by Regulation (EC) No 692/2008

should be more lenient than the values suggested in Communication 2008/C 182/08, reflecting particular technical difficulties in those areas. In addition, no Euro 6 OBD threshold limit for particle numbers should be adopted by this Regulation.

- (15) The environmental need, technical feasibility and cost/benefit ratios of more stringent Euro 6 OBD threshold limits applicable to CO and NMHC and of setting a particle number Euro 6 OBD threshold limit should be evaluated at a later stage. Any resulting amendment of the regulatory requirements in that respect should only be introduced with appropriate lead time for industry. Given the complexity of OBD systems, such lead time is typically three to four years.
- (16) Regulations (EC) No 715/2007 and (EC) No 692/2008 should therefore be amended accordingly.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Technical Committee — Motor Vehicles,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 715/2007 is amended as follows:

- (1) in Article 3, at the end of point 17, the full stop should be changed into a semicolon;
- (2) in Article 3, the following point 18 is added:
 - '18. "direct injection engine" means an engine which can operate in a mode where the fuel is injected into the intake air after the air has been drawn through the inlet valves;'
- (3) in Article 10, the following paragraph 7 is added:
 - '7. Until three years after the applicable dates set out in paragraphs 4 and 5 for new type approvals and the registration, sale or entry into service of new vehicles and upon the choice of the manufacturer, a particle number emission limit of 6×10^{12} #/km shall apply to vehicles with a direct injection positive ignition engine;'
- (4) Annex I is amended in accordance with Annex I to this Regulation.

⁽¹⁾ OJ C 182, 19.7.2008, p. 17.

Article 2

Regulation (EC) No 692/2008 is amended as follows:

- (1) in Article 4, paragraph 7 is deleted;
- (2) Annexes I, XI and XVI are amended in accordance with Annex II to this Regulation.

Article 3

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

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

Done at Brussels, 29 May 2012.

For the Commission
The President
José Manuel BARROSO

Amendments to Regulation (EC) No 715/2007

Annex I to Regulation (EC) No 715/2007 is amended as follows:

(1) the text in the second row of the last column of Table 1 (Euro 5 emission limits) is replaced by the following:

‘Number of particles (PN)’;

(2) Table 2 is replaced by the following table:

Table 2

Euro 6 Emission Limits

Category		Reference mass (RM) (kg)	Limit values													
			Mass of carbon monoxide (CO)		Mass of total hydrocarbons (THC)		Mass of non-methane hydrocarbons (NMHC)		Mass of oxides of nitrogen (NO _x)		Combined mass of hydrocarbons and oxides of nitrogen (THC + NO _x)		Mass of particulate matter (PM) ⁽¹⁾		Number of particles (PN)	
			L ₁ (mg/km)		L ₂ (mg/km)		L ₃ (mg/km)		L ₄ (mg/km)		L ₂ + L ₄ (mg/km)		L ₅ (mg/km)		L ₆ (#/km)	
Category	Class		PI	CI	PI	CI	PI	CI	PI	CI	PI	CI	PI ⁽²⁾	CI	PI ⁽²⁾ ⁽³⁾	CI
M	—	All	1 000	500	100	—	68	—	60	80	—	170	4,5	4,5	$6,0 \times 10^{11}$	$6,0 \times 10^{11}$
N ₁	I	RM ≤ 1 305	1 000	500	100	—	68	—	60	80	—	170	4,5	4,5	$6,0 \times 10^{11}$	$6,0 \times 10^{11}$
	II	1 305 < RM ≤ 1 760	1 810	630	130	—	90	—	75	105	—	195	4,5	4,5	$6,0 \times 10^{11}$	$6,0 \times 10^{11}$
	III	1 760 < RM	2 270	740	160	—	108	—	82	125	—	215	4,5	4,5	$6,0 \times 10^{11}$	$6,0 \times 10^{11}$
N ₂	—	All	2 270	740	160	—	108	—	82	125	—	215	4,5	4,5	$6,0 \times 10^{11}$	$6,0 \times 10^{11}$

Key: PI = Positive Ignition, CI = Compression Ignition

⁽¹⁾ A limit of 5,0 mg/km for the mass of particulate emissions applies to vehicles type approved to the emission limits of this table with the previous particulate mass measurement protocol, before 1.9.2011.

⁽²⁾ Positive ignition particulate mass and number limits shall apply only to vehicles with direct injection engines.

⁽³⁾ Until three years after the dates specified in Article 10(4) and (5) for new type approvals and new vehicles respectively, a particle number emission limit of $6,0 \times 10^{12}$ #/km shall apply to Euro 6 PI direct injection vehicles upon the choice of the manufacturer. Until those dates at the latest a type approval test method ensuring the effective limitation of the number of particles emitted by vehicles under real driving conditions shall be implemented.’

ANNEX II

Amendments to Regulation (EC) No 692/2008

Regulation (EC) No 692/2008 is amended as follows:

(1) Appendix 6 to Annex I is amended as follows:

(a) in point 1, the second sentence is replaced by the following:

‘This number shall be followed by one or more characters reflecting the different categories in accordance with Table 1.’;

(b) Table 1 is replaced by the following table:

Table 1

Character	Emissions standard	OBD standard	Vehicle category and class	Engine	Implementation date: new types	Implementation date: new vehicles	Last date of registration
A	Euro 5a	Euro 5	M, N ₁ class I	PI, CI	1.9.2009	1.1.2011	31.12.2012
B	Euro 5a	Euro 5	M ₁ to fulfil specific social needs (excluding M ₁ G)	CI	1.9.2009	1.1.2012	31.12.2012
C	Euro 5a	Euro 5	M ₁ G to fulfil specific social needs	CI	1.9.2009	1.1.2012	31.8.2012
D	Euro 5a	Euro 5	N ₁ class II	PI, CI	1.9.2010	1.1.2012	31.12.2012
E	Euro 5a	Euro 5	N ₁ class III, N ₂	PI, CI	1.9.2010	1.1.2012	31.12.2012
F	Euro 5b	Euro 5	M, N ₁ class I	PI, CI	1.9.2011	1.1.2013	31.12.2013
G	Euro 5b	Euro 5	M ₁ to fulfil specific social needs (excluding M ₁ G)	CI	1.9.2011	1.1.2013	31.12.2013
H	Euro 5b	Euro 5	N ₁ class II	PI, CI	1.9.2011	1.1.2013	31.12.2013
I	Euro 5b	Euro 5	N ₁ class III, N ₂	PI, CI	1.9.2011	1.1.2013	31.12.2013
J	Euro 5b	Euro 5+	M, N ₁ class I	PI, CI	1.9.2011	1.1.2014	31.8.2015
K	Euro 5b	Euro 5+	M ₁ to fulfil specific social needs (excluding M ₁ G)	CI	1.9.2011	1.1.2014	31.8.2015
L	Euro 5b	Euro 5+	N ₁ class II	PI, CI	1.9.2011	1.1.2014	31.8.2016

Character	Emissions standard	OBD standard	Vehicle category and class	Engine	Implementation date: new types	Implementation date: new vehicles	Last date of registration
M	Euro 5b	Euro 5+	N ₁ class III, N ₂	PI, CI	1.9.2011	1.1.2014	31.8.2016
N	Euro 6a	Euro 6-	M, N ₁ class I	CI			31.12.2012
O	Euro 6a	Euro 6-	N ₁ class II	CI			31.12.2012
P	Euro 6a	Euro 6-	N ₁ class III, N ₂	CI			31.12.2012
Q	Euro 6b	Euro 6-	M, N ₁ class I	CI			31.12.2013
R	Euro 6b	Euro 6-	N ₁ class II	CI			31.12.2013
S	Euro 6b	Euro 6-	N ₁ class III, N ₂	CI			31.12.2013
T	Euro 6b	Euro 6-plus IUPR	M, N ₁ class I	CI			31.8.2015
U	Euro 6b	Euro 6-plus IUPR	N ₁ class II	CI			31.8.2016
V	Euro 6b	Euro 6-plus IUPR	N ₁ class III, N ₂	CI			31.8.2016
W	Euro 6b	Euro 6-1	M, N ₁ class I	PI, CI	1.9.2014	1.9.2015	31.8.2018
X	Euro 6b	Euro 6-1	N ₁ class II	PI, CI	1.9.2015	1.9.2016	31.8.2019
Y	Euro 6b	Euro 6-1	N ₁ class III, N ₂	PI, CI	1.9.2015	1.9.2016	31.8.2019
ZA	Euro 6c	Euro 6-2	M, N ₁ class I	PI, CI	1.9.2017	1.9.2018	
ZB	Euro 6c	Euro 6-2	N ₁ class II	PI, CI	1.9.2018	1.9.2019	
ZC	Euro 6c	Euro 6-2	N ₁ class III, N ₂	PI, CI	1.9.2018	1.9.2019	

Character	Emissions standard	OBD standard	Vehicle category and class	Engine	Implementation date: new types	Implementation date: new vehicles	Last date of registration
ZX	n.a.	n.a.	All vehicles	Battery full electric	1.9.2009	1.1.2011	
ZY	n.a.	n.a.	All vehicles	Fuel cell full electric	1.9.2009	1.1.2011	
ZZ	n.a.	n.a.	All vehicles using certificates according to point 2.1.1 of Annex I	PI, CI	1.9.2009	1.1.2011	

Key:

"Euro 5a" emissions standard = excludes revised measurement procedure for particulate matter, particle number standard and flex fuel vehicle low temperature emission testing with biofuel;

"Euro 5b" emissions standard = Full Euro 5 emission requirements including revised measurement procedure for particulate matter, particle number standard for CI vehicles and flex fuel vehicle low temperature emission testing with biofuel;

"Euro 6a" emissions standard = excludes revised measurement procedure for particulate matter, particle number standard and flex fuel vehicle low temperature emission testing with biofuel;

"Euro 6b" emissions standard = Euro 6 emission requirements including revised measurement procedure for particulate matter, particle number standards (preliminary values for PI vehicles) and flex fuel vehicle low temperature emission testing with biofuel;

"Euro 6c" emissions standard = Full Euro 6 emission requirements, i.e. Euro 6b emission standard and final particle number standards for PI vehicles;

"Euro 5" OBD standard = Base Euro 5 OBD requirements excluding in use performance ratio (IUPR), NO_x monitoring for petrol vehicles and tightened PM threshold limits for diesel;

"Euro 5+" OBD standard = includes relaxed in use performance ratio (IUPR), NO_x monitoring for petrol vehicles and tightened PM threshold limits for diesel;

"Euro 6-" OBD standard = relaxed OBD threshold limits;

"Euro 6- plus IUPR" OBD standard = includes relaxed OBD threshold limits and relaxed in use performance ratio (IUPR);

"Euro 6-1" OBD standard = Full Euro 6 OBD requirements but with preliminary OBD threshold limits as defined in point 2.3.4 of Annex XI and partially relaxed IUPR;

"Euro 6-2" OBD standard = Full Euro 6 OBD requirements but with final OBD threshold limits as defined in point 2.3.3 of Annex XI.

(2) Annex XI is amended as follows:

(a) the following points 2.3.3 and 2.3.4 are inserted:

'2.3.3. The OBD thresholds limits for vehicles that are type approved according to the Euro 6 emission limits set out in Table 2 of Annex I to Regulation (EC) No 715/2007 from three years after the dates given in Article 10(4) and 10(5) of that Regulation are given in the following table:

Final Euro 6 OBD threshold limits

		Reference mass (RM) (kg)	Mass of carbon monoxide		Mass of non-methane hydrocarbons		Mass of oxides of nitrogen		Mass of particulate matter		Number of particles	
			(CO) (mg/km)		(NMHC) (mg/km)		(NO _x) (mg/km)		(PM) (mg/km)		(PN) (#/km)	
Category	Class		PI	CI	PI	CI	PI	CI	CI	PI	CI	PI
M	—	All	1 900	1 750	170	290	90	140	12	12		
N ₁ ⁽³⁾	I	RM ≤ 1 305	1 900	1 750	170	290	90	140	12	12		

Category	Class	Reference mass (RM) (kg)	Mass of carbon monoxide		Mass of non-methane hydrocarbons		Mass of oxides of nitrogen		Mass of particulate matter		Number of particles	
			(CO) (mg/km)		(NMHC) (mg/km)		(NO _x) (mg/km)		(PM) (mg/km)		(PN) (#/km)	
			PI	CI	PI	CI	PI	CI	CI	PI	CI	PI
	II	1 305 < RM ≤ 1 760	3 400	2 200	225	320	110	180	12	12		
	III	1 760 < RM	4 300	2 500	270	350	120	220	12	12		
N ₂	—	All	4 300	2 500	270	350	120	220	12	12		

Key: PI = Positive Ignition, CI = Compression Ignition.

Explanatory note:

The OBD thresholds set out in the table are subject to a review to be conducted by the Commission by 1 September 2014. Where the thresholds appear to be not technically feasible, their values or the mandatory date of application are to be amended accordingly, considering the effects of other new requirements and tests that will be introduced for Euro 6 vehicles. Where the review shows an environmental need as well as technical feasibility and a net monetised benefit, more stringent values need to be adopted and OBD threshold limits for particle numbers or, where applicable, other regulated pollutants introduced. In doing so, appropriate lead time for introducing the technical developments has to be given to the industry.

- 2.3.4. Until three years after the dates specified in Article 10(4) and (5) of Regulation (EC) No 715/2007 for new type approvals and new vehicles respectively, the following OBD threshold limits shall be applied to vehicles that are type approved according to the Euro 6 emission limits set out in Table 2 of Annex I to Regulation (EC) No 715/2007, upon the choice of the manufacturer:

Preliminary Euro 6 OBD threshold limits

Category	Class	Reference mass (RM) (kg)	Mass of carbon monoxide		Mass of non-methane hydrocarbons		Mass of oxides of nitrogen		Mass of particulate matter	
			(CO) (mg/km)		(NMHC) (mg/km)		(NO _x) (mg/km)		(PM) (mg/km)	
			PI	CI	PI	CI ⁽²⁾	PI	CI	CI	PI
M	—	All	1 900	1 750	170	290	150	180	25	25
N ₁ ⁽³⁾	I	RM ≤ 1 305	1 900	1 750	170	290	150	180	25	25
	II	1 305 < RM ≤ 1 760	3 400	2 200	225	320	190	220	25	25
	III	1 760 < RM	4 300	2 500	270	350	210	280	30	30
N ₂	—	All	4 300	2 500	270	350	210	280	30	30

Key: PI = Positive Ignition, CI = Compression Ignition.⁽²⁾

- (b) point 2.14 is replaced by the following:

- ‘2.14. Contrary to point 3.3.5 of Annex 11 to UN/ECE Regulation No 83, the following devices shall be monitored for total failure or removal if the latter resulted in exceeding the applicable emission limits:

— as from 1 September 2011, a particulate trap fitted to compression ignition engines as a separate unit or integrated into a combined emission control device,

- for vehicles certified against either the OBD threshold limits shown in the tables set out in point 2.3.3 or 2.3.4, a NO_x aftertreatment system fitted to compression ignition engines as a separate unit or integrated into a combined emission control device,
- for vehicles certified against either the OBD threshold limits shown in the tables set out in point 2.3.3 or 2.3.4, a diesel oxidation catalyst (DOC) fitted to compression ignition engines as a separate unit or integrated into a combined emission control device.

The devices referred to in the first paragraph shall also be monitored for any failure that would result in exceeding the applicable OBD threshold limits.;

(c) in point 3.1.5 of Appendix 1, the following sentence is added:

‘For new type approvals and new vehicles the monitor required by point 2.9 of this Annex shall have an IUPR greater or equal to 0,1 until three years after the dates specified in Article 10(4) and (5) of Regulation (EC) No 715/2007 respectively.;

(3) in Annex XVI, point 6.2 is replaced by the following:

‘6.2. The manufacturer shall demonstrate that use of the sensors referred to in point 6.1 and any other sensors on the vehicle, results in the activation of the driver warning system as referred to in point 3, the display of a message indicating an appropriate warning (e.g. “emissions too high — check urea”, “emissions too high — check AdBlue”, “emissions too high — check reagent”), and the driver inducement system as referred to in point 8.3, when the situations referred to in points 4.2, 5.4 or 5.5 occur.

For the purposes of this point these situations are presumed to occur:

- in the case of vehicles approved to the Euro 5 emission limits of Table 1 of Annex I to Regulation (EC) No 715/2007, if the applicable NO_x emission limit of that table multiplied by a factor of 1,5, is exceeded,
- in the case of vehicles approved to the Euro 6 emission limits of Table 2 of Annex I to Regulation (EC) No 715/2007, if the applicable NO_x OBD threshold limit of the tables set out in points 2.3.2, 2.3.3 or 2.3.4 of Annex XI is exceeded.

NO_x emissions during the test to demonstrate compliance with these requirements shall be no more than 20 % higher than the values referred to in the second paragraph.’

COMMISSION REGULATION (EU) No 460/2012**of 29 May 2012****establishing a prohibition of fishing in category 9 'pelagic freezer trawlers' in the Mauritanian Economic Zone by vessels flying the flag of a Member State of the European Union**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EC) No 704/2008 of 15 July 2008 on the conclusion of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Community and the Islamic Republic of Mauritania for the period 1 August 2008 to 31 July 2012 ⁽²⁾ has limited the fishing opportunities for category 9 (pelagic freezer trawlers) to a reference tonnage of 250 000 tonnes.
- (2) Considering that on the basis of Article 2(3) of this aforementioned regulation, a supplementary quota of 2 654 tonnes has been allocated for the period from 1 August 2011 to 31 July 2012, bringing the total reference tonnage to 252 654 tonnes
- (3) According to the information received by the Commission, catches reported in this fishing category

by vessels flying the flag in the Member States concerned have exhausted the quota allocated for the above reference period.

- (4) It is therefore necessary to prohibit fishing activities for this fishing category,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member States concerned shall be deemed to be exhausted from 24 April 2012.

*Article 2***Prohibitions**

Fishing activities in category 9 by vessels flying the flag in the Member States concerned shall be prohibited as from midnight on 23 April 2012. In particular it shall be prohibited to retain on board, relocate, tranship or land fish caught by those vessels after that date.

*Article 3***Entry into force**

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

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

Done at Brussels, 29 May 2012.

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

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 203, 31.7.2008, p. 1.

COMMISSION REGULATION (EU) No 461/2012**of 31 May 2012****amending Council Regulation (EC) No 1165/98 concerning short-term statistics and Commission Regulations (EC) No 1503/2006, (EC) No 657/2007 and (EC) No 1178/2008 as regards adaptations related to the removal of the industrial new orders variables****(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 1165/98 of 19 May 1998 concerning short-term statistics⁽¹⁾, and in particular Article 17, points (b) to (g) thereof,

Whereas:

- (1) Regulation (EC) No 1165/98 established a common framework for the production of short-term Community statistics on the business cycle and laid down the required variables for the analysis of the short-term evolution of supply and demand, production factors and prices.
- (2) Commission Regulation (EC) No 1503/2006 of 28 September 2006 implementing and amending Council Regulation (EC) No 1165/98 concerning short-term statistics as regards definitions of variables, list of variables and frequency of data compilation⁽²⁾ provided definitions of the objectives and characteristics of the variables.
- (3) Commission Regulation (EC) No 657/2007 of 14 June 2007 implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the establishment of European sample schemes⁽³⁾, specified the rules and conditions with regard to transmission of data by Member States participating in European sample schemes for short-term statistics.
- (4) Commission Regulation (EC) No 1178/2008 of 28 November 2008, amending Council Regulation (EC) No 1165/98 concerning short-term statistics and Commission Regulations (EC) No 1503/2006 and (EC) No 657/2007 as regards adaptations following the revision of statistical classifications NACE and CPA⁽⁴⁾, updated the rules and conditions for the European sample schemes following the adoption of Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision

2 and amending Council Regulation (EEC) No 3037/90, as well as certain EC Regulations on specific statistical domains⁽⁵⁾, and Regulation (EC) No 451/2008 of the European Parliament and of the Council of 23 April 2008 establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No 3696/93⁽⁶⁾.

- (5) The industrial new orders variables introduced by Regulation (EC) No 1165/98 were intended to serve as a leading indicator of future production. However, the predictive capacity of these variables has proven to be limited, and since these variables have failed to demonstrate stable leading properties across all Member States, the European Statistical System Committee has agreed that the data collection of the industrial new orders variables should be stopped in the context of prioritisation in the development and production of statistics in the light of reduced resources and with the objective of reducing the burden on the European Statistical System.
- (6) In order to implement the removal of the industrial new orders variables, it is necessary to remove all references made to these variables in connexion with the list of variables, the reference period, the level of detail, the deadline for data transmission, the transition period and the definitions to be applied to these variables, and also in relation to the terms of the European sample scheme concerning non-domestic new orders.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annex A to Regulation (EC) No 1165/98 is amended in accordance with Annex I to this Regulation.

Article 2

Annex I to Regulation (EC) No 1503/2006 is amended in accordance with Annex II to this Regulation.

⁽¹⁾ OJ L 162, 5.6.1998, p. 1.

⁽²⁾ OJ L 281, 12.10.2006, p. 15.

⁽³⁾ OJ L 155, 15.6.2007, p. 7.

⁽⁴⁾ OJ L 319, 29.11.2008, p. 16.

⁽⁵⁾ OJ L 393, 30.12.2006, p. 1.

⁽⁶⁾ OJ L 145, 4.6.2008, p. 65.

Article 3

In Regulation (EC) No 657/2007 Articles 1 and 2 are replaced by the following:

Article 1

European sample schemes may be applied when compiling statistics that distinguish between the euro area and non-euro-area for the following two variables specified in Annex A to Regulation (EC) No 1165/98:

Variable	Name
312	Output prices of the non-domestic market
340	Import prices

Article 2

Member States participating in the European sample scheme referred to in Article 1 shall transmit data to the Commission (Eurostat) at least for the NACE activities, for variable No 312, and CPA products, for variable No 340, specified in the Annex.’.

Article 4

Annex III to Regulation (EC) No 1178/2008 is amended in accordance with Annex III to this Regulation.

Article 5

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, 31 May 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Annex A to Regulation (EC) No 1165/98 is amended as follows:

(1) point (c) (List of variables) is amended as follows:

- (a) in paragraph 1, the variables '130 New orders received', '131 Domestic new orders' and '132 Non-domestic new orders' are deleted;
- (b) paragraphs 3 and 8 are deleted;

(2) in point (e) (Reference period), variables 130, 131 and 132 and their respective reference periods are deleted;

(3) point (f) (Level of detail) is amended as follows:

- (a) paragraph 4 is replaced by the following:

'4. In addition, all variables except for the turnover variables (Nos 120, 121, 122) are to be transmitted for total industry defined as NACE Rev. 2 Sections B to E and the main industrial groupings (MIGs) as defined in Commission Regulation (EC) No 586/2001 (*).

(*) OJ L 86, 27.3.2001, p. 11.;

- (b) paragraph 6 is deleted;

- (c) paragraph 9 is replaced by the following:

'9. The variables on the non-domestic markets (Nos 122 and 312) are to be transmitted according to the distinction into euro-zone and non-euro-zone. The distinction is to be applied to the total industry defined as NACE Rev. 2 Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of NACE Rev. 2. The information on NACE Rev. 2 D and E is not required for variable 122. In addition, the import price variable (No 340) is to be transmitted according to the distinction into euro-zone and non-euro-zone. The distinction is to be applied to the total industry defined as CPA Sections B to E, the MIGs, the Section (1 letter) and Division 2-digit level of CPA. For the distinction into the euro-zone and non-euro-zone, the Commission may determine the terms for applying European sample schemes as defined in point (d) of the first subparagraph of Article 4(2). Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 18(3). The European sample scheme may limit the scope of the import price variable to the import of products from non-euro-zone countries. The distinction into the euro-zone and non-euro-zone for the variables 122, 312 and 340 does not need to be transmitted by those Member States that have not adopted the euro as their currency.;

- (4) in point (g) (Deadlines for data transmission), paragraph 1, variables 130, 131 and 132 and their respective deadlines '1 month and 20 calendar days' are deleted;

- (5) in point (j) (Transition period), paragraph 3 is replaced by the following:

'3. A transition period ending on 11 August 2007 may be granted for the variable 340 and the distinction into the euro-zone and non-euro-zone for the variables 122, 312 and 340 in accordance with the procedure laid down in Article 18(2).'

ANNEX II

Annex I to Regulation (EC) No 1503/2006 is amended as follows:

Variables: '130 New orders received', '131 Domestic new orders' and '132 Non-domestic new orders' are deleted.

ANNEX III

Annex III to Regulation (EC) No 1178/2008 is amended as follows:

Paragraph '**132 NON-DOMESTIC NEW ORDERS**' is deleted.

COMMISSION IMPLEMENTING REGULATION (EU) No 462/2012**of 31 May 2012****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 31 May 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	87,5
	MA	66,7
	TR	75,8
	ZZ	76,7
0707 00 05	MK	53,3
	TR	126,8
	ZZ	90,1
0709 93 10	TR	100,9
	ZZ	100,9
0805 50 10	TR	59,0
	ZA	80,4
	ZZ	69,7
0808 10 80	AR	114,9
	BR	84,6
	CA	161,4
	CL	98,5
	CN	87,3
	NZ	145,0
	US	182,9
	UY	67,3
	ZA	101,6
0809 29 00	ZZ	115,9
	US	577,9
	ZZ	577,9

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

COMMISSION IMPLEMENTING REGULATION (EU) No 463/2012
of 31 May 2012
fixing the import duties in the cereals sector applicable from 1 June 2012

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

Whereas:

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

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

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

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

(4) Import duties should be fixed for the period from 1 June 2012 and should apply until new import duties are fixed and enter into force.

(5) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 June 2012, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

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

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

Done at Brussels, 31 May 2012.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 June 2012

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

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

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

15.5.2012-30.5.2012

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

(EUR/tonne)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	239,77	184,86	—	—	—
Fob price USA	—	—	234,22	224,22	204,22
Gulf of Mexico premium	—	26,24	—	—	—
Great Lakes premium	47,85	—	—	—	—

⁽¹⁾ Premium of EUR 14/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of EUR 10/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of EUR 30/t (Article 5(3) of Regulation (EU) No 642/2010).

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

Freight costs: Gulf of Mexico-Rotterdam: 18,32 EUR/t

Freight costs: Great Lakes-Rotterdam: 53,36 EUR/t

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/1/2012

of 25 May 2012

on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)

(2012/284/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾ (Atalanta), and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.
- (2) On 2 December 2011, the PSC adopted Decision Atalanta/4/2011 ⁽²⁾ appointing Captain Jorge MANSO as EU Force Commander.
- (3) The EU Operation Commander has recommended the appointment of Rear-Admiral Jean-Baptiste DUPUIS as the new EU Force Commander.

(4) The EU Military Committee supports that recommendation.

(5) In accordance with Article 5 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Rear-Admiral Jean-Baptiste DUPUIS is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast.

Article 2

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

It shall apply from 6 April 2012.

Done at Brussels, 25 May 2012.

For the Political and Security Committee
The Chairperson
O. SKOOG

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ OJ L 320, 3.12.2011, p. 32.

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 and repealing Decision 2012/237/CFSP**

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 3 May 2012, the Council adopted Decision 2012/237/CFSP concerning restrictive measures directed against certain persons, entities and bodies threatening the peace, security or stability of the Republic of Guinea-Bissau ⁽¹⁾.
- (2) On 18 May 2012, the United Nations Security Council adopted a Resolution 2048 (2012), which imposed a travel ban on persons seeking to prevent the restoration of the constitutional order or taking action that undermines stability in the Republic of Guinea-Bissau, in particular those who played a leading role in the coup d'état of 12 April 2012 and who aim, through their actions, at undermining the rule of law, curtailing the primacy of civilian power and furthering impunity and instability in the country.
- (3) In view of the gravity of the situation in the Republic of Guinea-Bissau, additional persons should be included in the lists of persons and entities subject to the restrictive measures provided for in Decision 2012/237/CFSP.
- (4) Decision 2012/237/CFSP should therefore be repealed and replaced by this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

- (a) persons listed in the Annex to UNSCR 2048 (2012), and additional persons designated by the Security Council or by the Committee established pursuant to paragraph 9 of UNSCR 2048 (2012) ('the Committee'), in accordance with paragraph 6 of UNSCR 2048 (2012), as listed in Annex I;
- (b) persons not covered by Annex I engaging in or providing support for acts that threaten the peace, security or stability of the Republic of Guinea-Bissau and persons associated with them, as listed in Annex II.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1(a) shall not apply where the Committee determines that:

- (a) travel is justified on the grounds of humanitarian need, including religious obligation; or
- (b) an exemption would further the objectives of peace and national reconciliation in the Republic of Guinea-Bissau and stability in the region.

4. Paragraph 1(a) shall not apply where entry or transit is necessary for the fulfilment of a judicial proceeding.

5. Paragraph 1(b) shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
- (c) under a multilateral agreement conferring privileges and immunities; or
- (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

6. Paragraph 5 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

7. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 5 or 6.

8. Member States may grant exemptions from the measures imposed under paragraph 1(b) where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in the Republic of Guinea-Bissau.

⁽¹⁾ OJ L 119, 4.5.2012, p. 43.

9. A Member State wishing to grant exemptions referred to in paragraph 8 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raise an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may none the less decide to grant the proposed exemption.

10. In cases where, pursuant to paragraphs 5, 6, 8 and 9, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex II, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by natural or legal persons, entities or bodies engaging in or providing support for acts that threaten the peace, security or stability of the Republic of Guinea-Bissau and natural or legal persons, entities or bodies associated with them, as listed in Annex III, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex III.

3. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the persons listed in Annex III and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds and economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the other competent authorities and the Commission at least two weeks prior to the authorisation.

Member States shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authority of a Member State may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in paragraph 1 was included in Annex III or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds and economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a natural or legal person, entity or body listed in Annex III;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned.

Member States shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the provisions of this Decision;

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 3

1. The Council shall implement modifications to Annex I on the basis of the determinations made by the Security Council or by the Committee.

2. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt amendments to the lists contained in Annexes II and III as required.

3. The Council shall communicate its decision, including the grounds for the listing, to the natural or legal person, entity or body concerned listed in Annex III, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

4. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body concerned listed in Annex III accordingly.

Article 4

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those contained in this Decision.

Article 5

1. This Decision shall be reviewed, amended or repealed as appropriate, notably in the light of relevant decisions by the Security Council.

2. The measures referred to in Articles 1(1)(b) and 2 shall be reviewed at regular intervals and at least every 12 months. They shall cease to apply in respect of the persons and entities concerned if the Council determines, in accordance with the procedure referred in Article 3(2), that the conditions for their application are no longer met.

Article 6

Decision 2012/237/CFSP is hereby repealed.

Article 7

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

Done at Brussels, 31 May 2012.

For the Council

The President

N. WAMMEN

ANNEX I

List of persons referred to in Article 1(1)(a)

	Name	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport/ID card number, etc.)	Grounds for listing
1.	General António INJAI (aka António INDJAI)	Nationality: Guinea-Bissau d.o.b.: 20.1.1955 p.o.b.: Encheia, Sector de Bissorá, Região de Oio, Guiné-Bissau Parentage: Wasna Injai and Quiritché Cofte Official function: Lieutenant-General — Chief of Staff to the Armed Forces Passport: Diplomatic passport No AAID00435 Date of issue: 18.2.2010 Place of issue: Guinea-Bissau Date of expiry: 18.2.2013	António Injai was personally involved in planning and leading the mutiny of 1 April 2010, culminating with the illegal apprehension of the Prime Minister, Carlo Gomes Junior, and the then Chief of Staff of the Armed Forces, José Zamora Induta; during the 2012 electoral period, in his capacity as Chief of Staff of the Armed Forces, Injai made statements threatening to overthrow the elected authorities and to put an end to the electoral process; António Injai has been involved in the operational planning of the coup d'état of 12 April 2012. In the aftermath of the coup, the first communiqué by the 'Military Command' was issued by the Armed Forces General Staff, which is led by General Injai.
2.	Major General Mamadu TURE (N'KRUMAH)	Nationality — Guinea-Bissau d.o.b. 26.4.1947 Official function: Deputy Chief of Staff to the Armed Forces Diplomatic Passport No DA0002186 Date of issue: 30.3.2007 Place of issue: Guinea-Bissau Date of expiry: 26.8.2013	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.
3.	General Estêvão NA MENA	d.o.b. 7.3.1956 Official function: Inspector-General of the Armed Forces	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.
4.	Brigadier-General Ibraima CAMARÁ (aka 'Papa Camará')	Nationality — Guinea-Bissau d.o.b. 11.5.1964 Parentage: Suareba Camará and Sale Queita Official function: Chief of Staff of the Air Force Diplomatic Passport No AAID00437 Date of Issue: 18.2.2010 Place of issue: Guinea-Bissau Date of expiry: 18.2.2013	Member of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.
5.	Lieutenant-Colonel Daba NA WALNA (aka 'Daba Na Walna')	Nationality — Guinea-Bissau d.o.b. 6.6.1966 Parentage: Samba Naulna and In- Uasne Nanfate Official function: Spokesperson of the 'Military Command' Passport No SA 0000417 Date of issue: 29.10.2003 Place of issue: Guinea-Bissau Date of expiry: 10.3.2013	Spokesperson of the 'Military Command' which has assumed responsibility for the coup d'état of 12 April 2012.

ANNEX II

List of persons referred to in Articles 1(1)(b)

	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
1.	General Augusto MÁRIO CÔ	Official function: Army Chief of Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
2.	General Saya Braia Na NHAPKA	Nationality: Guinea-Bissau Official function: Chief of the Presidential Guard	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
3.	Colonel Tomás DJASSI	Nationality: Guinea-Bissau D.o.b.: 18 September 1968 Official function: Commander of the National Guard Passport: AAIS00820 Date of issue: 24.11.2010 Place of issue: Guinea-Bissau Date of expiry: 27.04.2012	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012
4.	Colonel Cranha DANFÁ	Nationality: Guinea-Bissau Official function: Head of Operations of the Armed Forces Joint Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012
5.	Colonel Celestino de CARVALHO	Nationality: Guinea-Bissau D.o.b.: 14.06.1955 Parentage: Domingos de Carvalho e Josefa Cabral Official function: President of the National Defence Institute Passport: Diplomatic passport DA0002166 Date of issue: 19.02.2007 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Former Air Force Chief of Staff. His presence in a delegation which met with ECOWAS on April 26th confirms his participation in the "Military Command".	1.6.2012
6.	Captain (Navy) Sanhá CLUSSÉ	Nationality: Guinea-Bissau Date of Birth: 28 September 1965 Parentage: Clusse Mutchá and Dalu Imbungue Official function: Acting Navy Chief of Staff Passport: SA 0000515 Date of issue: 08.12.2003 Place of issue: Guinea-Bissau Date of expiry: 29.08.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. His presence in a delegation which met with ECOWAS on April 26th confirms his participation in the "Military Command".	1.6.2012
7.	Lieutenant-colonel Júlio NHATE	Nationality: Guinea-Bissau Year of Birth: 1972 Official function: Commander of the Paratroop Regiment	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lt Col Júlio Nhate conducted the military operation supporting the coup of 12 April 2012.	1.6.2012

	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
8.	Lieutenant-colonel Tchipa NA BIDON	Nationality: Guinea-Bissau Date of Birth: 28 May 1954 Parentage: "Nabidom" Official function: Head of the Military Intelligence Passport: Diplomatic Passport DA0001564 Date of issue: 30.11.2005 Place of issue: Guinea-Bissau Date of expiry: 15.05.2011	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
9.	Lieutenant-colonel Tcham NA MAN (a.k.a. Namam)	Nationality: Guinea-Bissau D.o.b.: 27 February 1953 Parentage: Biute Naman and Ndjade Na Noa Official function: Head of the Armed Forces Military Hospital Passport: SA0002264 Date of issue: 24.07.2006 Place of issue: Guinea-Bissau Date of expiry: 23.07.2009	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lieutenant-colonel Tcham Na Man is also a member of the Military High Command.	1.6.2012
10.	Major Samuel FERNANDES	Nationality: Guinea-Bissau Date of Birth: 22 January 1965 Parentage: José Fernandes e Segunda Iamite Official function: Assistant to the Chief of Operations of the National Guard Passport: AAIS00048 Date of issue: 24.03.2009 Place of issue: Guinea-Bissau Date of expiry: 24.03.2012	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
11.	Major Idrissa DJALÓ	Nationality: Guinea-Bissau D.o.b.: 06 January 1962 Official function: Protocol advisor to the Armed Forces Chief of Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. He was one of the first officers to publicly assume his affiliation to the "Military Command", having signed one of its first communiqués (n° 5, dated April 13th). Major Djaló also serves in military intelligence.	1.6.2012
12.	Commander (Navy) Bion NA TCHONGO (a.k.a. Nan Tchongo)	Nationality: Guinea-Bissau D.o.b.: 8 April 1961 Parentage: Cunha Nan Tchongo and Bucha Natcham Official function: Chief of the Naval Intelligence Passport: Diplomatic passport DA0001565 Date of issue: 01.12.2005 Place of issue: Guinea-Bissau Date of expiry: 30.11.2008	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
13.	Commander (Navy) Agostinho Sousa CORDEIRO	Nationality: Guinea-Bissau D.o.b.: 28 May 1962 Parentage: Luis Agostinho Cordeiro and Domingas Soares Official function: Chief of Logistics of the Armed Forces Joint Staff Passport: SA0000883 Date of issue: 14.04.2004 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012	1.6.2012

	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
14.	Captain Paulo SUNSAI	Nationality: Guinea-Bissau Official function: Assistant to the North Region Military Commander	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
15.	Lieutenant Lassana CAMARÁ	Nationality: Guinea-Bissau Official function: Chief of the Financial Services of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Responsible for Misappropriation of public funds belonging to Customs, the Transports Directorate-General and the Border and Migration Directorate-General. These funds finance the "Military Command".	1.6.2012
16.	Lieutenant Julio NA MAN	Nationality: Guinea-Bissau Official function: Aide-de-Camp of the Chief of Staff of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lt Na Man was active in the operational command of the 12 April coup, under orders from António Injai. He has also taken part, on behalf of the "Military Command", in meetings with political parties.	1.6.2012

ANNEX III

List of persons, entities or bodies referred to in Article 2

	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
1.	General António INJAI (a.k.a. António INDJAI)	Nationality: Guinea-Bissau d.o.b.: 20 January 1955 p.o.b.: Encheia, Sector de Bissorá, Região de Oio, Guiné-Bissau Parentage: Wasna Injai and Quiritché Cofte Official function: Lieutenant General Chief of Staff to the Armed Forces Passport: Diplomatic passport AAID00435 Date of issue: 18/02/2010 Place of issue: Guinea-Bissau Date of expiry: 18/02/2013	António Injai was personally involved in planning and leading the mutiny of 1 April 2010, culminating with the illegal apprehension of the Prime Minister, Carlo Gomes Junior, and the then Chief of Staff of the Armed Forces, José Zamora Induta; during the 2012 electoral period, in his capacity as Chief of Staff of the Armed Forces, Injai made statements threatening to overthrow the elected authorities and to put an end to the electoral process; António Injai has been involved in the operational planning of the coup d'état of 12 April 2012. In the aftermath of the coup, the first communiqué by the "Military Command" was issued by the Armed Forces General Staff, which is led by General Injai.	3.5.2012
2.	Major General Mamadu TURE (N'KRUMAH)	Nationality – Guinea-Bissau d.o.b. 26 April 1947 Official function: Deputy Chief of Staff to the Armed Forces Diplomatic Passport no DA0002186 Date of issue: 30.03.2007 Place of issue: Guinea-Bissau Date of expiry: 26.08.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
3.	General Estêvão NA MENA	d.o.b. 07 March 1956 Official function: Inspector-General of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
4.	Brigadier General Ibraima CAMARA (a.k.a. "Papa Camara")	Nationality – Guinea-Bissau d.o.b. 11 May 1964 Parentage: Suareba Camara and Sale Queita Official function: Chief of Staff of the Air Force Diplomatic Passport no AAID00437 Date of Issue: 18.02.2010 Place of issue: Guinea-Bissau Date of expiry: 18.02.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
5.	Lieutenant colonel Daba NA WALNA (a.k.a. "Daba Na Walna")	Nationality – Guinea-Bissau d.o.b. 6 June 1966 Parentage: Samba Nualna and In- Uasne Nanfafe Official function: Spokesperson of the "Military Command" Passport no SA 0000417 Date of issue: 29.10.2003 Place of issue: Guinea-Bissau Date of expiry: 10.03.2013	Spokesperson of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012

	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
6.	General Augusto MÁRIO CÔ	Official function: Army Chief of Staff.	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	3.5.2012
7.	General Saya Braia Na NHAPKA	Nationality: Guinea-Bissau Official function: Chief of the Presidential Guard	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
8.	Colonel Tomás DJASSI	Nationality: Guinea-Bissau D.o.b.: 18 September 1968 Official function: Commander of the National Guard Passport: AAIS00820 Date of issue: 24.11.2010 Place of issue: Guinea-Bissau Date of expiry: 27.04.2012	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012
9.	Colonel Cranha DANFÁ	Nationality: Guinea-Bissau Official function: Head of Operations of the Armed Forces Joint Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Close advisor to Armed Forces Chief of Staff António Injai.	1.6.2012
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13.	Lieutenant-colonel Tchipa NA BIDON	Nationality: Guinea-Bissau Date of Birth: 28 May 1954 Parentage: "Nabidom" Official function: Head of the Military Intelligence Passport: Diplomatic Passport DA0001564 Date of issue: 30.11.2005 Place of issue: Guinea-Bissau Date of expiry: 15.05.2011	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012

	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
14.	Lieutenant-colonel Tcham NA MAN (a.k.a. Namam)	Nationality: Guinea-Bissau D.o.b.: 27 February 1953 Parentage: Biute Naman and Ndjade Na Noa Official function: Head of the Armed Forces Military Hospital Passport: SA0002264 Date of issue: 24.07.2006 Place of issue: Guinea-Bissau Date of expiry: 23.07.2009	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lieutenant-colonel Tcham Na Man is also a member of the Military High Command.	1.6.2012
15.	Major Samuel FERNANDES	Nationality: Guinea-Bissau Date of Birth: 22 January 1965 Parentage: José Fernandes e Segunda Iamite Official function: Assistant to the Chief of Operations of the National Guard Passport: AAIS00048 Date of issue: 24.03.2009 Place of issue: Guinea-Bissau Date of expiry: 24.03.2012	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
16.	Major Idrissa DJALÓ	Nationality: Guinea-Bissau D.o.b.: 06 January 1962 Official function: Protocol advisor to the Armed Forces Chief of Staff	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. He was one of the first officers to publicly assume his affiliation to the "Military Command", having signed one of its first communiqués (n°5, dated April 13th). Major Djaló also serves in military intelligence.	1.6.2012
17.	Commander (Navy) Bion NA TCHONGO (a.k.a. Nan Tchongo)	Nationality: Guinea-Bissau D.o.b.: 8 April 1961 Parentage: Cunha Nan Tchongo and Bucha Natcham Official function: Chief of the Naval Intelligence Passport: Diplomatic passport DA0001565 Date of issue: 01.12.2005 Place of issue: Guinea-Bissau Date of expiry: 30.11.2008	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012
18.	Commander (Navy) Agostinho Sousa CORDEIRO	Nationality: Guinea-Bissau D.o.b.: 28 May 1962 Parentage: Luis Agostinho Cordeiro and Domingas Soares Official function: Chief of Logistics of the Armed Forces Joint Staff Passport: SA0000883 Date of issue: 14.04.2004 Place of issue: Guinea-Bissau Date of expiry: 15.04.2013	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012	1.6.2012
19.	Captain Paulo SUNSAI	Nationality: Guinea-Bissau Official function: Assistant to the North Region Military Commander	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012.	1.6.2012

	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
20.	Lieutenant Lassana CAMARÁ	Nationality: Guinea-Bissau Official function: Chief of the Financial Services of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Responsible for Misappropriation of public funds belonging to Customs, the Transports Directorate-General and the Border and Migration Directorate-General. These funds finance the "Military Command".	1.6.2012
21.	Lieutenant Julio NAMAN	Nationality: Guinea-Bissau Official function: Aide-de-Camp of the Chief of Staff of the Armed Forces	Member of the "Military Command" which has assumed responsibility for the coup d'état of 12 April 2012. Lt Na Man was active in the operational command of the 12 April coup, under orders from António Injai. He has also taken part, on behalf of the "Military Command", in meetings with political parties.	1.6.2012

COMMISSION DECISION
of 31 May 2012
on the creation of an Expert Group on Land Transport Security
(2012/286/EU)

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 90 of the Treaty establishes that the objectives of the Treaties concerning transport shall be pursued within the framework of a common transport policy and transport security is an important part of it.
- (2) The White Paper 'Roadmap to a single European transport area — Towards a competitive and resource efficient transport system' ⁽¹⁾ establishes in its Annex I point 1(3) an initiative relating to the setting up of a permanent expert group on land transport security.
- (3) It is therefore necessary to set up a group of experts in the field of land transport security and to define its tasks and its structure.
- (4) The group should assist the Commission in formulating and implementing the Union's activities aimed at developing policy on security relating to land transport, and shall foster ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved.
- (5) The group should be composed of Member States, competent authorities. They should nominate experts from the government departments in charge of transport and security or policing issues.
- (6) Rules on disclosure of information by members of the group should be laid down.
- (7) Personal data relating to members of the group should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽²⁾,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

The Expert Group on Land Transport Security, hereinafter referred to as called 'the Group' is hereby set up.

⁽¹⁾ COM(2011) 144 final.

⁽²⁾ OJ L 8, 12.1.2001, p. 1.

Article 2

Tasks

1. The Group shall assist the Commission in formulating and implementing the European Union's activities aimed at developing policy on security relating to land transport, and shall foster ongoing exchanges of relevant experience, policies and practices between the Member States and the various parties involved.
2. To achieve the aims referred to in paragraph 1, the Group shall:
 - assist the Commission in the development of instruments for monitoring, evaluating and disseminating the results of measures taken at European Union level in the field of land transport security,
 - contribute to the implementation of European Union action programmes in the field, mainly by analysing the results and suggesting improvements to the measures taken,
 - encourage exchanges of information on measures taken at all levels to promote the security of land transport and, where appropriate, put forward suggestions for possible action at the European Union level,
 - deliver opinions or submit reports to the Commission, either at the latter's request or on its own initiative, on any matter of relevance to the promotion of the security of land transport in the European Union.

Article 3

Consultation

The Commission may consult the group on any matter relating to land transport security.

Article 4

Membership

1. Members shall be Member States' competent authorities. They shall nominate two representatives:
 - (a) one representative per Member State from ministries or government departments responsible for land transport;
 - (b) one representative per Member State from ministries or government departments responsible for security or policing issues.

2. The Commission's representatives may give observer status to individuals or invite European representatives of international and professional organisations engaged in, or directly affected by, land transport security as well as transport user organisations.

3. The names of individuals referred to in paragraph 1(a) and (b) shall be published in the Register of Commission expert groups and other similar entities ('the Register'). The names of Member States' authorities may be published in the Register. The names of individuals and organisations referred to in paragraph 2 shall be published in the Register and the interest represented shall be disclosed ⁽¹⁾.

4. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 5

Operation

1. The Group shall be chaired by a representative of the Commission.

2. In agreement with the Commission, the Group may set up working parties to examine specific questions on the basis of terms of reference defined by the Group. Such working parties shall be disbanded as soon as their mandate is fulfilled.

3. The Commission may invite any person who is specially qualified in a particular subject on the agenda to take part in its work on an ad hoc basis. Invited experts shall only take part in the work on the particular subject for which their attendance is requested.

4. For the preparation of its opinions, the Group may appoint one of the Member States' representatives as a rapporteur with the task of drawing up reports.

5. The Group shall be convened by the Commission and shall normally meet on its premises. It shall meet at least twice a year. The Commission shall provide secretarial services. Other Commission officials with interest in the proceedings may attend meetings of the group and its working parties.

6. The Group's deliberations shall deal with the requests for opinion presented by the Commission or with the opinions which the Group delivers on its own initiative. They are not followed by a vote.

7. The Commission shall publish all relevant documents either in the Register or via a link from the Register to a dedicated website. Exceptions to publication are possible where disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽²⁾.

8. Members of the Group and their representatives, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom of 29 November 2001 amending its internal Rules of Procedure ⁽³⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.

Article 6

Meeting expenses and financial consequences

1. Participants in the activities of the group shall not be remunerated for the services they render.

2. Travel and subsistence expenses incurred by Members' representatives in connection with the activities of the group shall be reimbursed by the Commission in accordance with the provisions in force within the Commission. Travel and subsistence expenses incurred in connection with the activities of the group by observers and invited experts shall also be reimbursed.

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

Article 7

Entry into force

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

Done at Brussels, 31 May 2012.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

⁽²⁾ OJ L 145, 31.5.2001, p. 43.

⁽³⁾ OJ L 317, 3.12.2001, p. 1.

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