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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	9 September 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 451 final - ANNEXES 1 to 4
Subject:	ANNEXES accompanying the Proposal for a Council decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary

Delegations will find attached document COM(2015) 451 final - ANNEXES 1 to 4.

Encl.: COM(2015) 451 final - ANNEXES 1 to 4



Brussels, 9.9.2015
COM(2015) 451 final

ANNEXES 1 to 4

ANNEXES

**accompanying the Proposal for a Council decision establishing provisional measures in
the area of international protection for the benefit of Italy, Greece and Hungary**

ANNEX I- Distribution key for Italy

	Overall key	Allocation per Member State (15 600 applicants relocated)
Austria	3,03%	473
Belgium	3,80%	593
Bulgaria	1,33%	208
Croatia	0,89%	138
Cyprus	0,23%	36
Czech Republic	2,48%	387
Estonia	0,31%	48
Finland	2,00%	312
France	20,03%	3 124
Germany	26,20%	4 088
Latvia	0,44%	68
Lithuania	0,65%	101
Luxembourg	0,37%	57
Malta	0,11%	17
Netherlands	6,01%	938
Poland	7,74%	1 207
Portugal	2,56%	400
Romania	3,87%	604
Slovakia	1,25%	195
Slovenia	0,53%	82
Spain	12,44%	1 941
Sweden	3,72%	581

The distribution key is based on the following criteria:

- a) The size of the population (40 % weighting). This criterion reflects the capacity of a Member State to absorb a certain number of refugees;
- b) Total GDP (40 % weighting). This criterion reflects the absolute wealth of a country and is indicative of the capacity of an economy to absorb and integrate refugees;
- c) Average number of asylum applications per one million inhabitants over the period 2010-2014¹ (10 % weighting, with a 30% cap of the population and GDP effect on the key). This criterion reflects the existing burden on a Member State in terms of asylum applications;
- d) Unemployment rate (10 % weighting, with a 30% cap of the population and GDP effect on the key). This criterion reflects the capacity to integrate refugees.

¹ For Croatia, given the EU accession on 1 July 2013, the average figure for the period 2013 and 2014 only is taken into account.

ANNEX II- Distribution key for Greece

	Overall key	Allocation per Member State (50 400 applicants relocated)
Austria	3,03%	1 529
Belgium	3,80%	1 917
Bulgaria	1,33%	672
Croatia	0,89%	447
Cyprus	0,23%	115
Czech Republic	2,48%	1 251
Estonia	0,31%	157
Finland	2,00%	1 007
France	20,03%	10 093
Germany	26,20%	13 206
Latvia	0,44%	221
Lithuania	0,65%	328
Luxembourg	0,37%	185
Malta	0,11%	56
Netherlands	6,01%	3 030
Poland	7,74%	3 901
Portugal	2,56%	1 291
Romania	3,87%	1 951
Slovakia	1,25%	631
Slovenia	0,53%	265
Spain	12,44%	6 271
Sweden	3,72%	1 877

The distribution key is based on the following criteria:

- a) The size of the population (40 % weighting). This criterion reflects the capacity of a Member State to absorb a certain number of refugees;
- b) Total GDP (40 % weighting). This criterion reflects the absolute wealth of a country and is indicative of the capacity of an economy to absorb and integrate refugees;
- c) Average number of asylum applications per one million inhabitants over the period 2010-2014² (10 % weighting, with a 30% cap of the population and GDP effect on the key). This criterion reflects the existing burden on a Member State in terms of asylum applications;
- d) Unemployment rate (10 % weighting, with a 30% cap of the population and GDP effect on the key). This criterion reflects the capacity to integrate refugees.

² For Croatia, given the EU accession on 1 July 2013, the average figure for the period 2013 and 2014 only is taken into account.

ANNEX III- Distribution key for Hungary

	Overall key	Allocation per Member State (54 000 applicants relocated)
Austria	3,03%	1 638
Belgium	3,80%	2 054
Bulgaria	1,33%	720
Croatia	0,89%	479
Cyprus	0,23%	123
Czech Republic	2,48%	1 340
Estonia	0,31%	168
Finland	2,00%	1 079
France	20,03%	10 814
Germany	26,20%	14 149
Latvia	0,44%	237
Lithuania	0,65%	351
Luxembourg	0,37%	198
Malta	0,11%	60
Netherlands	6,01%	3 246
Poland	7,74%	4 179
Portugal	2,56%	1 383
Romania	3,87%	2 091
Slovakia	1,25%	676
Slovenia	0,53%	284
Spain	12,44%	6 719
Sweden	3,72%	2 011

The distribution key is based on the following criteria:

- a) The size of the population (40 % weighting). This criterion reflects the capacity of a Member State to absorb a certain number of refugees;
- b) Total GDP (40 % weighting). This criterion reflects the absolute wealth of a country and is indicative of the capacity of an economy to absorb and integrate refugees;
- c) Average number of asylum applications per one million inhabitants over the period 2010-2014³ (10 % weighting, with a 30% cap of the population and GDP effect on the key). This criterion reflects the existing burden on a Member State in terms of asylum applications;
- d) Unemployment rate (10 % weighting, with a 30% cap of the population and GDP effect on the key). This criterion reflects the capacity to integrate refugees.

³ For Croatia, given the EU accession on 1 July 2013, the average figure for the period 2013 and 2014 only is taken into account.

ANNEX IV Legislative financial statement

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

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LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Council Implementing Decision establishing provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary

1.2. Policy area(s) concerned in the ABM/ABB structure⁴

18 – Migration and Home Affairs

1.3. Nature of the proposal/initiative

- The proposal/initiative relates to **a new action**
- The proposal/initiative relates to **a new action following a pilot project/preparatory action**⁵
- The proposal/initiative relates to **the extension of an existing action**
- The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative

The European Agenda on Migration (COM(2015)240 final) highlights the urgent need to respond to the current high-volumes of arrivals of migrants within the EU. Since the beginning of 2015, Member States' asylum systems today face unprecedented pressure and the flow of people to frontline and some other Member States will continue in the months to come. The EU should not wait until the pressure is intolerable to act: the volumes of arrivals mean that the capacity of local reception and processing facilities is already stretched. To deal with the situation in the Member States most under pressure, the Commission is (again) triggering the emergency response system envisaged under Article 78(3) TFEU. The proposal includes a temporary scheme for the distribution of persons in clear need of international protection to ensure a fair and balanced participation of all Member States to this common effort. The receiving Member State will be responsible for the examination of the application in accordance with established rules and guarantees. A redistribution key based on relevant objective criteria is proposed.

1.4.2. Specific objective(s) and ABM/ABB activity(ies) concerned

Specific objective No 4

To enhance solidarity and responsibility-sharing between the Member States, in particular with those most affected by migration and asylum flows, including through practical cooperation

ABM/ABB activity(ies) concerned

18.03 – Asylum and Migration

1.4.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

⁴ ABM: activity-based management; ABB: activity-based budgeting.

⁵ As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

Relocation of 120.000 applicants from Italy, Greece and Hungary to the other Member States.

1.4.4. Indicators of results and impact

Specify the indicators for monitoring implementation of the proposal/initiative.

Number of applicants relocated

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

This proposal is presented as result of a prevailing crisis in the area of asylum in Italy, Greece and Hungary. The proposal based on Article 78(3) of the Treaty aims at preventing further deterioration of the asylum situation in these three countries and at providing them with effective support.

In its 23 April 2015 statement, the European Council committed itself to consider options for organising emergency relocation between all Member States on a voluntary basis. In its 28 April 2015 resolution, the European Parliament has called upon the Council to seriously consider the possibility of triggering Article 78(3) of the Treaty.

With its proposal of 27 May 2015 (COM(2015)286 final), the Commission triggered for the first time the emergency mechanism under Article 78(3) of the Treaty. The European Council in June agreed to the temporary and exceptional relocation over two years from Italy and Greece to other Member States of 40.000 persons in clear need of international protection

1.5.2. Added value of EU involvement

The emergency situation created by the sudden influx of third-country nationals in Italy, Greece and Hungary puts their asylum systems and resources under considerable strain. As a consequence of this, other Member States can become affected, due to the secondary movements of these persons from Italy, Greece and Hungary to these other Member States. It is clear that actions of individual Member States cannot satisfactorily reply to the common challenges all Member States are confronted with in this. EU action in this field is therefore essential.

1.5.3. Lessons learned from similar experiences in the past

This is the second time that a proposal is made under Article 78(3) of the Treaty.

1.5.4. Compatibility and possible synergy with other appropriate instruments

The AMIF foresees the possibility of transfer of applicants for international protection as part of the national programme of each Member State on a voluntary basis.

1.6. Duration and financial impact

- Proposal/initiative of **limited duration**
- Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from 2016 to 2020
- Proposal/initiative of **unlimited duration**

Implementation with a start-up period from YYYY to YYYY,
followed by full-scale operation.

1.7. Management modes planned

Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies
- Shared management** with the Member States
- Indirect management** by entrusting budget implementation tasks to:
 - third countries or the bodies they have designated;
 - international organisations and their agencies (to be specified);
 - the EIB and the European Investment Fund;
 - bodies referred to in Articles 208 and 209 of the Financial Regulation;
 - public law bodies;
 - bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;
 - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;
 - persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

If more than one management mode is indicated, please provide details in the 'Comments' section.

Comments

This legislative financial statement shows the amounts which are necessary to cover the cost of relocation of applicants for international protection from Italy, Greece and Hungary to other Member States (including the contribution to the transfer costs). The commitments appropriations should be added to the current allocation of the Asylum, Migration and Integration Fund (AMIF) on the budget line 18.030101. The calculation of the payment needs is based on the assumption that 50% pre-financing is paid in 2016.

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

For shared management, a coherent and efficient reporting, monitoring and evaluation framework is in place. For each national programme, Member States are required to set up a Monitoring Committee to which the Commission may participate.

On an annual basis Member States will report on the implementation of the multiannual programme. These reports are a precondition for annual payments in the framework of the clearance of accounts procedure, set out in Regulation (EU) N° 514/2014 (Horizontal Regulation).

In 2018, in accordance with article 15 of Regulation 514/2014, the Commission will present a report on the mid term review carried out of the national programmes which will include the implementation of the financial resources made available by this Council Decision.

Moreover, the Commission will submit an intermediate report on the implementation of the Funds by 31.12.2018 and an ex-post evaluation report by 30.06.2024, covering the whole implementation (i.e. not only national programmes under shared management).

2.2. Management and control system

2.2.1. Risk(s) identified

DG HOME has not been facing important risks of errors in its spending programmes. This is confirmed by the recurrent absence of significant findings in the annual reports of the Court of Auditors as well as by the absence of residual error rate above 2% in the past years in DG HOME annual activity reports.

The management and control system follows the general requirements set in the CSF Funds and fully complies with the requirements of the Financial Regulation.

Multi-annual programming coupled with annual clearance based on the payments made by the Responsible Authority aligns the eligibility periods with the annual accounts of the Commission, without increasing the administrative burden compared to the current system.

On the spot checks will be carried out as part of the 1st level controls, i.e. by the Responsible Authority and will support its annual management declaration of assurance.

The use of lump sums (simplified cost option) shall further reduce mistakes made by the responsible authorities when implementing this Decision.

2.2.2. Information concerning the internal control system set up

In addition to the application of all regulatory control mechanisms, DG HOME will devise an antifraud strategy in line with the Commission's new anti-fraud strategy (CAFS) adopted on 24 June 2011 in order to ensure inter alia that its internal anti-fraud related controls are fully aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses. Where necessary, networking groups and adequate IT tools dedicated to analysing fraud cases related to the Funds will be set up.

As regards shared management, the CAFS identifies clearly the need for the Commission proposals for 2014-2020 regulations to request Member States to put in place fraud prevention measures which are effective and proportionate to the identified fraud risks. The current proposal includes in Article 5 a clear requirement for the Member States to prevent, detect and correct irregularities and to report to the

Commission. Further details as regards these obligations will be part of the detailed rules on the functions of the Responsible Authority as foreseen in Article 24(5)(c).

In addition, the re-use of funds coming from financial correction based on commission or Court of Auditors findings has been clearly indicated in Article 41.

2.2.3. Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error

Negligable control costs and very low error risk.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

The standard measures in DG HOME for the prevention of fraud and irregularities will apply.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number 3 Security and citizenship	Diff./Non-diff. ⁶	from EFTA countries ⁷	from candidate countries ⁸	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	18.030101	Diff.	NO	NO	NO	NO

- New budget lines requested: N/A

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [...][Heading.....]]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[...][XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

⁶ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁷ EFTA: European Free Trade Association.

⁸ Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework		Number	3 - Security and citizenship				
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DG: HOME			Year 2015	Year 2016 ⁹	Year 2017	Year 2018	Year 2019	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
• Operational appropriations									
18.030101	Commitments	(1)		780					780
	Payments	(2)		390	273	78	39		780
Number of budget line	Commitments	(1a)							
	Payments	(2a)							
Appropriations of an administrative nature financed from the envelope of specific programmes									
Number of budget line		(3)							
TOTAL appropriations for DG HOME	Commitments	=1+1 a +3		780					780

⁹

The impact on payments is calculated under the assumption of a 50% prefinancing for the temporary relocation scheme.

	Payments	=2+2 a +3	390	273	78	39	780
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• TOTAL operational appropriations	Commitments	(4)	780				780
	Payments	(5)	390	273	78	39	780
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes							
TOTAL appropriations under HEADING 3 of the multiannual financial framework	Commitments	=4+ 6	780				780
	Payments	=5+ 6	390	273	78	39	780

If more than one heading is affected by the proposal / initiative:

• TOTAL operational appropriations	Commitments	(4)					
	Payments	(5)					
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes							
TOTAL appropriations under HEADINGS 1 to 4 of the multiannual financial framework (Reference amount)	Commitments	=4+ 6					
	Payments	=5+ 6					

3.2.2. Estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Enter as many years as necessary to show the duration of the impact (see point 1.6)				TOTAL		
						Cost	Cost	Cost	Cost		Cost	Total No
OUTPUTS												
↓	Type ¹⁰	Average cost	Cost	Cost	Cost	Cost	Cost	Cost	Cost	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 ¹¹												
Lumpsum compensation to the other MS for relocation of applicants for international protection from Italy, Greece and Hungary												
- Output	Number of applicants	0,006	1200	720							12000	720
- Output											0	

¹⁰ Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

¹¹ As described in point 1.4.2. 'Specific objective(s)...

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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HEADING 5 of the multiannual financial framework							
Human resources		0,660	0,660				1,320
Other administrative expenditure		0,007	0,007				0,014
Subtotal HEADING 5 of the multiannual financial framework		0,667	0,667				1,334

Outside HEADING 5¹² of the multiannual financial framework							
Human resources							
Other expenditure of an administrative nature							
Subtotal outside HEADING 5 of the multiannual financial framework							

¹² Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

TOTAL		0,667	0,667					1,334
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	Year 2015	Year 2016	Year 2017	Year N+3	Enter as many years as neces sary to show the durati on of the impac t (see point 1.6)		
• Establishment plan posts (officials and temporary staff)							
XX 01 01 01 (Headquarters and Commission's Representation Offices)		5	5				
XX 01 01 02 (Delegations)							
XX 01 05 01 (Indirect research)							
10 01 05 01 (Direct research)							
• External staff (in Full Time Equivalent unit: FTE)¹³							
XX 01 02 01 (AC, END, INT from the 'global envelope')							
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)							
XX 01 04 yy¹⁴	- at Headquarters						
	- in Delegations						

¹³ AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

¹⁴ Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

XX 01 05 02 (AC, END, INT - Indirect research)							
10 01 05 02 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL							

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	Support, process and monitor the activities in the area of relocation of applicant for international protection at the level of the Commission, and assist the Member States in developing this activity.
External staff	

3.2.4. Compatibility with the current multiannual financial framework

- The proposal/initiative is compatible the current multiannual financial framework.
- The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

[...]

- The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

The margin under the expenditure heading "Security and Citizenship" being exhausted, and after having examined all possibilities for re-allocating appropriations, it is proposed to mobilise the flexibility instrument.

3.2.5. Third-party contributions

- The proposal/initiative does not provide for co-financing by third parties.

The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
- on own resources
 - on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ¹⁵					
		Year 2015	Year 2016	Year 2017	Year 2018	Year 2019	Enter as many years as necessary to show the duration of the impact (see point 1.6)
Article 6600			p.m.	p.m.	p.m.	p.m.	

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

A Member State may, in exceptional circumstances, within one month of the entry into force of this Decision, notify to the Commission that it is temporarily unable to take part, totally or in part, in the relocation of applicants from the Member State benefiting from relocation, giving duly justified reasons compatible with the fundamental values of the Union enshrined in Article 2 of the Treaty on European Union. The Commission shall assess the reasons given and address a decision to such Member State. Where the Commission finds that the notification is duly justified, the Member State shall be freed, for a period of one year, from its obligation to take part in the relocation of applicants under this Decision and shall instead make a financial contribution to the EU budget of an amount of 0,002 % GDP; in case of partial participation in the relocation, this amount shall be reduced in proportion. This contribution shall be used to finance assistance supporting the efforts undertaken by all other Member States to cope with the crisis situation and the consequences of the non-participation of such Member State, pursuant to the provisions of Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decision No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC¹⁶. It shall constitute assigned revenue within the meaning of Article 21(4) of Regulation (EU, Euratom) No. 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002¹⁷.

Specify the method for calculating the impact on revenue.

[...]

¹⁵ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.

¹⁶ OJ L 150, 20.5.2014, p. 168.

¹⁷ OJ L 298, 26.10.2012, p1.