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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 125/2009**of 11 February 2009****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 February 2009.

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

Done at Brussels, 11 February 2009.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, 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	IL	195,3
	JO	68,6
	MA	43,2
	TN	112,2
	TR	89,3
	ZZ	101,7
0707 00 05	JO	170,1
	MA	134,2
	TR	152,3
	ZZ	152,2
0709 90 70	MA	105,0
	TR	153,9
	ZZ	129,5
0709 90 80	EG	103,6
	ZZ	103,6
0805 10 20	EG	46,5
	IL	50,6
	MA	56,5
	TN	39,8
	TR	61,8
	ZA	44,9
	ZZ	50,0
0805 20 10	IL	150,3
	MA	105,9
	TR	52,0
	ZZ	102,7
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	72,2
	IL	90,2
	JM	101,6
	MA	161,0
	PK	48,3
	TR	64,3
	ZZ	89,6
0805 50 10	EG	44,9
	MA	55,1
	TR	58,1
	ZZ	52,7
0808 10 80	AR	91,9
	CA	90,4
	CL	67,8
	CN	79,0
	MK	32,6
	US	111,6
	ZZ	78,9
0808 20 50	AR	106,4
	CL	57,1
	CN	52,9
	US	110,5
	ZA	98,2
	ZZ	85,0

⁽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'.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

COUNCIL

COUNCIL DECISION

of 7 April 2008

on the signing and provisional application of the Agreement between the European Community and the Government of Nepal on certain aspects of air services

(2009/117/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) The Council authorised the Commission on 5 June 2003 to open negotiations with third countries on the replacement of certain provisions in existing bilateral Agreements with a Community Agreement.

(2) On behalf of the Community, the Commission has negotiated an Agreement with Nepal on certain aspects of air services in accordance with the mechanisms and directives in the Annex to the Council Decision authorising the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral Agreements with a Community Agreement.

(3) The Agreement should be signed and provisionally applied, subject to its conclusion at a later date,

Article 1

The signing of the Agreement between the European Community and the Government of Nepal on certain aspects of air services is hereby approved on behalf of the Community, subject to the conclusion of the said Agreement.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Community subject to its conclusion.

Article 3

Pending its entry into force, the Agreement shall be applied provisionally from the first day of the first month following the date on which the parties have notified each other of the completion of the necessary procedures for this purpose ⁽¹⁾.

⁽¹⁾ The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

Article 4

The President of the Council is hereby authorised to make the notification provided for in Article 9(2) of the Agreement.

Done at Luxembourg, 7 April 2008.

For the Council

The President

R. ŽERJAV

AGREEMENT**between the European Community and the Government of Nepal on certain aspects of air services**

THE EUROPEAN COMMUNITY

of the one part, and

THE GOVERNMENT OF NEPAL

of the other part

(hereinafter referred to as 'the Parties')

NOTING that bilateral air service agreements have been concluded between several Member States of the European Community and Nepal containing provisions contrary to Community law,

NOTING that the European Community has exclusive competence with respect to several aspects that may be included in bilateral air service agreements between Member States of the European Community and third countries,

NOTING that under European Community law Community air carriers established in a Member State have the right to non-discriminatory access to air routes between the Member States of the European Community and third countries,

HAVING REGARD to the agreements between the European Community and certain third countries providing for the possibility for the nationals of such third countries to acquire ownership in air carriers licensed in accordance with European Community law,

RECOGNISING that certain provisions of the bilateral air service agreements between Member States of the European Community and Nepal, which are contrary to European Community law, must be brought into conformity with it in order to establish a sound legal basis for air services between the European Community and Nepal and to preserve the continuity of such air services,

RECOGNISING that bilateral air service agreements between Member States of the European Community and Nepal should be consistent with the laws of Nepal and the European Community and provide a viable and sound legal basis for ensuring continuity and development of air services between the European Community and Nepal,

NOTING that provisions of the bilateral air service agreements between Member States of the European Community and Nepal, which are not inconsistent with European Community law, do not need to be affected by this Agreement,

NOTING that under European Community law air carriers may not, in principle, conclude agreements which may affect trade between Member States of the European Community and which have as their object or effect the prevention, restriction or distortion of competition,

RECOGNISING that provisions in bilateral air service agreements concluded between Member States of the European Community and Nepal which (i) require or favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition between air carriers in the relevant routes; or (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to air carriers or other private economic operators the responsibility for taking measures that prevent, distort or restrict competition between air carriers on the relevant routes may render ineffective the competition rules applicable to undertakings,

NOTING that it is not a purpose of the European Community, as part of this agreement, to bring about any changes in the total volume of air traffic between the European Community and Nepal, to affect the balance between Community air carriers and air carriers of Nepal, or to make amendments to the provisions of existing bilateral air service agreements concerning traffic rights,

HAVE AGREED AS FOLLOWS:

Article 1

General provisions

1. For the purposes of this Agreement, 'Member States' shall mean Member States of the European Community.
2. References in each of the agreements listed in Annex I to nationals of the Member State that is a party to that agreement shall be understood as referring to nationals of the Member States of the European Community.
3. References in each of the agreements listed in Annex I to air carriers or airlines of the Member State that is a party to that agreement shall be understood as referring to air carriers or airlines designated by that Member State.

Article 2

Designation, authorisation and revocation

1. The provisions in paragraphs 3 and 4 of this Article shall supersede the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of air carriers by the Member State concerned, its authorisations and permissions granted by Nepal, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.
2. The provisions in paragraphs 3 and 4 of this Article shall supersede the corresponding provisions in the Articles listed in Annex II(a) and (b) respectively, in relation to the designation of air carriers by Nepal, its authorisations and permissions granted by the Member State concerned, and the refusal, revocation, suspension or limitation of the authorisations or permissions of the air carrier, respectively.
3. On receipt of such a designation, and of applications from the designated air carrier(s), in the form and manner prescribed for authorisations and permissions, the other party shall, subject to paragraphs 4 and 5 grant the appropriate authorisations and permissions with minimum procedural delay, provided that:

(a) in the case of an air carrier designated by a Member State:

- (i) the air carrier is established in the territory of the designating Member State under the Treaty establishing the European Community and has a valid Operating Licence from a Member State in accordance with European Community law; and
- (ii) effective regulatory control of the air carrier is exercised and maintained by the Member State responsible for issuing its Air Operator's Certificate and the relevant

aeronautical authority is clearly identified in the designation; and

- (iii) the air carrier is owned directly or through majority ownership and is effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states;

(b) in the case of an air carrier designated by Nepal:

- (i) it has its principal place of business in Nepal; and
- (ii) Nepal has and maintains effective regulatory control of the air carrier.

4. Either party may refuse, revoke, suspend or limit the authorisation or permissions of an air carrier designated by the other party where:

(a) in the case of an air carrier designated by a Member State:

- (i) the air carrier is not established in the territory of the designating Member State under the Treaty establishing the European Community or does not have a valid operating licence from a Member State in accordance with European Community law; or
- (ii) effective regulatory control of the air carrier is not exercised or not maintained by the Member State responsible for issuing its air operator's certificate, or the relevant aeronautical authority is not clearly identified in the designation; or
- (iii) the air carrier is not owned directly or through majority ownership and is not effectively controlled by Member States and/or nationals of Member States, and/or by other states listed in Annex III and/or nationals of such other states; or

(b) in the case of an air carrier designated by Nepal:

- (i) it does not have its principal place of business in Nepal; or
- (ii) Nepal is not maintaining effective regulatory control of the air carrier; or
- (iii) majority ownership or control of the air carrier designated by Nepal is vested in a third country that does not effectively accept the designation of Community air carriers established in the Community.

5. In exercising its right under paragraph 4, Nepal shall not discriminate between air carriers of Member States on the grounds of nationality.

Article 3

Safety

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex II(c).

2. Where a Member State has designated an air carrier whose regulatory control is exercised and maintained by another Member State, the rights of the Government of Nepal under the safety provisions of the agreement between the Member State that has designated the air carrier and the Government of Nepal shall apply equally in respect of the adoption, exercise or maintenance of safety standards by that other Member State and in respect of the operating authorisation of that air carrier.

Article 4

Taxation of aviation fuel

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex II(d).

2. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex II(d) shall prevent a Member State from imposing, on a non-discriminatory basis, taxes, levies, duties, fees or charges on fuel supplied in its territory for use in an aircraft of a designated air carrier of Nepal that operates between a point in the territory of that Member State and another point in the territory of that Member State or in the territory of another Member State.

Article 5

Tariffs for carriage within the European Community

1. The provisions in paragraph 2 of this Article shall complement the corresponding provisions in the Articles listed in Annex II(e).

2. The tariffs to be charged by the air carrier(s) designated by the Government of Nepal under an agreement listed in Annex I containing a provision listed in Annex II(e) for carriage wholly within the European Community shall be subject to European Community law.

Article 6

Compatibility with competition rules

1. Notwithstanding any other provision to the contrary, nothing in each of the agreements listed in Annex I shall (i) favour the adoption of agreements between undertakings, decisions by associations of undertakings or concerted practices that prevent, distort or restrict competition; (ii) reinforce the effects of any such agreement, decision or concerted practice; or (iii) delegate to private economic operators the responsibility for taking measures that prevent, distort or restrict competition.

2. The provisions contained in the agreements listed in Annex I that are incompatible with paragraph 1 of this Article shall not be applied.

Article 7

Annexes to the Agreement

The Annexes to this Agreement shall form an integral part thereof.

Article 8

Revision or amendment

The Parties may, at any time, revise or amend this Agreement by mutual consent.

Article 9

Entry into force and provisional application

1. This Agreement shall enter into force when the Parties have notified each other in writing that their respective internal procedures necessary for its entry into force have been completed.

2. Notwithstanding paragraph 1, the Parties agree to provisionally apply this Agreement from the first day of the month following the date on which the Parties have notified each other of the completion of the procedures necessary for this purpose.

3. Agreements and other arrangements between Member States and the Government of Nepal which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally are listed in Annex I(b). This Agreement shall apply to all such Agreements and arrangements upon their entry into force or provisional application.

Article 10

Termination

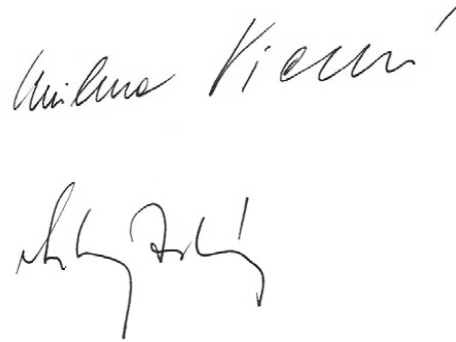
1. In the event that an agreement listed in Annex I is terminated, all provisions of this Agreement that relate to the agreement listed in Annex I concerned shall terminate at the same time.

2. In the event that all agreements listed in Annex I are terminated, this Agreement shall terminate at the same time.

IN WITNESS WHEREOF, the undersigned, being duly authorised, have signed this Agreement.

Done at Brussels in duplicate, on the twenty-third day of January in the year two thousand and nine in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, Swedish and Nepali languages.

Za Европейската Общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
För Europeiska Gemenskapen
युरोपेली समुदायको लागि



Za правителството на Непал
Por el Gobierno de Nepal
Za vládu Nepálu
For Nepals regering
Für die Regierung von Nepal
Nepali valitsuse nimel
Για την Κυβέρνηση του Νεπάλ
For the Government of Nepal
Pour le gouvernement du Népal
Per il governo del Nepal
Nepālas valdības vārdā
Nepalo vyriausybės vardu
Nepál kormány részéről
Ghall-Gvern tan-Nepal
Voor de Regering van Nepal
W imieniu Rządu Nepalu
Pelo Governo do Nepal
Pentru Guvernul Nepalului
Za vládu Nepálu
Za vlado Nepala
Nepalin hallituksen puolesta
För Nepals regering
नेपाल सरकारको लागि



ANNEX I

LIST OF AGREEMENTS REFERRED TO IN ARTICLE 1 OF THIS AGREEMENT

- (a) Air service agreements between the Government of Nepal and Member States of the European Community which, at the date of signature of this Agreement, have been concluded, signed and/or are being applied provisionally:
- Agreement between the Austrian Federal Government and His Majesty's Government of Nepal relating to Civil Air Transport signed at Kathmandu on 29 October 1997, hereinafter referred to as 'Nepal-Austria Agreement' in Annex II,
 - Agreement between the Government of the Grand Duchy of Luxembourg and His Majesty's Government of Nepal on air services done at Luxembourg on 18 June 1999, hereinafter referred to as 'Nepal-Luxembourg Agreement' in Annex II,
 - Agreement between the Kingdom of the Netherlands and His Majesty's Government of Nepal on air services done at Schiphol Airport on 10 June 1998, hereinafter referred to as 'Nepal-The Netherlands Agreement' in Annex II,
 - Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and His Majesty's Government of Nepal concerning air services done at Kathmandu on 3 March 1994, hereinafter referred to as 'Nepal-United Kingdom Agreement' in Annex II;
- (b) Air service agreements and other arrangements initialled or signed between the Government of Nepal and Member States of the European Community which, at the date of signature of this Agreement, have not yet entered into force and are not being applied provisionally:
- Air Services Agreement between His Majesty's Government of Nepal and the Government of the Republic of France initialled at Kathmandu on 7 July 1998, hereinafter referred to as 'Nepal-France Agreement' in Annex II,
 - Agreement between the Government of the Federal Republic of Germany and His Majesty's Government of Nepal on Air Services initialled and attached as Annex III to the Protocol done at Bonn on 26 July 2000, hereinafter referred to as 'Nepal-Germany Agreement' in Annex II,
 - Agreement between His Majesty's Government of Nepal and the Government of the Italian Republic concerning Air Services initialled at Kathmandu on 8 May 1992 hereinafter referred to as 'Nepal-Italy Agreement' in Annex II.
-

ANNEX II

LIST OF ARTICLES IN THE AGREEMENTS LISTED IN ANNEX I AND REFERRED TO IN ARTICLES 2 TO 6 OF THIS AGREEMENT

- (a) Designation by a Member State:
- Article 4 of the Nepal-Austria Agreement,
 - Article 4 of the Nepal-France Agreement,
 - Article 4 of the Nepal-Italy Agreement,
 - Article 3 of the Nepal-Luxembourg Agreement,
 - Article 5 of the Nepal-The Netherlands Agreement,
 - Article 4 of the Nepal-United Kingdom Agreement;
- (b) Refusal, revocation, suspension or limitation of authorisations or permissions:
- Article 4 of the Nepal-Austria Agreement,
 - Article 5 of the Nepal-France Agreement,
 - Article 4 of the Nepal-Germany Agreement,
 - Article 5 of the Nepal-Italy Agreement,
 - Article 4 of the Nepal-Luxembourg Agreement,
 - Article 6 of the Nepal-The Netherlands Agreement,
 - Article 5 of the Nepal-United Kingdom Agreement;
- (c) Safety:
- Article 8 of the Nepal-Austria Agreement,
 - Article 9 of the Nepal-France Agreement,
 - Article 14 of the Nepal-Germany Agreement,
 - Article 10 of the Nepal-Italy Agreement,
 - Article 6 of the Nepal-Luxembourg Agreement,
 - Article 10 of the Nepal-The Netherlands Agreement;
- (d) Taxation of aviation fuel:
- Article 9 of the Nepal-Austria Agreement,
 - Article 12 of the Nepal-France Agreement,
 - Article 7 of the Nepal-Germany Agreement,
 - Article 6 of the Nepal-Italy Agreement,
 - Article 8 of the Nepal-Luxembourg Agreement,
 - Article 13 of the Nepal-The Netherlands Agreement,
 - Article 8 of the Nepal-United Kingdom Agreement;
- (e) Tariffs for carriage within the European Community:
- Article 12 of the Nepal-Austria Agreement,
 - Article 14 of the Nepal-France Agreement,
 - Article 8 of the Nepal-Italy Agreement,
 - Article 10 of the Nepal-Luxembourg Agreement,
 - Article 8 of the Nepal-The Netherlands Agreement,
 - Article 7 of the Nepal-United Kingdom Agreement.
-

*ANNEX III***LIST OF OTHER STATES REFERRED TO IN ARTICLE 2 OF THIS AGREEMENT**

- (a) The Republic of Iceland (under the Agreement on the European Economic Area);
 - (b) The Principality of Liechtenstein (under the Agreement on the European Economic Area);
 - (c) The Kingdom of Norway (under the Agreement on the European Economic Area);
 - (d) The Swiss Confederation (under the Agreement between the European Community and the Swiss Confederation on Air Transport).
-

COUNCIL DECISION

of 10 February 2009

authorising the Czech Republic and the Federal Republic of Germany to apply measures derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax

(Only the Czech and the German texts are authentic)

(2009/118/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) By letters registered with the Secretariat-General of the Commission on 19 May 2008, the Czech Republic and the Federal Republic of Germany requested authorisation to apply special tax measures in relation to the construction and maintenance of certain border bridges between the two countries on the basis of the Agreement concluded between the Czech Republic and the Federal Republic of Germany on the responsibility for the construction and maintenance of cross-border bridges (the Agreement).
- (2) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 2 October 2008 of the requests made by the Czech Republic and the Federal Republic of Germany. By letter dated 7 October 2008, the Commission notified the Czech Republic and the Federal Republic of Germany that it had all the information necessary to consider the requests.
- (3) The purpose of the special measures is for supplies of goods and services and intra-Community acquisitions of goods intended for the construction and maintenance of the cross-border bridges in question, which according to the VAT rules are to be located in the Member State where the bridge stands, to be subject to the value added tax of the Member State that is responsible for their construction or maintenance in accordance with the Agreement which makes provision for the division of responsibility.

- (4) In the absence of special measures it would be necessary, according to the principle of territoriality, for each supply of goods and services and intra-Community acquisition of goods to ascertain whether the place of taxation was the Czech Republic or the Federal Republic of Germany. Work at a border bridge carried out on Czech territory would be subject to value added tax in the Czech Republic while work carried out on German territory would be subject to German value added tax.
- (5) The purpose of the derogation is therefore to simplify the procedure for charging value added tax on the construction and maintenance of the bridges in question by considering each bridge as being solely on the territory of the Member State that is responsible for its construction or maintenance in accordance with the Agreement.
- (6) The cross-border bridges existing or planned at the time of adoption of the Agreement are set out in the Annex to this Decision. However, additional bridges may be brought within the scope of the Agreement in the future by an exchange of diplomatic notes and the derogation should therefore also apply to such additional bridges in accordance with the Agreement as extended.
- (7) The derogation will have no negative impact on the Community's own resources provided from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

The Czech Republic and the Federal Republic of Germany are hereby authorised, under the conditions of Articles 2 and 3 of this Decision, to apply measures derogating from Directive 2006/112/EC in relation to the construction and subsequent maintenance of one planned border bridge, and the maintenance of 22 existing border bridges, all of which are partly on the territory of the Czech Republic and partly on the territory of the Federal Republic of Germany on the basis of the Agreement concluded between the Czech Republic and the Federal Republic of Germany on the responsibility for the construction or maintenance of cross-border bridges (the Agreement). The details of the bridges in question are set out in the Annex to this Decision. This authorisation shall also apply to construction and maintenance of any additional bridges which are brought within the scope of the Agreement by an exchange of diplomatic notes.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

Article 2

By way of derogation from Article 5 of Directive 2006/112/EC, with respect to the border bridges for which the Czech Republic is responsible as regards construction and maintenance and with respect to the border bridges for which the Czech Republic is solely responsible as regards maintenance, those bridges shall be deemed to be part of the Czech territory for the purposes of supplies of goods and services and intra-Community acquisitions of goods intended for their construction or maintenance.

Article 3

By way of derogation from Article 5 of Directive 2006/112/EC, with respect to the border bridges for which the Federal Republic of Germany is responsible as regards construction and maintenance and with respect to the border bridges for which the Federal Republic of Germany is solely responsible

as regards maintenance, those bridges shall be deemed to be part of the German territory for the purposes of supplies of goods and services and intra-Community acquisitions of goods intended for their construction or maintenance.

Article 4

This Decision is addressed to the Czech Republic and to the Federal Republic of Germany.

Done at Brussels, 10 February 2009.

For the Council

The President

M. KALOUSEK

ANNEX

Bridges referred to in Article 1:

1. The Federal Republic of Germany shall be responsible for the construction and maintenance of the following border bridge:

- (a) the border bridge over the Načetínský potok/Natzschung between Brandov and Olbernhau in border section XIII between boundary stones 10/5 and 10/6.

2. The Federal Republic of Germany shall be responsible for the maintenance of the following border bridges:

- (a) the border bridge over the Zlatý potok/Goldbach between Český Mlýn and Rittersgrün in border section XVII between boundary stones 10 and 10/1;
- (b) the border bridge over the Polava/Pöhlbach between Loučná and Oberwiesenthal in border section XVI between boundary stones 9 and 10;
- (c) the border bridge over the Polava/Pöhlbach between České Hamry and Hammerunterwiesenthal in border section XVI between boundary stones 5 and 6;
- (d) the border bridge over the Načetínský potok/Natzschung between Brandov and Olbernhau/Grünthal in border section XIII between boundary stones 9 and 10;
- (e) the border bridge over the Svídnice/Schweinitz between Hora sv. Kateřiny and Deutschkatharinenberg in border section XIII between boundary stones 2/8 and 3;
- (f) the border bridge over the Svídnice/Schweinitz between Nová Ves v Horách and Deutschneudorf in border section XII between boundary stones 17 and 18;
- (g) the border bridge over the Flájský potok/Flöha between Český Jiřetín and Deutschgeorgenthal in border section XII between boundary stones 1 and 1/1;
- (h) the border bridge over the Mohelnice/Weiße Müglitz between Fojtovice and Fürstenau in border section X between boundary stones 5/29 and 6;
- (i) the border bridge over the Krínice/Kirnitzsch between Zadní Jetřichovice and Hinterhermsdorf/Raabensteine in border section VII between border stones 1 and 2;
- (j) the border bridge over the Krínice/Kirnitzsch between Zadní Doubice and Hinterhermsdorf in border section VI between border stones 23/21 and 24;
- (k) the border bridge over the Čertova voda/Teufelsbach between Bučina and Finsterau in border section XI between boundary stones 9 and 10;
- (l) the border bridge over the Údolský potok/Ruthenbächle between Stožec-Nové Údolí and Haidmühle in border section XII between boundary stones 9/1 and 9/2;
- (m) the border bridge over the Černice/Bayerischer Schwarzbach between Rybník-Švarcava and Stadlern in border section VII between border stones 11 and 12;
- (n) the border bridge over the Lomnička/Helmbach between Zadní Chalupy and Helmhof in border section IX at border stone 17/2.

3. The Czech Republic shall be responsible for the maintenance of the following border bridges:

- (a) the border bridge over the Komáří potok/Mückenbach between Český Mlýn and Rittersgrün (Zollstraße) in border section XVII between boundary stones 11 and 12;
 - (b) the border bridge over the Polava/Pöhlbach between Vejprty and Bärenstein in border section XVI between boundary stones 1 and 2;
 - (c) the border bridge over the Schweinitz/Svidnice between Mníšek and Deutscheinsiedel in border section XII between boundary stones 13 and 14;
 - (d) the border bridge carrying road II/267 and road S 154 over the Vilémovský potok/Sebnitz between Dolní Poustevna and Sebnitz between boundary stones 19 (in border section V) and 1 (in border section VI);
 - (e) the border bridge carrying footpaths over the Vilémovský potok/Sebnitz between Dolní Poustevna and Sebnitz between boundary stone 19 (in border section V) and 1 (in border section VI);
 - (f) the border bridge over the Hraniční potok/Rehlingbach between Rozvadov and Waidhaus in border section VI between boundary stones 1 and 2;
 - (g) the border bridge over the Prášilský potok/Marchbach between Prášily and Scheuereck in border section X between boundary stones 11/26 and 12;
 - (h) the border bridge over the Mechový potok/Harlandbach between České Žleby and Bischofsreut/Marchhäuser in border section XII between boundary stones 5/4 and 5/5.
-

COUNCIL DECISION**of 10 February 2009****appointing a German member and a German alternate member of the Committee of the Regions**

(2009/119/EC)

THE COUNCIL OF THE EUROPEAN UNION,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Treaty establishing the European Community, and in particular Article 263 thereof,

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2010:

(a) as member:

Having regard to the proposal of the German Government,

— Ms Emilia MÜLLER, Staatsministerin für Bundes- und Europaangelegenheiten in der Bayerischen Staatskanzlei;

and

Whereas:

(b) as alternate member:

— Mr Horst SEEHOFER, Bayerischer Ministerpräsident.

Article 2

(1) On 24 January 2006, the Council adopted Decision 2006/116/EC appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2006 to 25 January 2010 ⁽¹⁾.

This Decision shall take effect on the day of its adoption.

Done at Brussels, 10 February 2009.

(2) A member's seat on the Committee of the Regions has become vacant following the expiry of the mandate of Mr Markus SÖDER. An alternate member's seat on the Committee of the Regions has become vacant following the expiry of the mandate of Mr Günther BECKSTEIN,

For the Council
The President
M. KALOUSEK

⁽¹⁾ OJ L 56, 25.2.2006, p. 75.

RECOMMENDATIONS

COMMISSION

COMMISSION RECOMMENDATION

of 11 February 2009

on the implementation of a nuclear material accountancy and control system by operators of nuclear installations*(notified under document number C(2009) 785)**(2009/120/Euratom)*

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HEREBY RECOMMENDS:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 77 and Article 124 thereof,

- (1) Whereas Commission Regulation (Euratom) No 302/2005 of 8 February 2005 on the application of Euratom safeguards ⁽¹⁾ defined the nature and extent of the requirements provided for in Article 79 of the Euratom Treaty in order to permit accounting for ores, source materials and special fissile materials used or produced.
- (2) Whereas Article 7 of Regulation (Euratom) No 302/2005 requires nuclear operators to maintain a system of accountancy and control for nuclear materials, and sets out some requirements for such a system.
- (3) Whereas the Commission working document entitled 'Implementing Euratom Treaty Safeguards' (IETS) ⁽²⁾, contains the requirement that the Commission draw up a reference framework for high-quality nuclear material accountancy and control (NMAC) systems. It also states that auditing of nuclear operators' NMAC systems will be one of the Commission's supervisory activities.
- (4) Whereas the European Safeguards Research and Development Association (Esarda) presented in 2007 a Guideline for Good Practice in Nuclear Materials Accountancy and Control Systems dealing with the elements of the NMAC system that could be audited and the possible criteria for indicating quality performance in each of these elements,

Section 1 — Purpose and scope

This Recommendation describes the reference characteristics of an operator's NMAC system complying with the legal obligations of Regulation (Euratom) No 302/2005. Some characteristics described in this Recommendation are only relevant to facilities with corresponding activities ⁽³⁾.

Section 2 — Terms and definitions

1. 'Containment' is a structural feature of a facility, container or equipment which is used to establish the physical integrity of an area or item (including safeguards equipment or data) and to maintain the continuity of knowledge of the area or item by preventing undetected access to, or movement of, nuclear or other material, or interference with the contained items. Examples are the walls of a storage room or of a storage pool, transport flasks and storage containers.

2. 'Corrective action' means action to eliminate the cause of a detected NMAC discrepancy, anomaly or other undesirable situation. Corrective action is taken to prevent recurrence. There is a distinction between correction and corrective action.

3. 'Data processing' is the link between the creation of measurement results and material-tracking data and the production of a variety of regulatory reports, documents supporting Euratom verification and internal working documents related to material tracking by the facility itself.

⁽¹⁾ OJ L 54, 28.2.2005, p. 1.

⁽²⁾ SEC(2007) 293.

⁽³⁾ The references to measurement and material balance testing will be irrelevant in an item facility which involves no measurement.

4. 'Inventory control' by the nuclear operator is a quality control programme aimed at ensuring agreement between records and the physical situation in a timely manner. Inventory control should include resolving and reporting on found discrepancies as well as reconciliation with other local accounts and central accounts.
5. The 'List of inventory items' (LII) is a complete list of nuclear material (NM) items in a material balance area (MBA) or a specified location within an MBA produced as a result of applying an installation procedure. The list may include material that is handled as a batch. The list should include the identities and locations of the items or batches. The mass values and other characteristics of the items or batches should be traceable.
6. 'Material balance test' means the method for assessing the material balance value; taking into account the justified estimation of measurement uncertainty, the balance test will decide whether the balance is acceptable or not.
7. 'Material balance discrepancy' means a material balance value which is not accepted by the material balance test.
8. 'Measurement' means the activity to determine the quantity and the characterisation of accounted nuclear material.
9. 'Nuclear material accountancy and control' (NMAC) means all activities in a nuclear installation concerning the accountancy and control of nuclear material, including the determination and processing of data and the reporting to the Commission.
10. 'NMAC discrepancy' means any discrepancy between two or more pieces of NMAC information (e.g. records) where this discrepancy cannot be justified after taking account of legitimate measurement variation or legitimate uncertainty estimation. NMAC discrepancies include measurement discrepancies, material balance discrepancies and nuclear material control discrepancies.
11. 'NMAC anomaly' is an NMAC discrepancy or series of discrepancies that are consistent with the absence or gain of a significant amount of nuclear material. An NMAC anomaly can be detected during an investigation of NMAC discrepancies of whatever kind.
12. 'Nuclear material control discrepancy' means a non-conformance in the identification or location of nuclear material.
13. 'Nuclear material tracking' means the documentation of the identification, the movements, the location and the basic characteristics of every item of nuclear material in the MBA. In particular, tracking includes operating records that are the basis for re-batching, new measurement, shipper-receiver difference and category change declarations.
14. 'Nuclear operator' means a person or undertaking setting up or operating an installation for the production, separation, reprocessing, storage or other use of source material or special fissile material. The term is also used to refer to the organisation ultimately responsible for NMAC compliance with Regulation (Euratom) No 302/2005.
15. 'Performance indicator' means a leading indicator of attainment achieved by an individual, team, organisation or an action.
16. 'Physical inventory taking' (PIT) means the process to produce a complete list of the nuclear material items for an MBA as a basis for allowing verification of physical inventory by Commission inspectors.
17. 'Physical inventory verification' (PIV) means an inspection activity that verifies the validity of the operator's physical inventory taking and closes the material balance period. The basis for a PIV is the list of inventory items (LII) drawn up by the operator. The LII data are correlated with the physical inventory listing reports.
18. 'Quality control' (QC) means a control designed to ensure that the quality requirements are fulfilled.
19. 'Quality management system' means coordinated activities to direct and control an organisation with regard to quality.
20. 'Quality assurance' (QA) means the part of the quality management system focused on providing confidence regarding fulfilment of the quality requirements.
21. 'Traceability' means the ability to trace the history, application or location of that which is under consideration.

Section 3 — The management of an NMAC system

Organisation and responsibilities

1. Senior management should ensure that responsibilities and authorities are defined and communicated within the organisation. A member of the management should be appointed who, irrespective of other responsibilities, should have responsibility for annually assuring the chief executive officer, in writing, that the entire NMAC system is fit for purpose.

2. Management roles and responsibilities taken together should also comprise organisational procedures and communication patterns that:

- (a) transmit information about NMAC performance both hierarchically and across functional responsibility areas;
- (b) assign responsibilities for improvement of NMAC as required based on criteria for recognising when improvement is needed;
- (c) provide the NMAC Manager with NMAC anomalies information;
- (d) ensure staff involved in NMAC activities have the appropriate competences;
- (e) ensure appropriate awareness of the legal obligations concerning safeguards.

Quality management and control

3. The key tasks should incorporate quality assurance and quality control measures. The objectives of these measures should include:

- (a) reduction of the intrinsic risk of human errors;
- (b) ensuring the correct functioning of instrumentation and software;
- (c) provision of a variety of indicators designed to alert management to any sign of inadequate performance (performance indicators);
- (d) internal assessment in order to detect poor performance;
- (e) a corrective action mechanism for cases of poor performance.

Section 4 — Measurement and measurement control

Measurement programme

1. Where measurements are performed, a programme should be established for providing sufficiently accurate and precise

quantification and characterisation of the material that has to be referred to in accounting declarations. The measurement activities should be conducted so as to have traceability in the event of investigation of an anomaly. Measurement activities should include the measurement of material but also the processes whereby measured material is selected as representative of a set of material and all subsequent treatment of this sample material (sampling, sample shipment and preparation) and the required data treatment processes. It also should include measurement activities required for measurement control and quality assurance.

Accountancy data requirements

2. In order to ensure appropriate performance of the measurements, the following should be taken into account:

- (a) validation of the applied measurements methods;
- (b) traceability of measurement results;
- (c) precision and accuracy;
- (d) that each measurement result is approved by a responsible person;
- (e) that sampling is representative of the material.

3. In cases where accounting data are based on calculations that are not direct measurements, the values should be validated, traceable and approved. Similar requirements apply to item counting.

Measurement control

4. A measurement control programme should be in place in order to ensure the validity of the measurement results and their uncertainties used for accountancy declarations.

5. The measurement control programme should include:

- (a) measures to ensure that the instrumentation is performing as required;
- (b) assurance that accountancy mass values are free from any significant measurement bias and that the measurement uncertainty is appropriately estimated;
- (c) records of all data of the measurement control programme;
- (d) description of the measurement equipment and methods;
- (e) approval of the measurement procedures.

Section 5 — Nuclear material tracking

1. The nuclear material tracking should document any movement of and the location of every item of nuclear material. It also should imply knowledge of the characteristics of the material and its containment. Any action involving nuclear material that affects the location, the identification, the nature or the quantity of the nuclear material should be documented. In particular, nuclear material tracking should include records that are the basis for re-batching, new measurement, shipper-receiver difference and category change declarations.

Identity

2. Nuclear material should, where practical, be in containers having a recorded unique identity. When nuclear material is not in a transportable container, a well delimited process location may be considered both as the identity of the 'container' and as the location of the container/material. This includes material in process vessels or other equipment. Identities of containers should be permanent and readily legible for inventory checking. If the identity of the item needs to be changed, the link between old and new identities should be recorded. If nuclear material is in some form of double containment, the nature and characteristics of the material in any container or location should be traceable through identification control.

Identification of storage location

3. The locations in which nuclear material can be held should have identities that are a basis for recording the location and transfers of material. Specific positions within areas should be mentioned, where appropriate, as part of the specification of the exact location. The records for storage control should ensure that the identities of the contents of each storage location are known and that the location of any identified item can be derived. The nature and characteristics of the material in any location should be available through identification control or other means.

Material tracking during production

4. When nuclear material enters a process (or is repackaged), the production records should allow identification of the items from which the material has been fed into the process (or into new containers). This is intended to provide traceability of the relevant nuclear characteristics of the material in process.

Production records should specify the amount of material fed into the process or repackaged and, as mentioned, traceability of information related to the nature of the nuclear material should be maintained.

When new items or sets of material arise as a result of processing or repackaging, mass values and identities should

be established for these items and their identity should be linked to the relevant mass results and measurement history.

Inventory control

5. Inventory control by the nuclear operator should:

- (a) ensure that all nuclear material transfers from stores to process areas and vice versa are recorded (Key Measurement Points, KMP);
- (b) verify regularly that stock records correspond to KMP flow records, storage location records and processing records, and regularly reconcile local records and central MBA records;
- (c) take into account the operating records of the inventory control measures that ensure continuity of knowledge about the nuclear material contents of items;
- (d) regularly check the agreement between the information of material present and the physical reality;
- (e) resolve and report on found discrepancies and reconciliation with other local accounts or central accounts.

In the event of a transfer of nuclear material that is not a transfer of a contained item, the amount of the transfer material should be measured.

Management of discrepancies

6. The installation should have an approach that recognises and investigates NMAC discrepancies, and documents their treatment. The approach should:

- (a) indicate for each discrepancy type the investigative actions to be taken and the conditions in each case that are considered to resolve the discrepancy. Actions to be taken should include personnel responsibilities and the additional data to be employed;
- (b) make the appropriate correction of records and regulatory declarations when a discrepancy has been resolved;
- (c) record when a discrepancy remains unresolved and the action taken to resolve it.

Management of anomalies

7. The installation should have an approach in place that corresponds to the reporting obligations under Article 6 and Article 14 (Special reports) of Regulation (Euratom) No 302/2005. In addition to the management of discrepancies described in point 6 of Section 5 of this Recommendation, the approach should:

- (a) recognise, investigate and document the treatment of NMAC anomalies corresponding to Article 15(a) of Regulation (Euratom) No 302/2005. Such NMAC investigations should aim to establish in a timely manner the accountancy evidence showing that all material is accounted for;
- (b) recognise, investigate and document the treatment of other situations corresponding to Article 15(b) of Regulation (Euratom) No 302/2005;
- (c) define personnel responsibilities and the form of internal communication required when actions under Article 15(a) or (b) of Regulation (Euratom) No 302/2005 are required. The approach should also define the mechanisms under which the personnel will inform the Commission;
- (d) define personnel responsibilities and authority in order to provide 'further details or explanations' when requested under Article 14 of Regulation (Euratom) No 302/2005.

Section 6 — Data processing and control

1. A data-processing system should be implemented producing:

- (a) safe and secure storage of all data required for the proper working of the NMAC system;
- (b) declarations required by Regulation (Euratom) No 302/2005 (inventory change reports, material balance reports, physical inventory listings, special reports, advanced notifications);
- (c) material balance standard deviation for material balance tests (if appropriate);
- (d) various types of documents linked to inventory change (IC) declarations such as shipping documentation;
- (e) working documents for routine inventory control;
- (f) working documents for PIT;
- (g) a list of inventory items (LII) resulting from PIT and used during PIV or other verification.

2. Data-processing procedures should be in place to correct records and generate correction declarations as appropriate for any situation where a discrepancy has been detected. Traceability should be maintained during such correction processes. Quality control and quality assurance measures should ensure the completeness and the correctness of the data-processing system.

3. The data-processing capabilities should also include:

- (a) provision of inventory lists permitting inventory checking by the operator;
- (b) inventory lists providing any information necessary for identifying discrepancies between the locations described in the records and the real physical location;
- (c) support of regular reconciliation of local records and central MBA records, when the accountancy of nuclear material in process involves separate storage of these records;
- (d) the possibility of including corrections arising from discrepancy investigation for inventory checking and reconciliation;
- (e) documentation of the results of inventory checking and database reconciliation, including documentation of discrepancies encountered for the purpose of performance indicators.

4. The procedures for data-processing execution activities should provide the NMAC system manager with supervisory information. This should include the staff members initiating each software execution, identification of the application program(s) involved as well as identification of the location of the data inputs used and the location of the data outputs created. It should also be possible to identify any execution of application software or access to records and data which do not conform to the authorised data processing policy.

Traceability

5. The data-processing system should produce the information required by Regulation (Euratom) No 302/2005 and also maintain traceability for all the information provided. It should be possible to identify any information or data that could be needed to resolve discrepancies and anomalies arising from the requirements of Regulation (Euratom) No 302/2005.

Section 7 — Material balance

Receipts and shipments

1. Nuclear operators should apply reception procedures, including:

- (a) check of shipper information (completeness, self-consistency);
- (b) check of the nature, identity and integrity of the transport container and seals and initial check on the nature of nuclear material (when appropriate);

- (c) introduction of the received material into the accountancy process;
- (d) recognition and treatment of shipper-receiver differences;
- (e) corrective actions in the event of discrepancies;
- (f) recording in a manner that guarantees traceability;
- (g) ensuring that the obligations laid down in Articles 21 and 22 of Regulation (Euratom) No 302/2005 are respected.

2. Nuclear operators should apply shipping procedures defining:

- (a) the content of the information being sent to the recipient;
- (b) how the accountancy should be updated;
- (c) corrective actions and the appropriate response to situations of discrepancy indicated by the recipient;
- (d) the preparation and execution of the shipment process;
- (e) recordkeeping in a manner that guarantees traceability;
- (f) activities to ensure that the obligations laid down in Articles 21 and 22 of Regulation (Euratom) No 302/2005 are respected.

Physical inventory taking (PIT)

3. A physical inventory of each MBA should be taken every calendar year and the period between two successive physical inventory takings should not exceed 14 months. The PIT procedures should include those for reporting to the Commission and providing the list of inventory items for physical inventory verifications (PIV). In particular, nuclear operators should have PIT procedures taking account of the following needs:

- (a) definition of PIT working methods and responsibilities for each storage area and process area;
- (b) establishment of a reliable itemised list of all the material in each location of the MBA. Such procedures should be designed to ensure that no material is overlooked;
- (c) the execution of the physical inventory taking needs to be recorded;
- (d) if there are PIT activities involving physical checks (tag-check or measurement), the procedures should include rules for defining the necessary corrections to the infor-

mation in the data-processing systems (when discrepancies are found) as well as rules for transmitting such corrections to the data-processing department;

- (e) the MBA list of inventory items presented to Commission inspectors as a basis for PIV should be authenticated by the signature of a responsible person before being handed over;
- (f) in a PIT approach for a storage area relying entirely on transfer records, the credibility of the approach should be enhanced by having:
 - (i) QC and QA provisions for the creation of records of transfers;
 - (ii) QC and QA measures ensuring reliable records of storage locations;
 - (iii) routine recording of the fact that these QA and QC provisions and measures have been carried out;
 - (iv) assurance of material integrity during presence within the area;
 - (v) independent confirmation that transfer records are complete.

4. The list of inventory items for formal verification purposes should include for each item:

- (a) location and storage position within location;
- (b) type of container and identity of container (if relevant);
- (c) material type;
- (d) mass of nuclear material per item (gross, tare and net weight);
- (e) enrichment of uranium;
- (f) isotopic composition of plutonium (if available).

The list of inventory items should include entries for material that is difficult to measure either due to its location (process vessel hold-up) or because it is in a form unsuitable for measurement. In such cases, the operator should declare an estimated range of mass for each item and traceability should provide the link to the data used for the estimate. Mass estimates for material that is inaccessible or in process vessels should include the location of the material. The mass values for measured discards, accidental losses and transfers to waste should have a traceable history.

Material balance tests

5. In an MBA involving processing or re-measurement, the material balance derived from a PIT, and also the process area material balances forming part of an inventory control approach, should be tested for acceptance using balance standard deviations that take into account justified measurement uncertainty and in the case of estimated amounts, the process and measurement uncertainty. These tests should be an integral part of the QA system.

The procedures for any balance test should take into account the following:

- (a) software for computing the standard deviation of any balance should come under the quality approach for software and its use;
- (b) accountancy and measurement method data used for computing the standard deviation of any balance should come under the quality approach for data and its use;
- (c) the algorithms used to compute standard deviation should be described in a technical document;

(d) the method should provide balance standard deviations which correctly reflect the pattern of processing during the balance interval and which also correctly reflect the measurement history (or estimation method) of the mass values used to compute the balance;

(e) where estimates of in-process material are based on historical information or on modelling of some kind, the estimation method and the method of establishing the uncertainty should be described in a technical document;

(f) the work procedures for balance testing, the software user guide, the software description and the technical method documents should be written in such a manner that their completeness and mutual consistency can be recognised.

This Recommendation is addressed to the Member States.

Done at Brussels, 11 February 2009.

For the Commission

Andris PIEBALGS

Member of the Commission

IV

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 166/08/COL

of 12 March 2008

on alleged State aid with regard to the Norwegian reindeer slaughter industry (Norway)

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

HAVING REGARD to the Agreement on the European Economic Area ⁽²⁾, in particular to Articles 8 and 61 to 63 and Protocol 3 and 26 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽³⁾, in particular Articles 5 and 24 thereof,

HAVING REGARD to Article 1(3) of Part I and Article 4(2) of Part II of Protocol 3 to the Surveillance and Court Agreement,

Whereas:

1. Facts

On 11 October 2007 (Event No 446496), the Authority received a complaint concerning possible State aid granted to the Norwegian reindeer slaughter industry. In the complaint, it was claimed that State aid amounting to approximately NOK

7,2 million (approximately EUR 910 000) was granted to the reindeer slaughtering company Boalvvir BA from 'Reindriftens Utviklingsfond' ⁽⁴⁾ between July 2004 and November 2006. The grants were approved by the Ministry of Agriculture and Food. The complainant has not submitted information indicating that Boalvvir BA is involved in other activities than reindeer slaughtering.

By letter dated 16 October 2007 (Event No 447285), the Authority acknowledged the receipt of the complaint.

By letter dated 6 December 2007 (Event No 456147), the Authority informed the complainant that the Authority's Competition and State Aid Directorate ⁽⁵⁾ had reached the preliminary conclusion that the complaint concerned products which fall outside the scope of the EEA Agreement, and that the Authority therefore did not have competence to act on the matter. The complainant was advised that unless he submitted further information which could convince the CSA that the measure complained about was within the scope of the EEA Agreement within two months from the receipt of the letter, the CSA would propose to the College of the Authority that the case be closed without further action.

The complainant did not respond to the Authority's letter of 6 December 2007.

⁽¹⁾ Hereinafter referred to as 'the Authority'.

⁽²⁾ Hereinafter referred to as 'the EEA Agreement'.

⁽³⁾ Hereinafter referred to as 'the Surveillance and Court Agreement'.

⁽⁴⁾ 'The development fund for reindeer husbandry'.

⁽⁵⁾ Hereinafter referred to as 'the CSA'.

2. Assessment

The Authority notes that for the State aid provisions in Articles 61 to 63 of the EEA Agreement to apply, the State aid must be granted to undertakings involved in the production of products which fall within the product coverage of the EEA Agreement.

Article 8(3) of the EEA Agreement provides that:

'Unless otherwise specified, the provisions of this Agreement shall apply only to:

- (a) products falling within Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, excluding the products listed in Protocol 2;
- (b) products specified in Protocol 3, subject to the specific arrangements set out in that Protocol.'

Article 8(3) of the EEA Agreement limits the material scope of the application of the EEA Agreement to the above products, unless otherwise specified in the Agreement. Reindeers and products processed from reindeers, in so far as they do not fall under Chapters 25 to 97 of the Harmonized Commodity Description and Coding System (HS) or are specified in Protocol 3 to the EEA Agreement, fall outside the general scope of the application of the Agreement.

The alleged aid recipient in the present case is a company involved in the slaughtering of reindeers. The products produced by reindeer slaughtering companies fall under Chapters 02, 05, 15, 16 and 23 of the Harmonized Commodity Description and Coding System (HS) and are thus outside the product coverage of the EEA Agreement. Nor are the products covered by Protocol 3 to the EEA Agreement.

Hence, the complaint concerns alleged State aid to companies involved in the production of products which fall outside the product coverage of the EEA Agreement, as defined in Article 8(3) of the EEA Agreement.

On the basis of the above, the Authority has reached the conclusion that the subject matter of the complaint falls outside the scope of the EEA Agreement, and that therefore, the Authority has no competence to assess any potential State aid involved⁽¹⁾.

3. Conclusion

The Authority has therefore concluded that there are evidently no grounds to pursue the case further.

Against this background, the Authority has decided to close the case,

HAS ADOPTED THIS DECISION:

Article 1

The EFTA Surveillance Authority considers that the grants to the Norwegian reindeer slaughter industry do not constitute State aid within the meaning of Article 61 of the EEA Agreement.

Article 2

This Decision is addressed to the Kingdom of Norway.

Article 3

Only the English version is authentic.

Done at Brussels, 12 March 2008.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kurt JAEGER
College Member

⁽¹⁾ Cf. the Authority's Decision No 176/05/COL of 15 July 2005 concerning alleged State aid in the fisheries sector.

EFTA SURVEILLANCE AUTHORITY DECISION**No 167/08/COL****of 12 March 2008****concerning alleged unlawful State aid to the undertaking Troms Tre AS (Norway)**

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

HAVING REGARD to the Agreement on the European Economic Area ⁽²⁾, in particular to Articles 61 to 63, and to Protocols 3 and 26 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽³⁾, in particular to Articles 5 and 24 thereof,

Whereas:

1. Procedure

By letter dated 20 June 2005, the EFTA Surveillance Authority received a complaint from the Norwegian law firm Selmer ⁽⁴⁾ on behalf of an anonymous client concerning alleged illegal State aid to the undertaking Troms Tre AS ⁽⁵⁾, a producer of various construction products made of wood. The letter was received and registered by the Authority on 24 June 2005 (Event No 323812).

By letter dated 1 July 2005, the Authority forwarded the complaint to the Norwegian authorities (Event No 324515).

By letter dated 20 September 2005, the Norwegian authorities responded to the allegations in the complaint by claiming that the contested capital injections did not constitute State aid. The letter was received and registered by the Authority on 21 September 2005 (Event No 334843).

By letter dated 21 November 2005, the complainant informed the Authority that Troms Tre had declared itself bankrupt on 10 November 2005, and that the estate had been put into administration by the Court on 11 November 2005. The complainant claimed that the bankruptcy did not affect the assessment of the subject matter of the complaint, and upheld its complaint. The letter was received and registered by the Authority on 23 November 2005 (Event No 351088).

By letter dated 10 February 2006 (Event No 362331), the Authority sent a request for information to the Norwegian authorities for more information regarding the estate and the timing of the bankruptcy proceedings.

The Norwegian authorities replied by letter dated 17 March 2006, informing the Authority that the bankruptcy proceedings would not be finalised before the end of 2006. The letter was received and registered by the Authority on 20 March 2006 (Event No 367142).

By letter dated 18 July 2007 (Event No 424054), the Authority sent a new request for information to the Norwegian authorities to obtain information on the settlement of the bankruptcy proceedings. In addition, the Authority requested information on the purchaser of the assets of Troms Tre and any possible refinancing of the undertaking.

By letter dated 20 August 2007, the Norwegian authorities informed the Authority of the result of the bankruptcy proceedings. The letter was received and registered by the Authority on 20 August 2007 (Event No 434867).

By letter dated 4 December 2007, the complainant withdrew the complaint, inter alia on the basis of the bankruptcy of the alleged aid recipient. The letter was received and registered by the Authority on 6 December 2007 (Event No 456318).

2. The recipient of alleged aid

Troms Tre was established in 1972 under the name Troms Treforedling. In the complaint, the undertaking is described as an undertaking active in the production and sale of building materials, in particular particle boards for construction purposes. The annual turnover was NOK 55-65 million (approximately EUR 6,9-8,1 million).

The majority of the shares in the undertaking were held by public authorities on different levels. The largest shareholder was Troms County Municipality, with approximately 40 % of the shares in the company. Other shareholders included the municipality of Sørreisa, the State-owned company Statskog SF, Troms Kraft, an electricity company owned by Troms County Municipality, and two organisations for private forest owners in the area, skogeierforening Nord BA and Troms Skogsselskap.

⁽¹⁾ Hereinafter referred to as 'the Authority'.

⁽²⁾ Hereinafter referred to as 'the EEA Agreement'.

⁽³⁾ Hereinafter referred to as 'the Surveillance and Court Agreement'.

⁽⁴⁾ Hereinafter referred to as 'the complainant'.

⁽⁵⁾ Hereinafter referred to as 'Troms Tre'.

On 10 November 2005, Troms Tre declared itself bankrupt. The activities of the undertaking did not generate any profits, and it declared that it was unable to pay its debts. The estate was put into administration by the Court on 11 November 2005.

The bankruptcy proceedings were terminated and the company was wound up on 28 March 2007. According to the final report on the bankruptcy, the undertaking's property, machinery and plant was sold in December 2006 to one of three parties bidding in the procedure.

3. Description of the alleged State aid

According to the complainant, State aid was granted to Troms Tre in the form of an increase in the share capital of the undertaking. According to the information supplied by the complainant, share deposits of approximately NOK 10 million had been completed at the time of the complaint. The majority of the investment was made by public investors and they were according to the complaint not made on market terms. The complainant furthermore alleged that the company planned additional share increases in the period 2006-09.

4. Assessment

The recipient of alleged aid, Troms Tre, has ceased to exist and that its assets have been sold in the context of the bankruptcy proceedings. The bankruptcy proceedings were finalised in 2007. Furthermore, according to the information available to the Authority, the assets of the company were sold in an open bidding procedure carried through by the Court in accordance with the Norwegian legislation on bankruptcy proceedings.

Hence, the company has ceased all economic activity. Under these circumstances, a decision by the Authority on the classification as aid of the measures in question and on their compatibility with the EEA Agreement would have no practical effect ⁽¹⁾.

Furthermore, on the basis that Troms Tre's assets have been sold in an open bidding procedure, the Authority concludes that if State aid was granted to Troms Tre, this aid no longer

produces any distorting effect and has not benefited the buyer of the undertaking's assets ⁽²⁾. Hence, no recovery of any aid granted to Troms Tre would be possible ⁽³⁾.

Finally, the Authority takes note of the letter from the complainant dated 4 December 2007 (Event No 456318), by which the complaint was withdrawn.

Against this background, the Authority concludes that a decision on the classification as State aid of the measures complained about and on their compatibility with the EEA Agreement would have no practical effect. As a result, continuing the procedure provided for in Part II of Protocol 3 to the Surveillance and Court Agreement with regard to these measures serves no useful purpose.

5. Conclusion

On the basis of the above considerations, the Authority finds that the procedure against Troms Tre serves no useful purpose.

HAS ADOPTED THIS DECISION:

Article 1

The procedure initiated pursuant to Article 10 in Part II of Protocol 3 to the Surveillance and Court Agreement concerning alleged illegal State aid granted to the undertaking Troms Tre AS is hereby closed.

Article 2

This Decision is addressed to the Kingdom of Norway.

Article 3

Only the English version is authentic.

Done at Brussels, 12 March 2008.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kurt JAEGER
College Member

⁽¹⁾ Commission Decision of 25 September 2007 on the aid measures implemented by Spain for IZAR, Case C-47/2003, not yet published, and Commission Decision of 9 November 2005 on the measure implemented by France for *Mines de potasse d'Alsace*, Case C 53/2000 (OJ L 86, 24.3.2006, p. 20).

⁽²⁾ See, for example Case C-390/98 H.J. *Banks & Co. Ltd v The Coal Authority and Secretary of State for Trade and Industry* [2001] ECR I-6117, paragraph 77, and Case C-277/00 *Germany v Commission* (2004) ECR I-3925, paragraph 80.

⁽³⁾ Commission Decision of 25 September 2007 on the aid measures implemented by Spain for IZAR, Case C 47/2003, not yet published in the OJ and Commission Decision of 9 November 2005 on the measure implemented by France for *Mines de potasse d'Alsace*, Case C 53/2000 (OJ L 86, 24.3.2006, p. 20).

EFTA SURVEILLANCE AUTHORITY DECISION

No 301/08/COL

of 21 May 2008

amending the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area listing border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries and repealing EFTA Surveillance Authority Decision No 378/07/COL of 12 September 2007

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area, in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

HAVING REGARD to points 4(B)(1) and (3) and point (5)(b) of the Introductory Part of Chapter I of Annex I to the EEA Agreement,

HAVING REGARD to the Act referred to at point 1.1.4 of Chapter I of Annex I to the EEA Agreement (Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries), as amended and adapted to the EEA Agreement by the sectorial adaptations referred to in Annex I to that Agreement, and in particular to Article 6(2) thereof,

HAVING REGARD to the Act referred to at point 1.1.5 of Chapter I of Annex I to the EEA Agreement (Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC), as amended and adapted to the EEA Agreement by the sectorial adaptations referred to in Annex I to that Agreement, and in particular to Article 6(4) thereof,

HAVING REGARD to the Act referred to at point 1.2.111 of Chapter I of Annex I to the EEA Agreement (Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries), as amended, and in particular to Article 3(5) thereof,

WHEREAS the Authority by Decision No 378/07/COL of 12 September 2007 repealed its Decision No 320/06/COL of 31 October 2006 and drew up a new list of border inspection posts in Iceland and Norway approved for veterinary checks on live animal and animal products from third countries,

WHEREAS the Government of Iceland has requested to add a border inspection post at Reykjavík Samskip for the categories of packed frozen fishery products, packed fishery products to be stored at ambient temperature, packed fish oil not intended for human consumption and packed fishmeal, to the list of border inspection posts in Iceland and Norway approved for veterinary checks on products and animals from third countries contained in point 39 in Part 1.2 of Chapter I of Annex I to the EEA Agreement,

WHEREAS the Government of Iceland has proposed to rename the existing border inspection post in Reykjavík as Reykjavík Eimskip,

WHEREAS the Government of Iceland has proposed to add the additional product categories packed fish oil for human and non-human consumption and to limit the category of fishmeal to packed fishmeal only to the border inspection posts Akureyri, Reykjavík Eimskip and Hafnarfjörður,

WHEREAS the Government of Iceland has proposed to add the additional product categories fish oil for human and non-human consumption in bulk only to the border inspection post Þorlákshöfn,

WHEREAS, in October 2007, the Authority carried out a joint inspection with the European Commission and in the course of that inspection, the proposed border inspection post Reykjavík Samskip and the border inspection posts in Akureyri, Hafnarfjörður, Ísafjörður, Keflavík, Reykjavík Eimskip and Þorlákshöfn were visited,

WHEREAS on the basis on the observations made during the joint inspection and following information on corrective action provided by the Government of Iceland on 18 March 2008, a common recommendation was signed, on 6 May 2008, by inspectors of the Authority and of the European Commission,

WHEREAS, according to the signed common recommendation, it is proposed to add to the listing of the border inspection post Þorlákshöfn the product categories fish oil for human and non-human consumption in bulk only,

WHEREAS, according to the signed common recommendation, it is proposed that the new border inspection post Reykjavík Samskip is added to the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area, with a new Animo code for the product categories packed frozen fishery products, packed fishery products to be stored at ambient temperature, fish oil for non-human consumption and fishmeal,

WHEREAS, according to the signed common recommendation, it is proposed to add to the listing of the border inspection post Hafnarfjörður the additional product categories of packed chilled fishery products and packed fishery products to be stored at ambient temperatures for human consumption, packed fish oil for non-human consumption and to limit its current fishmeal category to packed fishmeal only,

WHEREAS, according to the signed common recommendation, it is proposed to rename the existing border inspection post Reykjavík as Reykjavík Eimskip, and to add to its listing the additional product categories of packed fishery products at ambient and chilled temperatures and packed fish oil for non-human consumption and to limit its current fishmeal category to packed fishmeal only,

WHEREAS the Authority by its Decision No 273/08/COL referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

WHEREAS the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

1. Veterinary checks on live animals and animal products brought into Iceland and Norway from third countries shall be carried out by the competent national authorities at the agreed border inspection posts listed in the Annex to this Decision.
2. The EFTA Surveillance Authority Decision No 378/07/COL of 12 September 2007 is hereby repealed.
3. This Decision shall enter into force on 21 May 2008.
4. This Decision is addressed to Iceland and Norway.
5. This Decision shall be authentic in the English language.

Done at Brussels, 21 May 2008.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kristján Andri STEFÁNSSON
College Member

ANNEX

LIST OF AGREED BORDER INSPECTION POSTS

Country: Iceland

1	2	3	4	5	6
Akureyri	IS00499	P		HC-T(1)(2)(3), NHC(16)	
Hafnarfjörður	IS00299	P		HC(1)(2)(3), NHC-NT(2)(6)(16)	
Húsavík	IS01399	P		HC-T(FR)(1)(2)(3)	
Ísafjörður	IS00399	P		HC-T(FR)(1)(2)(3)	
Keflavík Airport	IS00799	A		HC(1)(2)(3)	O(15)
Reykjavík Eimskip	IS00199	P		HC(1)(2)(3), NHC-NT(2)(6)(16)	
Þorlákshöfn	IS01899	P		HC-T(FR)(1)(2)(3), HC-NT(6), NHC-NT(6)	
Reykjavík Samskip	IS01799	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3), NHC-NT(2)(6)(16)	

Country: Norway

1	2	3	4	5	6
Borg	NO01499	P		HC, NHC	E(7)
Båtsfjord	NO01199	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Egersund	NO02299	P		HC-NT(6), NHC-NT(6)(16)	
Hammerfest	NO01099	P	Rypefjord	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Honningsvåg	NO01799	P	Honningsvåg	HC-T(1)(2)(3)	
			Gjesvær	HC-T(1)(2)(3)	
Kirkenes	NO02199	P		HC-T(FR)(1)(2)(3)	
Kristiansund	NO00299	P	Harøysund	HC-T(FR)(1)(2)(3)	
			Kristiansund	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3) HC-NT(6), NHC-NT(6)	
Måløy	NO00599	P	Grotteberg	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Trollebø	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
Oslo	NO00199	P		HC, NHC	
Oslo	NO01399	A		HC, NHC	U,E,O
Sortland			Melbu	HC-T(FR)(1)(2)(3)	
			Sortland	HC-T(FR)(1)(2)(3)	
Storskog	NO01299	R		HC, NHC	U,E,O
Tromsø	NO00999	P	Bukta	HC-T(FR)(1)(2)(3)	
			Solstrand	HC-T(FR)(1)(2)(3)	
			Vannøy	HC-T(FR)(1)(2)(3)	
Vadsø	NO01599	P		HC-T(FR)(1)(2)(3)	
Ålesund	NO00699	P	Breivika	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Ellingsøy	HC-T(FR)(1)(2)(3)	
			Skutvik	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	

- 1 = Name
 - 2 = Animo Code
 - 3 = Type
 - A = Airport
 - F = Rail
 - P = Port
 - R = Road
 - 4 = Inspection centre
 - 5 = Products
 - HC = All products for human consumption
 - NHC = Other products
 - NT = No temperature requirements
 - T = Frozen/chilled products
 - T(FR) = Frozen products
 - T(CH) = Chilled products
 - 6 = Live Animals
 - U = Ungulates: cattle, pigs, sheep, goats, wild and domestic solipeds
 - E = Registered equidae as defined in Council Directive 90/426/EEC
 - O = Other animals
 - 5-6 = Special remarks
 - (1) = Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Council Directive 97/78/EC
 - (2) = Packed products only
 - (3) = Fishery products only
 - (4) = Animal proteins only
 - (5) = Wool hides and skins only
 - (6) = Only liquid fats, oils, and fish oils
 - (7) = Icelandic ponies (from April to October only)
 - (8) = Equidae only
 - (9) = Tropical fish only
 - (10) = Only cats, dogs, rodents, lagomorphs, live fish, reptiles and other birds than ratites
 - (11) = Only feedstuffs in bulk
 - (12) = For (U) in the case of solipeds, only those consigned to a zoo; and for (O), only day old chicks, fish, dogs, cats, insects, or other animals consigned to a zoo
 - (13) = Nagylak HU: This is a border inspection post (for products) and crossing point (for Live animals) on the Hungarian-Romanian border, subject to transitional measures as negotiated and laid down in the Treaty of Accession for both products and live animals. See Commission Decision 2003/630/EC
 - (14) = Designated for transit across the European Community for consignments of certain products of animal origin for human consumption, coming to or from Russia under the specific procedures foreseen in relevant Community legislation
 - (15) = Aquaculture animals only
 - (16) = Fish meal only
-

EFTA SURVEILLANCE AUTHORITY DECISION

No 302/08/COL

of 21 May 2008

concerning the status of Norway with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia and repealing the EFTA Surveillance Authority Decision No 71/94/COL of 27 June 1994 as last amended by the EFTA Surveillance Authority Decision No 244/02/COL of 11 December 2002

THE EFTA SURVEILLANCE AUTHORITY,

and as approved coastal zone for fish with regard to IHN and VHS,

HAVING REGARD to the Agreement on the European Economic Area, in particular Article 109 and Protocol 1 thereof,

WHEREAS on 26 November 2007 an outbreak of VHS was confirmed in Møre og Romsdal County in Norway,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

WHEREAS the competent authority in Norway has informed the Authority of the measures taken to eliminate the disease and to prevent its spread,

HAVING REGARD to the Act referred to at point 4.1.5 of Chapter I of Annex I to the EEA Agreement Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products, as adapted by way of Protocol 1 to the EEA Agreement, in particular Article 5 of that Act,

WHEREAS, the Authority has assessed the information submitted to it by the competent authority in Norway,

WHEREAS it appears, at this stage, that the measures taken are appropriate,

WHEREAS Norway, by letter dated 3 May 1994, submitted the appropriate justifications for granting, as far as infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS) are concerned, the status of approved zone its territory, as well as the national rules ensuring compliance with the conditions to be respected for maintenance of the approved status,

WHEREAS the Authority has discussed the matter with the European Commission,

WHEREAS no changes have occurred in Norway with regards to IHN,

WHEREAS Norway, by Decision of the Authority No 71/94/COL of 27 June 1994, was recognised as approved continental and coastal zone for fish with regard to IHN and VHS,

WHEREAS it is the opinion of the Authority that Norway, with the exemption of the areas referred to in the Annex, should still be recognised as approved continental zone and approved coastal zone for fish with regard to IHN and VHS,

WHEREAS the Authority, by Decisions No 220/96/COL of 4 December 1996, No 159/98/COL of 25 June 1998 and No 244/02/COL of 11 December 2002, amended Decision No 71/94/COL of 27 June 1994,

WHEREAS the measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

WHEREAS, by Decision No 71/94/COL as last amended by Decision No 244/02/COL of 11 December 2002, it was established that the parts of Norway referred to in the Annex to that Decision were recognised as approved continental zone

1. Norway, with the exemption of the areas referred to in the Annex, is recognised as approved continental zone and as approved coastal zone for fish with regard to IHN and VHS.

2. The EFTA Surveillance Authority Decision No 71/94/COL of 27 June 1994 concerning the status of Norway with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia, as last amended by Decision No 244/02/COL of 11 December 2002, is hereby repealed.

3. This Decision shall enter into force on 21 May 2008.

4. This Decision is addressed to Norway.

5. This Decision shall be authentic in the English language.

Done at Brussels, 21 May 2008.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kristján Andri STEFÁNSSON
College Member

ANNEX

IHN

Norway, with the exemption of the Norwegian part of the catchment areas of Grense Jacobselv and Pasvik river and the rivers in between and the associated coastal region.

VHS

Norway, with the exemption of:

1. the Norwegian part of the catchment areas of Grense Jacobselv and Pasvik river and the rivers in between and the associated coastal region;
 2. the coastal zones of Stranda and Norddal municipalities delimited by:
 - the east of a line drawn between Linge ferry quay on the north side of Norddalsfjorden and Svarthammaren,
 - the north-west of a line drawn between Urda on the east side of Storfjorden and Øygardsnakken on the west side of Storfjorden,
 - the south of a line drawn between Dukevika on the west side of Synnulvsfjorden and to a point that lies in the Fjord 1 km north of the abandoned farm Smoge on the east side of Synnulvsfjorden.
-

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.