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Price: EUR 3

⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 81/2013

of 29 January 2013

amending Implementing Regulation (EU) No 1051/2011 as regards the micro-data files for the transmission of data

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 692/2011 of the European Parliament and of the Council of 6 July 2011 concerning European statistics on tourism and repealing Council Directive 95/57/EC ⁽¹⁾, and in particular Article 9(2) and (3) thereof,

Whereas:

- (1) The introduction of an updated classification system is central to the Commission's ongoing efforts to maintain the relevance of European statistics, by taking into account developments and changes in the area of education.
- (2) The United Nations Educational, Scientific and Cultural Organisation (Unesco) has revised the version of the International Standard Classification of Education (ISCED) used hitherto (ISCED 1997) with the objective of ensuring that it is consistent with developments in the policies and structures of education and training.
- (3) The need for international comparability of educational statistics requires that the Member States and the insti-

tutions of the European Union use classifications of education which are compatible with the revised International Standard Classification of Education ISCED 2011 (ISCED 2011), as adopted by the Unesco Member States at their 36th General Conference in November 2011.

- (4) Commission Implementing Regulation (EU) No 1051/2011 ⁽²⁾ should therefore be amended accordingly.
- (5) 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 III to Implementing Regulation (EU) No 1051/2011 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2014.

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

Done at Brussels, 29 January 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 192, 22.7.2011, p. 17.

⁽²⁾ OJ L 276, 21.10.2011, p. 13.

ANNEX

The description of column 80 (Educational level) of Annex III to Implementing Regulation (EU) No 1051/2011 is replaced by the following:

Column	Identifier	Description	Filter/remarks
'80		Educational attainment level	Optional variable, if not transmitted: code = Blank
	1	At most lower secondary (ISCED 2011 levels 0-2)	
	2	Upper secondary and post-secondary (non-tertiary) (ISCED 2011 levels 3 and 4)	
	3	Tertiary (ISCED 2011 levels 5-8)	

COMMISSION IMPLEMENTING REGULATION (EU) No 82/2013**of 29 January 2013****laying down detailed rules for the application of an import tariff quota of dried boneless beef originating in Switzerland****(codification)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 144(1) in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 2092/2004 of 8 December 2004 laying down detailed rules of application for an import tariff quota of dried boneless beef originating in Switzerland ⁽²⁾ has been substantially amended several times ⁽³⁾. In the interests of clarity and rationality the said Regulation should be codified.

(2) The Agreement between the European Community and the Swiss Confederation on trade in agricultural products ⁽⁴⁾ ('the Agreement'), which was approved on behalf of the Community by Decision 2002/309/EC, Euratom of the Council and of the Commission ⁽⁵⁾, provides for duty-free imports of a quantity of 1 200 tonnes per annum for meat of bovine animals, boneless, dried, falling under CN code ex 0210 20 90.

(3) Detailed rules should therefore be laid down on an annual basis for the relevant duty-free import tariff quota.

(4) To be eligible for the benefit of that tariff quota, the products concerned should originate in Switzerland in conformity with the rules referred to in Article 4 of the Agreement. A precise definition of the eligible products should be provided. For reasons of control, imports under that quota should be subject to the pres-

entation of a certificate of authenticity certifying that the meat corresponds exactly to the eligible definition. It is necessary to establish a model for those certificates and lay down detailed rules for their use.

(5) The arrangements should be managed using import licences. To this end, rules should be laid down on the submission of applications and the information to be given on applications and licences, where necessary by derogation from Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾ and from Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁷⁾.

(6) In order to ensure the proper management of the imports of the products concerned, provision should be made for import licences to be issued subject to verification, in particular of entries on certificates of authenticity.

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A duty-free Union import tariff quota for dried boneless meat of bovine animals falling within CN code ex 0210 20 90 and originating in Switzerland is opened every year for an annual volume of 1 200 tonnes for periods from 1 January to 31 December (hereinafter 'the quota').

The order number of the quota shall be 09.4202.

2. The rules of origin applicable to the products referred to in paragraph 1 shall be those provided for in Article 4 of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 362, 9.12.2004, p. 4.

⁽³⁾ See Annex IV.

⁽⁴⁾ OJ L 114, 30.4.2002, p. 132.

⁽⁵⁾ OJ L 114, 30.4.2002, p. 1.

⁽⁶⁾ OJ L 114, 26.4.2008, p. 3.

⁽⁷⁾ OJ L 115, 29.4.2008, p. 10.

3. For the purposes of this Regulation, dried boneless meat shall mean cuts of meat from haunches of bovine animals aged at least 18 months, with no visible intramuscular fat (3 to 7 %) and a pH of the fresh meat between 5,4 and 6,0, salted, seasoned, pressed, dried only in fresh dry air and developing noble mould (bloom of microscopic fungi). The weight of the finished product is between 41 % and 53 % of the raw material before salting.

Article 2

1. Imports of the quantities set out in Article 1(1) shall be subject to presentation, on release for free circulation, of an import licence.

2. The original of the certificate of authenticity drawn up in accordance with Article 3 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

3. A certificate of authenticity may be used for the issuing of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall endorse the certificate of authenticity to show the quantity attributed.

4. The competent authority may issue import licences only after they are satisfied that all the information on the certificate of authenticity corresponds to that received each week from the Commission on the subject. The licences shall be issued immediately thereafter.

However, the competent authority may, in exceptional cases and on duly reasoned application, issue import licences on the basis of the relevant certificates of authenticity before the information from the Commission is received. In such cases, the security for the import licences shall be equal to the amount corresponding to the full customs duty under the common customs tariff. After having received the information relating to the certificate, Member States shall replace this security with that referred to in Article 5(3)(a) of Regulation (EC) No 382/2008.

5. Section 20 of the licence applications and of the licences themselves shall show one of the entries listed in Annex I.

Article 3

1. The certificates of authenticity referred to in Article 2 shall be made out in one original and two copies, to be printed and completed in one of the official languages of the Union, in accordance with the model in Annex II. It may also be printed and completed in the official language or one of the official languages of the exporting country.

The competent authorities of the Member State in which the import licence application is submitted may require a translation of the certificate to be provided.

2. The certificate forms shall measure 210 × 297 mm. The paper used shall weigh not less than 40 g/m². The original shall be white, the first copy pink and the second copy yellow.

3. The original of the certificate and copies thereof may be typed or handwritten. In the latter case, they must be completed in black ink and in block capitals.

4. Each certificate shall have its own individual serial number followed by the name of the issuing country.

The copies shall bear the same serial number and the same name as the original.

5. The definition of dried boneless meat provided for in Article 1(3) shall be clearly laid down in the certificate.

6. Certificates shall be valid only if they are duly endorsed by an issuing authority listed in Annex III.

Certificates shall be deemed to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

Article 4

1. The issuing authorities listed in Annex III shall:

- (a) be recognised as such by Switzerland;
- (b) undertake to verify entries on the certificates of authenticity;
- (c) undertake to forward to the Commission at least once a week any information enabling the entries on the certificates of authenticity, in particular the number of the certificate, the exporter, the consignee, the country of destination, the product, the net weight and the date of signature, to be verified.

2. The list in Annex III may be revised by the Commission where the requirement referred to in paragraph 1(a) is no longer met or where the issuing authority fails to fulfil any of the obligations incumbent on it.

Article 5

Certificates of authenticity and import licences shall be valid for three months from their respective dates of issue.

Article 6

The provisions of Regulations (EC) No 376/2008 and (EC) No 382/2008 and Chapter III of Commission Regulation (EC) No 1301/2006 ⁽¹⁾ shall apply, save as otherwise provided for in this Regulation.

Article 7

The authorities of Switzerland shall communicate to the Commission specimens of the stamp imprints used by the Swiss issuing authorities and the names and signatures of the persons empowered to sign certificates of authenticity. Any subsequent changes of stamps or names shall equally be notified to the Commission as soon as possible. The Commission shall communicate this information to the competent authorities of the Member States.

Article 8

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

- (a) no later than 28 February following the end of each import tariff quota period, the quantities of products, including nil returns, for which import licences were issued in the previous import tariff quota period;

- (b) no later than 30 April following the end of each import tariff quota period, the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued.

2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. The notifications referred to in paragraph 1 shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽²⁾ and the product categories indicated in Annex V to Regulation (EC) No 382/2008 shall be used.

Article 9

Regulation (EC) No 2092/2004 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

Article 10

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, 29 January 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 238, 1.9.2006, p. 13.

⁽²⁾ OJ L 228, 1.9.2009, p. 3.

ANNEX I

Entries referred to in Article 2(5)

- *in Bulgarian:* Сушено обезкостено говеждо или телешко месо — Регламент за изпълнение (ЕС) № 82/2013
 - *in Spanish:* Carne de vacuno seca deshuesada — Reglamento de Ejecución (UE) n.º 82/2013
 - *in Czech:* Vykostěné sušené hovězí maso — prováděcí nařízení (EU) č. 82/2013
 - *in Danish:* Tørret udbenet oksekød — gennemførelsesforordning (EU) nr. 82/2013
 - *in German:* Entbeintes, getrocknetes Rindfleisch — Durchführungsverordnung (EU) Nr. 82/2013
 - *in Estonian:* Kuivatatud kondita veiseliha – rakendusmäärus (EL) nr 82/2013
 - *in Greek:* Αποξηραμένο βόειο κρέας χωρίς κόκαλα — Εκτελεστικός κανονισμός (ΕΕ) αριθ. 82/2013
 - *in English:* Dried boneless beef — Implementing Regulation (EU) No 82/2013
 - *in French:* Viande bovine séchée désossée — règlement d'exécution (UE) n.º 82/2013
 - *in Italian:* Carni bovine disossate ed essiccate — regolamento di esecuzione (UE) n. 82/2013
 - *in Latvian:* Žāvēta atkaulota liellopu gaļa – Īstenošanas regula (ES) Nr. 82/2013
 - *in Lithuanian:* Džiovinta jautiena be kaulų – Įgyvendinimo reglamentas (ES) Nr. 82/2013
 - *in Hungarian:* Szárított kicsontozott marhahús – 82/2013/EU végrehajtási rendelet
 - *in Maltese:* Ċanga mnixxfa mingħajr għadam — Regolament ta' Implimentazzjoni (UE) Nru 82/2013
 - *in Dutch:* Gedroogd rundvlees zonder been — Uitvoeringsverordening (EU) nr. 82/2013
 - *in Polish:* Suszone mięso wołowe bez kości — rozporządzenie wykonawcze (UE) nr 82/2013
 - *in Portuguese:* Carne de bovino seca desossada — Regulamento de Execução (UE) n.º 82/2013
 - *in Romanian:* Carne de vită dezosată uscată – Regulamentul de punere în aplicare (UE) nr. 82/2013
 - *in Slovak:* Sušené vykostené hovädzie mäso – vykonávacie nariadenie (EÚ) č. 82/2013
 - *in Slovenian:* Posušeno goveje meso brez kosti — Izvedbena uredba (EU) št. 82/2013
 - *in Finnish:* Kuivattua luutonta naudanlihaa – täytäntöönpanoasetus (EU) N:o 82/2013
 - *in Swedish:* Torkat benfritt nötkött – genomförandeförordning (EU) nr 82/2013
-

ANNEX II

1. Consignor (full name and address)		CERTIFICATE No 0000 ORIGINAL EXPORTING COUNTRY:	
2. Consignee (full name and address)		CERTIFICATE OF AUTHENTICITY for exports to the EU of dried boneless meat of bovine animals (application of Implementing Regulation (EU) No [82/2013])	
<p><i>Notes</i></p> <p>A. This certificate shall be prepared in one original and two copies.</p> <p>B. The original and its two copies shall be typewritten or completed by hand; in the latter case, they must be completed in block letters in ink.</p>			
3. Marks, numbers, number and nature of packages, description of goods	4. Combined Nomenclature subheading	5. Gross weight (kg)	6. Net weight (kg)
7. Net weight (kg) (in words)			
8. I, the undersigned, acting on behalf of the authorised issuing body (box 9), certify that the goods described above correspond exactly to the origin and definition contained in Article 1(2) and (3) of Commission Implementing Regulation (EU) No [82/2013] laying down detailed rules for the application of an import tariff quota of dried boneless beef originating in Switzerland.			
9. Authorised issuing body		Place Date	
		(Stamp of issuing body)	
		(signature)	

ANNEX III

List of authorities in Switzerland empowered to issue certificates of authenticity

— Office fédéral de l'agriculture/Bundesamt für Landwirtschaft/Ufficio federale dell'agricoltura.

ANNEX IV

Repealed Regulation with list of its successive amendments

Commission Regulation (EC) No 2092/2004
(OJ L 362, 9.12.2004, p. 4).

Commission Regulation (EC) No 1830/2006
(OJ L 354, 14.12.2006, p. 3).

Commission Regulation (EC) No 1965/2006
(OJ L 408, 30.12.2006, p. 26).

Article 7 and Annex VIII only

Commission Regulation (EC) No 749/2008
(OJ L 202, 31.7.2008, p. 37).

Article 2 and Annex II only

Commission Regulation (EC) No 381/2009
(OJ L 116, 9.5.2009, p. 16).

Commission Implementing Regulation (EU) No 666/2012
(OJ L 194, 21.7.2012, p. 3).

Article 1 only

ANNEX V

Correlation Table

Regulation (EC) No 2092/2004	This Regulation
Articles 1 to 7	Articles 1 to 7
Article 7a	Article 8
Article 8	—
—	Article 9
Article 9	Article 10
Annexes I, II and III	Annexes I, II and III
—	Annex IV
—	Annex V

COMMISSION IMPLEMENTING REGULATION (EU) No 83/2013**of 29 January 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 29 January 2013.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	57,7
	PS	161,2
	TN	96,0
	TR	128,0
	ZZ	110,7
0707 00 05	EG	206,0
	MA	124,7
	TR	172,0
	ZZ	167,6
0709 91 00	EG	119,3
	ZZ	119,3
0709 93 10	EG	194,1
	MA	71,7
	TR	155,9
	ZZ	140,6
0805 10 20	EG	57,1
	MA	55,4
	TN	50,7
	TR	77,1
	ZZ	60,1
0805 20 10	MA	83,0
	ZZ	83,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	153,7
	IL	115,4
	KR	136,1
	MA	141,4
	TR	77,6
	ZZ	124,8
0805 50 10	EG	87,0
	TR	70,3
	ZZ	78,7
0808 10 80	BR	86,6
	CN	91,9
	MK	36,4
	US	170,0
	ZZ	96,2
0808 30 90	CN	68,0
	TR	176,8
	US	132,9
	ZZ	125,9

⁽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'.

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 19 December 2012

pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection of personal data by New Zealand

(notified under document C(2012) 9557)

(Text with EEA relevance)

(2013/65/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾, and in particular Article 25(6) thereof,

After consulting the European Data Protection Supervisor

Whereas:

- (1) Pursuant to Directive 95/46/EC, Member States are required to provide that the transfer of personal data to a third country may take place only if the third country in question ensures an adequate level of protection and if the Member States' laws implementing other provisions of the Directive are complied with prior to the transfer.
- (2) The Commission may find that a third country ensures an adequate level of protection. In that case, personal data may be transferred from the Member States without additional guarantees being necessary.
- (3) Pursuant to Directive 95/46/EC the level of data protection should be assessed in the light of all the circumstances surrounding a data transfer operation or a set of data transfer operations and giving particular consideration to certain specified elements relevant for the transfer.
- (4) Given the different approaches to data protection in third countries, the adequacy assessment should be carried out, and any decision based on Directive 95/46/EC should be made and enforced in a way that does not arbitrarily or

unjustifiably discriminate against or between third countries where like conditions prevail, nor constitute a disguised barrier to trade, regard being had to the Union's present international commitments.

- (5) New Zealand is a former British colony. It became an independent Dominion in 1907, but did not formally sever its constitutional ties with Great Britain until 1947. New Zealand is a unitary State and does not have a written constitution in the conventional sense of an entrenched constitutive document. The country is a constitutional monarchy and parliamentary democracy on the Westminster model, with the Queen of New Zealand as the Head of State.

- (6) New Zealand operates on the principle of Parliamentary sovereignty. Nevertheless, by convention there are a number of statutes that are of particular constitutional importance and are regarded as 'higher law'. This is in the sense that they form part of the constitutional background or landscape by informing government practice and the enactment of other legislation. Moreover, cross-political consensus would be expected in the event of amendment or repeal of this legislation. Several of these statutes — the Bill of Rights Act of 28 August 1990 (Public Act No 109 of 1990), the Human Rights Act of 10 August 1993 (Public Act No 82 of 1993), and the Privacy Act of 17 May 1993 (Public Act No 28 of 1993) — are relevant to data protection. The constitutional importance of this legislation is reflected by the convention that they must be taken into account when developing or proposing new legislation.

- (7) The legal standards for the protection of personal data in New Zealand are primarily set out in the Privacy Act, as amended by the Privacy (Cross-border Information) Amendment Act of 7 September 2010 (Public Act No 113 of 2010). It predates Directive 95/46/EC, and is not limited to automatically processed data or structured data in a filing system, but covers all personal information in whatever shape or form. It covers the entire public and private sectors, with a few specific public interest exceptions that one would expect in a democratic society.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

- (8) There are a number of regulatory frameworks in New Zealand for dealing with privacy issues in terms of policy, rules, or complaints jurisdictions. Some are statutory while others are self-regulating industry bodies, including media regulation, direct marketing, unsolicited electronic messages, market research, health and disability, banking and insurance and savings.
- (9) In addition to legislation enacted by the New Zealand Parliament, there exists a considerable body of common law whose roots stem from English common law, embodying common law principles and rules that are relevant to data protection. Among the fundamental common law principles is the principle that the dignity of the individual is a paramount concern of the law. This common law principle is a key element in the background context to judicial decision-making generally in New Zealand. New Zealand case-law based on common law also contains a number of other aspects of privacy including invasion of privacy, breach of confidence and incidental protection in the context of defamation, nuisance, harassment, malicious falsehood, negligence and others.
- (10) The legal data protection standards applicable in New Zealand cover all the basic principles necessary for an adequate level of protection for natural persons, and also provide for exceptions and limitations in order to safeguard important public interests. These legal data protection standards and the exceptions reflect the principles laid down in Directive 95/46/EC.
- (11) The application of the legal data protection standards is guaranteed by administrative and judicial remedies, and by independent supervision carried out by the supervisory authority, the Privacy Commissioner, who is endowed with the kinds of powers set out in Article 28 of Directive 95/46/EC, and who acts independently. Moreover, any interested party is entitled to seek judicial redress for compensation for damages suffered as a result of the unlawful processing of his personal data.
- (12) New Zealand should therefore be regarded as providing an adequate level of protection for personal data as referred to in Directive 95/46/EC.
- (13) This decision should concern the adequacy of protection provided in New Zealand with a view to meeting the requirements of Article 25(1) of Directive 95/46/EC. It should not affect other conditions or restrictions implementing other provisions of the Directive that pertain to the processing of personal data within Member States.
- (14) In the interest of transparency and in order to safeguard the ability of the competent authorities in the Member States to ensure the protection of individuals as regards the processing of their personal data, it is necessary to specify the exceptional circumstances in which the suspension of specific data flows may be justified, notwithstanding the finding of adequate protection.
- (15) The Working Party on the protection of individuals with regard to the processing of personal data established under Article 29 of Directive 95/46/EC has delivered a favourable opinion on the level of adequacy as regards protection of personal data in New Zealand⁽¹⁾, which has been taken into account in the preparation of this Implementing Decision.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Committee established under Article 31(1) of Directive 95/46/EC,

HAS ADOPTED THIS DECISION:

Article 1

1. For the purposes of Article 25(2) of Directive 95/46/EC, New Zealand is considered as ensuring an adequate level of protection for personal data transferred from the Union.
2. The competent supervisory authority for the application of the legal data protection standards in New Zealand is set out in the Annex to this Decision.

Article 2

1. Without prejudice to their powers to take action to ensure compliance with national provisions adopted pursuant to provisions other than Article 25 of Directive 95/46/EC, the competent authorities in Member States may exercise their existing powers to suspend data flows to a recipient in New Zealand in order to protect individuals with regard to the processing of their personal data in the following cases:
 - (a) where a competent New Zealand authority has determined that the recipient is in breach of the applicable standards of protection; or
 - (b) where there is a substantial likelihood that the standards of protection are being infringed, there are reasonable grounds for believing that the competent New Zealand authority is not taking or will not take adequate and timely steps to settle the case at issue, the continuing transfer would create an imminent risk of grave harm to data subjects and the competent authorities in the Member State have made reasonable efforts in the circumstances to provide the party responsible for processing established in New Zealand with notice and an opportunity to respond.
2. The suspension shall cease as soon as the standards of protection are assured and the competent authority of the Member States concerned is notified thereof.

Article 3

1. Member States shall inform the Commission without delay when measures are adopted on the basis of Article 2.

⁽¹⁾ Opinion 11/2011 dated 4 April 2011 on the level of protection of personal data in New Zealand. Available at http://ec.europa.eu/justice/data-protection/article-29/documentation/opinion-recommendation/files/2011/wp182_en.pdf

2. The Member States and the Commission shall inform each other of cases where the action of bodies responsible for ensuring compliance with the standards of protection in New Zealand fails to ensure such compliance.

3. Where information gathered under Article 2(1) and under paragraphs 1 and 2 of this Article provides evidence that any body responsible for ensuring compliance with the standards of protection in New Zealand is not effectively fulfilling its role, the Commission shall inform the competent New Zealand authority and, if necessary, present draft measures in accordance with the procedure referred to in Article 31(2) of Directive 95/46/EC with a view to repealing or suspending this Decision or limiting its scope.

Article 4

The Commission shall monitor the functioning of this Decision and report any pertinent findings to the Committee established under Article 31 of Directive 95/46/EC, including any evidence that could affect the finding in Article 1 of this Decision, that

protection in New Zealand is adequate within the meaning of Article 25 of Directive 95/46/EC and any evidence that this Decision is being implemented in a discriminatory manner.

Article 5

Member States shall take all the measures necessary to comply with this Decision until 20 March 2013.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 December 2012.

For the Commission
Viviane REDING
Vice-President

ANNEX

Competent supervisory authority referred to in Article 1(2) of this Decision:

Privacy Commissioner:
Te Mana Matapono Matatapu
Level 4
109-111 Featherston Street
Wellington 6143
New Zealand
Tel: +64-4-474 7590
Contact e-mail: enquiries@privacy.org.nz
Website: <http://privacy.org.nz/>

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