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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Regulation (EU) No 360/2010 of 27 April 2010 amending Annex IV and Annex VIII to Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy** 1
- ★ **Commission Regulation (EU) No 361/2010 of 27 April 2010 amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community** 5
- Commission Regulation (EU) No 362/2010 of 27 April 2010 establishing the standard import values for determining the entry price of certain fruit and vegetables 7

DIRECTIVES

- ★ **Commission Directive 2010/29/EU of 27 April 2010 amending Council Directive 91/414/EEC to include flonicamid (IKI-220) as active substance ⁽¹⁾** 9

Price: EUR 4

(Continued overleaf)

⁽¹⁾ Text with EEA relevance

EN

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

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

DECISIONS

2010/235/EU:

- ★ **Commission Decision of 27 April 2010 repealing Decision 2009/780/EC fixing the net amounts resulting from the application of voluntary modulation in Portugal for calendar years 2010, 2011 and 2012 (notified under document C(2010) 2516) 12**

2010/236/EU:

- ★ **Commission Decision of 27 April 2010 amending Decision 2006/636/EC fixing the annual breakdown by Member State of the amount for Community support to rural development for the period from 1 January 2007 to 31 December 2013 (notified under document C(2010) 2517) 13**

2010/237/EU:

- ★ **Commission Decision of 27 April 2010 amending Decision 2009/379/EC setting the amounts which, pursuant to Council Regulations (EC) No 1782/2003, (EC) No 378/2007, (EC) No 479/2008 and (EC) No 73/2009 are made available to the EAFRD and the amounts available for EAGF expenditure 16**

RECOMMENDATIONS

2010/238/EU:

- ★ **Commission Recommendation of 26 April 2010 on the research joint programming initiative ‘Cultural Heritage and Global Change: a new challenge for Europe’ 18**

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2010/239/EU:

- ★ **Decision No 1/2010 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 7 April 2010 replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport 20**

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 360/2010

of 27 April 2010

amending Annex IV and Annex VIII to Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for the farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006 and (EC) No 378/2007, and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular its Articles 8(2)(a), 8(2)(b), 40 and 67 thereof,

Whereas:

(1) Annex VIII to Regulation (EC) No 73/2009 establishes for each Member State the maximum value of all payment entitlements that can be allocated during a calendar year. In accordance with Articles 40(2) and 67 of that Regulation Annex VIII should be adapted to take into account the decisions of the Member States in accordance with Articles 103o and 188a(3) of 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) ⁽²⁾ with regard to wine and to the advanced integration of coupled support into the single payment scheme.

(2) Germany, Greece, Spain, France, Italy, Luxembourg, Austria, Portugal and Slovenia notified the Commission of their intention to allocate new payment entitlements to wine growers in accordance with Articles 103o and 188a(3) of Regulation (EC) No 1234/2007.

(3) Belgium, Denmark, Greece, Luxembourg, the Netherlands, Austria, Finland, Sweden and United Kingdom notified the Commission of their intention to at least advance the integration of the seed aid referred to in Section 5 of Title IV of Regulation (EC) No 73/2009 or one of the schemes referred to in point 1 of Annex XI to that Regulation, with the exception of the specific quality premium for durum wheat, into the single payment scheme in 2010 or 2011.

(4) Annex IV to Regulation (EC) No 73/2009 establishes for each Member State the ceilings which may not be exceeded by the total amounts of the direct payments, net of modulation, which may be granted in respect of a calendar year in the Member State concerned.

(5) Following the decisions taken by the Member States in accordance with Article 103o and 188a(3) of Regulation (EC) No 1234/2007 and Article 67 of Regulation (EC) No 73/2009, the total maximum amounts of direct payments that may be granted shall be increased. Therefore, in accordance with Article 8(2)(a) of Regulation (EC) No 73/2009, Annex IV to that Regulation shall be reviewed.

(6) Since the difficulties to its agricultural sector provoked by the economic crisis persist with a continuing negative impact on the economic situation of farmers, Portugal has communicated to the Commission that it has decided not to apply the voluntary modulation foreseen from 2010 until 2012. Therefore, in accordance with Article 8(2)(b) of Regulation (EC) No 73/2009, the net amount resulting from the application of the voluntary modulation in Portugal fixed by Commission Decision 2009/780/EC ⁽³⁾ should for those years be added to the national ceiling for Portugal as set out in Annex IV to Regulation (EC) No 73/2009.

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 299, 16.11.2007, p. 1.

⁽³⁾ OJ L 278, 23.10.2009, p. 59.

- (7) Annexes IV and VIII to Regulation (EC) No 73/2009 should therefore be amended accordingly.

Article 2

Annex VIII to Regulation (EC) No 73/2009 is replaced by the text set out in Annex II to this Regulation.

- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

Article 3

Article 1

Annex IV to Regulation (EC) No 73/2009 is replaced by the text set out in Annex I to this Regulation.

This Regulation shall enter into force on the seventh day following 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, 27 April 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

‘ANNEX IV

(EUR million)

Calendar year	2009	2010	2011	2012
Belgium	583,2	575,4	570,8	569,0
Czech Republic				825,9
Denmark	987,4	974,9	966,5	964,3
Germany	5 524,8	5 402,6	5 357,1	5 329,6
Estonia				92,0
Ireland	1 283,1	1 272,4	1 263,8	1 255,5
Greece	2 561,4	2 365,4	2 359,2	2 344,1
Spain	5 043,7	5 066,4	5 031,4	5 043,2
France	8 064,4	7 946,1	7 878,6	7 849,2
Italy	4 345,9	4 151,6	4 124,7	4 121,6
Cyprus				49,1
Latvia				133,9
Lithuania				346,7
Luxembourg	35,6	35,2	35,1	34,7
Hungary				1 204,5
Malta				5,1
Netherlands	836,9	829,1	822,5	830,6
Austria	727,6	721,7	718,1	715,6
Poland				2 787,1
Portugal	590,5	574,3	570,3	566,3
Slovenia				131,5
Slovakia				357,9
Finland	550,0	544,5	541,1	539,2
Sweden	733,1	717,7	712,3	708,5
United Kingdom	3 373,1	3 345,4	3 339,4	3 336,1

ANNEX II

ANNEX VIII

National ceilings referred to in Article 40

Table 1

(EUR 1 000)

Member State	2009	2010	2011	2012	2013	2014	2015	2016 and subsequent years
Belgium	614 179	611 817	611 817	614 855	614 855	614 855	614 855	614 855
Denmark	1 030 478	1 031 321	1 031 321	1 049 002	1 049 002	1 049 002	1 049 002	1 049 002
Germany	5 770 254	5 771 981	5 771 981	5 852 912	5 852 912	5 852 912	5 852 912	5 852 912
Greece	2 380 713	2 228 588	2 231 588	2 232 826	2 216 826	2 216 826	2 216 826	2 216 826
Spain	4 858 043	5 119 045	5 119 045	5 292 588	5 149 839	5 149 839	5 149 839	5 149 839
France	8 407 555	8 423 196	8 423 196	8 523 610	8 523 610	8 523 610	8 523 610	8 523 610
Ireland	1 342 268	1 340 521	1 340 521	1 340 869	1 340 869	1 340 869	1 340 869	1 340 869
Italy	4 143 175	4 210 875	4 230 875	4 373 722	4 373 722	4 373 722	4 373 722	4 373 722
Luxembourg	37 518	37 569	37 679	37 671	37 084	37 084	37 084	37 084
Netherlands	853 090	853 169	853 169	897 751	897 751	897 751	897 751	897 751
Austria	745 561	747 344	747 356	751 664	751 664	751 664	751 664	751 664
Portugal	608 751	589 811	589 811	606 274	606 274	606 274	606 274	606 274
Finland	566 801	565 520	565 823	570 548	570 548	570 548	570 548	570 548
Sweden	763 082	765 229	765 229	770 906	770 906	770 906	770 906	770 906
United Kingdom	3 985 895	3 976 425	3 976 482	3 988 042	3 987 922	3 987 922	3 987 922	3 987 922

Table 2 (*)

(EUR 1 000)

Member State	2009	2010	2011	2012	2013	2014	2015	2016 and subsequent years
Bulgaria	287 399	336 041	416 372	499 327	580 087	660 848	741 606	814 295
Czech Republic	559 622	654 241	739 941	832 144	909 313	909 313	909 313	909 313
Estonia	60 500	71 603	81 703	92 042	101 165	101 165	101 165	101 165
Cyprus	31 670	38 928	43 749	49 146	53 499	53 499	53 499	53 499
Latvia	90 016	105 368	119 268	133 978	146 479	146 479	146 479	146 479
Lithuania	230 560	271 029	307 729	346 958	380 109	380 109	380 109	380 109
Hungary	807 366	947 114	1 073 824	1 205 037	1 318 975	1 318 975	1 318 975	1 318 975
Malta	3 752	4 231	4 726	5 137	5 102	5 102	5 102	5 102
Poland	1 877 107	2 192 294	2 477 294	2 788 247	3 044 518	3 044 518	3 044 518	3 044 518
Romania	623 399	729 863	907 473	1 086 608	1 264 472	1 442 335	1 620 201	1 780 406
Slovenia	87 942	103 394	117 411	131 542	144 241	144 241	144 241	144 241
Slovakia	240 014	280 364	316 964	355 242	388 176	388 176	388 176	388 176

(*) Ceilings calculated taking into account of the schedule of increments provided for in Article 121.'

COMMISSION REGULATION (EU) No 361/2010

of 27 April 2010

amending Regulation (EC) No 690/2008 recognising protected zones exposed to particular plant health risks in the Community

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 2(1)(h) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 690/2008 ⁽²⁾ certain Member States or certain areas in Member States were recognised as protected zones in respect of certain harmful organisms. In some cases recognition was granted for a limited time to allow the Member State concerned to provide the full information necessary to show that the harmful organism in question was not present in the Member State or area concerned or to complete the efforts to eradicate the organism in question.
- (2) The entire territory of Greece was recognised as a protected zone with respect to *Dendroctonus micans* Kugelán, *Gilpinia hercyniae* (Hartig), *Gonipterus scutellatus* Gyll., *Ips amitinus* Eichhof, *Ips cembrae* Heer and *Ips duplicatus* Sahlberg until 31 March 2010.
- (3) In 2009 Greece conducted surveys and notified results to the Commission in accordance with the third and fifth subparagraph of Article 2(1)(h) of Directive 2000/29/EC. However, those results were not complete. A visit by Commission experts from 2 to 10 February 2010 confirmed that Greece had made significant progress with regard to organising and conducting those surveys and with regard to notifying the results thereof. In view of the fact that the results notified were not complete, the experts concluded that further progress would be necessary.
- (4) According to the results of the surveys there were no findings of the organisms concerned in Greece. Taking

into account those results and the outcome of the visit of the Commission experts in Greece, it is appropriate to continue to recognise Greece as a protected zone with respect to those organisms for one more year, in order to give Greece the time necessary to submit information confirming that those organisms are not present on its territory.

- (5) Ireland, Lithuania and certain regions and parts of regions in Italy, Slovakia and Slovenia were recognised as protected zones with respect to *Erwinia amylovora* (Burr.) Winsl. *et al.* until 31 March 2010. From the information received from those Member States on the results of surveys and from the reports by the Commission experts who visited Italy, Lithuania, Slovakia and Slovenia in 2009, it appears that those protected zones should be recognised for two more years to give those Member States the time necessary to submit information showing that *Erwinia amylovora* (Burr.) Winsl. *et al.* is not present or, where necessary, to complete their efforts to eradicate that organism.
- (6) Regulation (EC) No 690/2008 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 690/2008 is amended as follows:

1. In the second column of points 4, 5 and 7 to 10 of heading (a), after the word 'Greece,' the words '(until 31 March 2010)' are replaced by '(until 31 March 2011)'.
2. In the second column of point 2 of heading (b), in the second indent the words 'until 31 March 2010' are replaced by 'until 31 March 2012'.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ OJ L 193, 22.7.2008, p. 1.

Article 2

This Regulation shall enter into force on the day following 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, 27 April 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 362/2010**of 27 April 2010****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 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 28 April 2010.

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

Done at Brussels, 27 April 2010.

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

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	JO	94,2
	MA	92,9
	TN	122,0
	TR	93,9
	ZZ	100,8
0707 00 05	MA	46,9
	TR	108,0
	ZZ	77,5
0709 90 70	MA	86,8
	TR	90,0
	ZZ	88,4
0805 10 20	EG	45,5
	IL	60,3
	MA	50,4
	TN	48,6
	TR	52,3
	ZZ	51,4
0805 50 10	IL	58,2
	TR	64,0
	ZA	70,5
	ZZ	64,2
0808 10 80	AR	87,8
	BR	79,7
	CA	80,5
	CL	84,4
	CN	82,2
	MK	26,2
	NZ	100,6
	US	119,2
	UY	68,9
	ZA	82,6
	ZZ	81,2
0808 20 50	AR	93,3
	CL	105,4
	CN	76,1
	NZ	167,4
	ZA	97,5
	ZZ	107,9

⁽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'.

DIRECTIVES

COMMISSION DIRECTIVE 2010/29/EU

of 27 April 2010

amending Council Directive 91/414/EEC to include flonicamid (IKI-220) as active substance

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

(1) In accordance with Article 6(2) of Directive 91/414/EEC France received on 23 December 2003 an application from ISK Biosciences Europe SA for the inclusion of the active substance flonicamid (IKI-220) in Annex I to Directive 91/414/EEC. Commission Decision 2004/686/EC ⁽²⁾ confirmed that the dossier was 'complete' in the sense that it could be considered as satisfying, in principle, the data and information requirements of Annexes II and III to Directive 91/414/EEC.

(2) For that active substance, the effects on human health and the environment have been assessed, in accordance with the provisions of Article 6(2) and (4) of Directive 91/414/EEC, for the uses proposed by the applicant. The designated rapporteur Member State submitted a draft assessment report on 24 May 2005.

(3) The assessment report was peer reviewed by the Member States and the EFSA and presented to the Commission in the format of the EFSA Scientific Report for flonicamid on 18 December 2009 ⁽³⁾. This report was reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and was finalised on 12 March 2010 in the format of the Commission review report for flonicamid.

(4) It has appeared from the various examinations made that plant protection products containing flonicamid may be expected to satisfy, in general, the requirements laid down in Article 5(1)(a) and (b) and Article 5(3) of Directive 91/414/EEC, in particular with regard to the uses which were examined and detailed in the Commission review report. It is therefore appropriate to include flonicamid in Annex I to that Directive, in order to ensure that in all Member States the authorisations of plant protection products containing this active substance may be granted in accordance with the provisions of that Directive.

(5) Without prejudice to the obligations defined by Directive 91/414/EEC as a consequence of including an active substance in Annex I, Member States should be allowed a period of six months after inclusion to review existing provisional authorisations of plant protection products containing flonicamid to ensure that the requirements laid down by Directive 91/414/EEC, in particular in its Article 13 and the relevant conditions set out in Annex I, are satisfied. Member States should transform existing provisional authorisations into full authorisations, amend them or withdraw them in accordance with the provisions of Directive 91/414/EEC. By derogation from the above deadline, a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product for each intended use in accordance with the uniform principles laid down in Directive 91/414/EEC.

(6) It is therefore appropriate to amend Directive 91/414/EEC accordingly.

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I to Directive 91/414/EEC is amended as set out in the Annex to this Directive.

⁽¹⁾ OJ L 230, 19.8.1991, p. 1.

⁽²⁾ OJ L 313, 12.10.2004, p. 21.

⁽³⁾ EFSA Scientific Report (2010) 8(1):1445, Conclusion regarding the peer review of the pesticide risk assessment of the active substance flonicamid (IKI-220), available online at www.efsa.europa.eu

Article 2

Member States shall adopt and publish by 28 February 2011 at the latest the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

They shall apply those provisions from 1 March 2011.

When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

Article 3

1. Member States shall in accordance with Directive 91/414/EEC, where necessary, amend or withdraw existing authorisations for plant protection products containing flonicamid as active substance by 28 February 2011. By that date, they shall in particular verify that the conditions in Annex I to that Directive relating to flonicamid are met, with the exception of those identified in part B of the entry concerning the active substance, and that the holder of the authorisation has, or has access to, a dossier satisfying the requirements of Annex II to that Directive in accordance with the conditions of Article 13(2) of that Directive.

2. By way of derogation from paragraph 1, for each authorised plant protection product containing flonicamid as either the only active substance or as one of several active substances all of which were listed in Annex I to Directive 91/414/EEC, by 31 August 2010 at the latest Member States shall re-evaluate the product in accordance with the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III to that Directive

and taking into account part B of the entry in Annex I to that Directive concerning flonicamid. On the basis of that evaluation, they shall determine whether the product satisfies the conditions set out in Article 4(1)(b), (c), (d) and (e) of Directive 91/414/EEC.

Following that determination Member States shall:

- (a) in the case of a product containing flonicamid as the only active substance, where necessary, amend or withdraw the authorisation by 29 February 2012 at the latest; or
- (b) in the case of a product containing flonicamid as one of several active substances, where necessary, amend or withdraw the authorisation by 29 February 2012 or by the date fixed for such an amendment or withdrawal in the respective Directive or Directives which added the relevant substance or substances to Annex I to Directive 91/414/EEC, whichever is the latest.

Article 4

This Directive shall enter into force on 1 September 2010.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 27 April 2010.

For the Commission
The President

José Manuel BARROSO

ANNEX

In Annex I to Directive 91/414/EEC, the following entry is added at the end of the table:

No	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Entry into force	Expiration of inclusion	Specific provisions
310	Flonicamid (IKI-220) CAS N° 158062-67-0 CIPAC N° 763	N-cyanomethyl-4-(trifluoromethyl)nicotinamide	≥ 960 g/kg The impurity toluene must not exceed 3 g/kg in the technical material.	1 September 2010	31 August 2020	PART A Only uses as insecticide may be authorised. PART B For the implementation of the uniform principles of Annex VI, the conclusions of the review report on flonicamid, and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health on 22 January 2010, shall be taken into account. In this overall assessment, Member States must pay particular attention to: — the risk to operators and re-entry workers, — the risk to bees. Conditions of authorisation shall include risk mitigation measures where appropriate. The Member States shall inform the Commission in accordance with Article 13(5) on the specification of the technical material as commercially manufactured.'

⁽¹⁾ Further details on identity and specification of active substances are provided in the review report.

DECISIONS

COMMISSION DECISION

of 27 April 2010

repealing Decision 2009/780/EC fixing the net amounts resulting from the application of voluntary modulation in Portugal for calendar years 2010, 2011 and 2012

(notified under document C(2010) 2516)

(Only the Portuguese text is authentic)

(2010/235/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 378/2007 of 27 March 2007 laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, and amending Regulation (EC) No 1290/2005 ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) Commission Decision 2009/780/EC ⁽²⁾ has fixed the net amounts resulting from the application of voluntary modulation in Portugal for calendar years 2010, 2011 and 2012.
- (2) Since the difficulties to its agricultural sector provoked by the economic crisis persist with a continuing negative impact on the economic situation of farmers, Portugal

has communicated to the Commission that it has decided not to apply the voluntary modulation at all.

- (3) Decision 2009/780/EC should therefore be repealed,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2009/780/EC is hereby repealed.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 27 April 2010.

For the Commission

Dacian CIOLOȘ

Member of the Commission

⁽¹⁾ OJ L 95, 5.4.2007, p. 1.

⁽²⁾ OJ L 278, 23.10.2009, p. 59.

COMMISSION DECISION**of 27 April 2010****amending Decision 2006/636/EC fixing the annual breakdown by Member State of the amount for Community support to rural development for the period from 1 January 2007 to 31 December 2013***(notified under document C(2010) 2517)**(2010/236/EU)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ⁽¹⁾, and in particular Article 69(4) thereof,

Whereas:

(1) Commission Decision 2009/379/EC of 11 May 2009 setting the amounts which, pursuant to Council Regulations (EC) No 1782/2003, (EC) No 378/2007, (EC) No 479/2008 and (EC) No 73/2009 are made available to the EAFRD and the amounts available for EAGF expenditure ⁽²⁾ has been amended by Commission Decision 2010/237/EU ⁽³⁾.

(2) Following the amendment of Decision 2009/379/EC by Decision 2010/237/EU the amounts made available to EAFRD should be adapted in the annual breakdowns of Community support for rural development.

(3) Commission Decision 2006/636/EC ⁽⁴⁾ should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2006/636/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 April 2010.

For the Commission

Dacian CIOLOȘ

Member of the Commission

⁽¹⁾ OJ L 277, 21.10.2005, p. 1.

⁽²⁾ OJ L 117, 12.5.2009, p. 10.

⁽³⁾ See page 16 of this Official Journal.

⁽⁴⁾ OJ L 261, 22.9.2006, p. 32.

ANNEX

ANNEX

Breakdown by Member State of Community support for rural development (2007 to 2013)

	2007	2008	2009	2010	2011	2012	2013	Total 2007-2013	(current prices in EUR) of which minimum for regions under the convergence objective, total
Belgium	63 991 299	63 957 784	62 458 083	70 637 509	73 167 519	75 495 480	77 776 632	487 484 306	40 744 223
Bulgaria (*)	244 055 793	337 144 772	456 843 751	412 748 664	398 058 913	397 696 922	395 699 781	2 642 248 596	692 192 783
Czech Republic	396 623 321	392 638 892	409 036 387	415 632 774	406 640 636	412 672 094	424 262 250	2 857 506 354	1 635 417 906
Denmark	62 592 573	66 344 571	67 411 254	85 052 762	91 231 467	98 797 618	106 488 551	577 918 796	0
Germany	1 184 995 564	1 186 941 705	1 202 865 574	1 311 256 553	1 365 559 200	1 398 361 509	1 429 714 950	9 079 695 055	3 174 037 771
Estonia	95 608 462	95 569 377	101 036 594	104 667 353	104 639 066	108 913 401	113 302 602	723 736 855	387 221 654
Ireland	373 683 516	355 014 220	346 851 422	363 518 252	351 698 528	352 271 063	351 503 589	2 494 540 590	0
Greece	461 376 206	463 470 078	482 113 090	492 922 509	665 568 186	669 030 398	671 747 957	3 906 228 424	1 905 697 195
Spain	286 654 092	1 277 647 305	1 320 830 901	1 400 090 047	1 227 613 000	1 255 978 191	1 284 264 263	8 053 077 799	3 178 127 204
France	931 041 833	942 359 146	947 341 939	1 091 752 155	1 169 090 147	1 223 917 557	1 278 994 332	7 584 497 109	568 263 981
Italy	1 142 143 461	1 135 428 298	1 183 870 921	1 256 577 236	1 403 606 589	1 422 949 382	1 441 205 996	8 985 781 883	3 341 091 825
Cyprus	26 704 860	24 772 842	23 949 762	23 911 507	22 402 714	21 783 947	21 037 942	164 563 574	0
Latvia	152 867 493	147 768 241	150 342 483	153 226 381	148 781 700	150 188 774	151 198 432	1 054 373 504	327 682 815
Lithuania	260 974 835	248 836 020	249 948 998	253 855 536	248 002 433	250 278 098	253 898 173	1 765 794 093	679 189 192
Luxembourg	14 421 997	13 661 411	13 255 487	13 838 190	13 287 289	13 281 368	13 212 084	94 957 826	0
Hungary	570 811 818	537 525 661	527 075 432	529 160 494	547 603 625	563 304 619	584 609 743	3 860 091 392	2 496 094 593
Malta	12 434 359	11 527 788	11 256 597	10 964 212	10 347 884	10 459 190	10 663 325	77 653 355	18 077 067
Netherlands	70 536 869	72 638 338	73 671 337	87 111 293	90 406 648	96 082 449	102 750 233	593 197 167	0
Austria	628 154 610	594 709 669	580 732 057	586 983 505	556 070 574	545 968 629	532 956 948	4 025 575 992	31 938 190
Poland	1 989 717 841	1 932 933 351	1 971 439 817	1 935 872 838	1 860 573 543	1 857 244 519	1 851 146 247	13 398 928 156	6 997 976 121

(current prices in EUR)

	2007	2008	2009	2010	2011	2012	2013	Total 2007-2013	of which minimum for regions under the convergence objective, total
Portugal	560 524 173	562 491 944	584 180 154	592 619 895	582 642 601	586 692 105	589 872 156	4 059 023 028	2 180 735 857
Romania (**)	0	1 146 687 683	1 502 691 530	1 401 644 651	1 357 854 634	1 359 146 997	1 356 173 250	8 124 198 745	1 995 991 720
Slovenia	149 549 387	139 868 094	136 508 049	134 100 946	124 076 091	118 858 866	113 031 296	915 992 729	287 815 759
Slovakia	303 163 265	286 531 906	282 749 256	266 600 239	263 028 387	275 025 447	319 809 578	1 996 908 078	1 106 011 592
Finland	335 121 543	316 143 440	308 265 407	313 973 134	298 490 092	294 408 238	288 617 053	2 155 018 907	0
Sweden	292 133 703	277 225 207	270 816 031	280 491 463	278 775 513	277 860 755	275 759 282	1 953 061 954	0
United Kingdom	263 996 373	645 001 582	706 122 271	746 326 084	748 994 332	752 455 626	749 224 152	4 612 120 420	188 337 515
Total	10 873 879 246	13 274 839 325	13 973 664 584	14 335 536 182	14 408 211 311	14 589 123 242	14 788 920 797	96 244 174 687	31 232 644 963

(*) For 2007, 2008 and 2009, the appropriations from the Guarantee Section of the EAGGF are EUR 193 715 561, EUR 263 453 163 and EUR 337 004 104 respectively.

(**) For 2007, 2008 and 2009, the appropriations from the Guarantee Section of the EAGGF are EUR 610 786 223, EUR 831 389 081 and EUR 1 058 369 098 respectively.'

COMMISSION DECISION

of 27 April 2010

amending Decision 2009/379/EC setting the amounts which, pursuant to Council Regulations (EC) No 1782/2003, (EC) No 378/2007, (EC) No 479/2008 and (EC) No 73/2009 are made available to the EAFRD and the amounts available for EAGF expenditure

(2010/237/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽¹⁾, and in particular Article 12(2) and (3) thereof,

Whereas:

(1) Commission Decision 2009/379/EC⁽²⁾ sets the amounts which, pursuant to Articles 10(2) and 143d of Council Regulation (EC) No 1782/2003⁽³⁾, Article 4(1) of Council Regulation (EC) No 378/2007⁽⁴⁾, Article 190a of Council Regulation (EC) No 1234/2007⁽⁵⁾ and Articles 9(1), 10(3), 134 and 135 of Council Regulation (EC) No 73/2009⁽⁶⁾, are made available to the European Agricultural Fund for Rural Development (EAFRD), as well as the amounts available for the European Agricultural Guarantee Fund (EAGF) expenditure.

(2) Commission Decision 2009/780/EC of 22 October 2009 fixing the net amounts resulting from the application of voluntary modulation in Portugal for calendar years 2010, 2011 and 2012⁽⁷⁾ has been repealed by

Commission Decision 2010/235/EU⁽⁸⁾ in order to take into account the decision taken by Portugal not to apply voluntary modulation at all.

(3) Decision 2009/1005/EU of the European Parliament and of the Council⁽⁹⁾ as regards the financing of the European Economic Recovery Plan has further reduced the net amount available for EAGF expenditure in line with the provisions of Article 12(1) of Council Regulation (EC) No 1290/2005.

(4) Decision 2009/379/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Sole Article

The Annex to Decision 2009/379/EC is amended in accordance with the Annex to this Decision.

Done at Brussels, 27 April 2010.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

⁽²⁾ OJ L 117, 12.5.2009, p. 10.

⁽³⁾ OJ L 270, 21.10.2003, p. 1.

⁽⁴⁾ OJ L 95, 5.4.2007, p. 1.

⁽⁵⁾ OJ L 299, 16.11.2007, p. 1.

⁽⁶⁾ OJ L 30, 31.1.2009, p. 16.

⁽⁷⁾ OJ L 278, 23.10.2009, p. 59.

⁽⁸⁾ See page 12 of this Official Journal.

⁽⁹⁾ OJ L 347, 24.12.2009, p. 26.

ANNEX

In the Annex to Decision 2009/379/EC, the entries for the years 2010, 2011, 2012, and 2013 are replaced by the following:

(EUR million)

Budget year	Amounts made available for EAFRD								Article 12(1) of Regulation (EC) No 1290/2005	Net balance available for EAGF expenditure
	Article 10(2) of Regulation (EC) No 1782/2003	Article 143d of Regulation (EC) No 1782/2003	Article 9(1) of Regulation (EC) No 73/2009	Article 134 of Regulation (EC) No 73/2009	Article 135 of Regulation (EC) No 73/2009	Article 136 of Regulation (EC) No 73/2009	Article 4(1) of Regulation (EC) No 378/2007	Article 190a(2) of Regulation (EC) No 1234/2007		
‘2010			1 867,1	22			397	82,11	501,821 534	44 275,968 466
2011			2 095,3	22	484	51,6	374,9	122,61		44 466,59
2012			2 355,3	22	484	51,6	347,3	122,61		44 710,19
2013			2 640,9	22	484	51,6	313,9	122,61		44 938,99’

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 26 April 2010

on the research joint programming initiative ‘Cultural Heritage and Global Change: a new challenge for Europe’

(2010/238/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 181 thereof,

Whereas:

- (1) Cultural heritage, in the meaning of the Unesco Conventions concerning the Protection of the World Cultural and Natural Heritage and the Safeguarding of the intangible Cultural Heritage⁽¹⁾, is a very fragile patrimony and is exposed to multiple risks due to ageing, adverse environmental conditions, and human pressure.
- (2) For most European citizens, cultural heritage assets are unique and irreplaceable in their tangible form of historic buildings, collections, sites and movable objects as well as in their intangible value, which includes history, collective memory and identity.
- (3) The combined effects of climate change, other environmental changes, human interventions and security risks threaten Europe's cultural heritage. In particular, climate change may lead to cultural heritage assets being irreversibly damaged or lost because of their fragility and age. In addition, disasters and security risks threaten the physical nature of cultural heritage assets as symbols and icons of European cities and sites.
- (4) In order to prevent that those combined risks to Europe's cultural heritage produce irreversible damage, concerted actions are needed.
- (5) At its meeting of 3 December 2009, the Competitiveness Council recognised ‘Cultural Heritage, Climate Change and Security’ (the title was later changed to ‘Cultural Heritage and Global Change: a new challenge for Europe’) as an area where joint programming would provide a major added value to the current, fragmented efforts of Member States in the field of research. It therefore adopted conclusions recognising the need to launch a joint programming initiative on the subject

and inviting the Commission to contribute to its preparation. The Council also reaffirmed that joint programming is a process led by Member States, with the Commission acting as a facilitator.

- (6) Joint programming of research on cultural heritage and global change would provide for coordination of research in this area, contributing significantly to construction of a fully operational European Research Area on cultural heritage preservation and strengthening Europe's leadership and competitiveness of the research in this field.
- (7) In order to achieve the goals set by this Recommendation, Member States should cooperate with the Commission on exploring possible Commission initiatives to assist Member States with developing and implementing the strategic research agenda.
- (8) In order for the Commission to be able to report to the European Parliament and to the Council, Member States should report regularly to the Commission on the progress made on this joint programming initiative,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States are encouraged to develop a common vision on how cooperation and coordination in the field of research at Union level can help to preserve cultural heritage in all its forms, ensuring its security and sustainable exploitation.
2. Member States are encouraged to develop a common strategic research agenda establishing medium to long-term research needs and objectives in the area of preservation and use of cultural heritage in the context of global change. The strategic research agenda should contain an implementation plan establishing priorities and timelines and specifying the action, instruments and resources required for its implementation.
3. Member States are encouraged to include the following actions, as part of the strategic research agenda and of the implementation plan:

⁽¹⁾ For the definition of ‘tangible and intangible cultural heritage’, refer to: Unesco, Convention concerning the Protection of the World Cultural and Natural Heritage, Paris, 16 November 1972; Unesco, Convention for the Safeguarding of the intangible Cultural Heritage, Paris, 17 October 2003.

- (a) identifying and exchanging information on relevant national programmes and research activities;
 - (b) reinforcing joint foresight exercise and technology assessment capacities, especially regarding the impact of global change on cultural heritage assets and the preventive and conservation responses;
 - (c) exchanging information, resources, best practices, methodologies and guidelines;
 - (d) identifying areas or research activities that would benefit from coordination or joint calls for proposals or pooling of resources;
 - (e) defining the modalities for research to be undertaken jointly in the areas referred to in point (d);
 - (f) considering the changing needs of visitors and consumers when defining the objectives for cultural heritage research programmes;
 - (g) sharing, where appropriate, existing research infrastructures or developing new facilities such as coordinated databanks or the development of models for studying deterioration processes;
 - (h) encouraging better collaboration between public and private sectors, as well as open innovation between different research activities and business sectors related to cultural heritage; including tourism, sustainable maintenance and construction or reconstruction of sites, buildings or landscapes and related business services;
 - (i) exporting and diffusing knowledge, innovation and interdisciplinary methodological approaches;
 - (j) creating networks between centres dedicated to cultural heritage research.
4. Member States are encouraged to set up a common management structure in the field of cultural heritage and global change, with a mandate to establish common conditions, rules and procedures for cooperation and coordination and to monitor the implementation of the strategic research agenda.
 5. Member States are encouraged to jointly implement the strategic research agenda including via their national research programmes or other national research activities.
 6. Member States are encouraged to cooperate with the Commission with a view to exploring possible Commission initiatives to assist Member States in developing and implementing the strategic research agenda, and to coordinating the joint programmes with other Union initiatives in this field.
 7. Member States are encouraged to report regularly to the Commission on the progress made on this joint programming initiative.

Done at Brussels, 26 April 2010.

For the Commission
Máire GEORGHEGAN-QUINN
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

**DECISION No 1/2010 OF THE JOINT COMMUNITY/SWITZERLAND AIR TRANSPORT
COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY
AND THE SWISS CONFEDERATION ON AIR TRANSPORT**

of 7 April 2010

**replacing the Annex to the Agreement between the European Community and the Swiss
Confederation on Air Transport**

(2010/239/EU)

THE COMMUNITY/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as 'the Agreement', and in particular Article 23(4) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The Annex to this Decision replaces the Annex to the Agreement.

Done at Brussels, on 7 April 2010.

For the Joint Committee

The Head of the European Union Delegation
Daniel CALLEJA CRESPO

The Head of the Swiss Delegation
Peter MÜLLER

ANNEX

For the purposes of this Agreement:

- by virtue of the Treaty of Lisbon, entered into force on 1 December 2009, the European Union shall replace and succeed the European Community;
- wherever acts specified in this Annex contain references to Member States of the European Community, as replaced by the European Union, or a requirement for a link with the latter, the references shall, for the purpose of the Agreement, be understood to apply equally to Switzerland or to the requirement of a link with Switzerland;
- without prejudice to Article 15 of this Agreement, the term 'Community air carrier' referred to in the following Community directives and regulations shall include an air carrier which is licensed and has its principal place of business and, if any, its registered office in Switzerland in accordance with the provisions of Regulation of the European Parliament and of the Council (EC) No 1008/2008. Any reference to Council Regulation (EEC) No 2407/92 shall be understood as reference to Regulation (EC) No 1008/2008 of the European Parliament and of the Council;
- any reference to Articles 81 and 82 of the Treaty shall be understood as references to Articles 101 and 102 of the Treaty on the Functioning of the European Union.

1. Aviation liberalisation and other civil aviation rules

No 1008/2008

Regulation of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community

The references to Council Regulations (EEC) No 2407/92 and No 2408/92 made in the Articles 4, 15, 18, 27 and 35 of the Agreement, shall be understood as references to Regulation (EC) No 1008/2008

No 2000/79

Council Directive of 27 November 2000 concerning the implementation of the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)

No 93/104

Council Directive of 23 November 1993 concerning certain aspects of the organisation of working time, as amended by:

- Directive 2000/34/EC

No 437/2003

Regulation of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air

No 1358/2003

Commission Regulation of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto

No 785/2004

Regulation of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators

No 95/93

Council Regulation of 18 January 1993 on common rules for the allocation of slots at Community airports (Articles 1-12), as amended by:

- Regulation (EC) No 793/2004.

No 96/67

Council Directive of 15 October 1996 on access to the groundhandling market at Community airports

(Articles 1-9, 11-23, and 25)

No 80/2009

Regulation of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89

2. Competition rules

Any reference in the following texts to Articles 81 and 82 of the Treaty shall be understood to mean Articles 8 and 9 of this Agreement.

No 3975/87

Council Regulation of 14 December 1987 laying down the procedures for the application of the rules on competition to undertakings in the air transport sector (Article 6(3)), as last amended by:

— Council Regulation (EC) No 1/2003 (Articles 1-13, 15-45).

No 1/2003

Council Regulation of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Articles 1-13, 15-45)

(To the extent that this Regulation is relevant for the application of this agreement. The insertion of this Regulation does not affect the division of tasks according to this agreement)

Regulation No 17/62 has been repealed by Regulation No 1/2003 with the exception of Article 8(3) which continues to apply to decisions adopted pursuant to Article 81(3) of the Treaty prior to the date of application of this Regulation until the date of expiration of those decisions.

No 773/2004

Commission Regulation of 7 April 2004 relating to proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, as amended by:

— Commission Regulation (EC) No 1792/2006.

No 139/2004

Council Regulation of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)

(Article 1-18, 19(1)-(2), and 20-23)

With respect to Article 4 (5) of the Merger Regulation the following shall apply between the European Community and Switzerland:

1. With regard to a concentration as defined in Article 3 of Regulation (EC) No 139/2004 which does not have a Community dimension within the meaning of Article 1 of that Regulation and which is capable of being reviewed under the national competition laws of at least three EC Member States and the Swiss Confederation, the persons or undertakings referred to in Article 4(2) of that Regulation may, before any notification to the competent authorities, inform the EC Commission by means of a reasoned submission that the concentration should be examined by the Commission.
2. The European Commission shall transmit all submissions pursuant to Article 4(5) of Regulation (EC) No 139/2004 and the previous paragraph to the Swiss Confederation without delay.

3. Where the Swiss Confederation has expressed its disagreement as regards the request to refer the case, the competent Swiss competition authority shall retain its competence, and the case shall not be referred from the Swiss Confederation pursuant to this paragraph.

With respect to time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Articles 22(2) of the Merger Regulation:

1. The European Commission shall transmit all the relevant documents pursuant to Articles 4(4) and (5), Articles 9(2) and (6) and Article 22(2) to the competent Swiss competition authority without delay.
2. The calculation of the time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Article 22(2) of Regulation (EC) No 139/2004 shall start, for the Swiss Confederation, upon receipt of the relevant documents by the competent Swiss competition authority.

No 802/2004

Commission Regulation of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (Articles 1-24), as last amended by:

— Commission Regulation (EC) No 1792/2006.

No 2006/111

Commission Directive of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings

No 487/2009

Council Regulation (EC) No 487/2009 of 25 May 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector

3. Aviation safety

No 91/670

Council Directive of 16 December 1991 on mutual acceptance of personnel licences for the exercise of functions in civil aviation

(Articles 1-8)

No 3922/91

Council Regulation of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Articles 1-3, 4(2), (5-11, and 13), as amended by:

— Regulation (EC) No 1899/2006,

— Regulation (EC) No 1900/2006,

— Commission Regulation (EC) No 8/2008,

— Commission Regulation (EC) No 859/2008.

No 94/56

Council Directive of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents

(Articles 1-13)

No 2004/36

Directive of the Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports (Articles 1-9, and 11-14), as last amended by:

— Commission Directive 2008/49/EC.

No 351/2008

Commission Regulation of 16 April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports

No 768/2006

Commission Regulation of 19 May 2006 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system

No 2003/42

Directive of the European Parliament and the Council of 13 June 2003 on occurrence reporting in civil aviation (Articles 1-12)

No 1321/2007

Commission Regulation of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council

No 1330/2007

Commission Regulation of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council

No 1592/2002

Regulation of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (hereinafter referred to as 'the Regulation'), as amended by:

- Regulation (EC) No 1643/2003,
- Commission Regulation (EC) No 1701/2003,
- Commission Regulation (EC) No 334/2007,
- Commission Regulation (EC) No 103/2007.

The Agency shall enjoy also in Switzerland the powers granted to it under the provisions of the Regulation.

The Commission shall enjoy also in Switzerland the powers granted to it for decisions pursuant to Article 10(2), (4), (6), Article 16(4), Article 29(3)(i), Article 31(3), Article 32 (5) and Article 53 (4).

Notwithstanding the horizontal adaptation provided for in the first indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport, the references to the 'Member States' made in Article 54 of the Regulation or in the provisions of Decision 1999/468/EC mentioned in that provision shall not be understood to apply to Switzerland.

Nothing in this Regulation shall be construed so as to transfer to the EASA authority to act on behalf of Switzerland under international agreements for other purposes than to assist in the performance of its obligations pursuant to such agreements.

The text of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

(a) Article 9 is amended as follows:

- (i) in paragraph 1, the words 'or Switzerland' shall be inserted after the words 'the Community';
- (ii) in paragraph 2(a), the words 'or Switzerland' shall be inserted after the words 'the Community';

(iii) in paragraphs 2 points (b) and (c) are deleted;

(iv) the following paragraph is added:

‘3. Whenever the Community negotiates with a third country in order to conclude an agreement providing that a Member State or the Agency may issue certificates on the basis of certificates issued by the aeronautical authorities of that third country, it shall endeavour to obtain for Switzerland an offer of a similar agreement with the third country in question. Switzerland shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Community.’

(b) In Article 20, the following paragraph shall be added:

‘4. By way of derogation from Article 12(2)(a) of the Conditions of Employment of Other Servants of the European Communities, Swiss nationals enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.’

(c) In Article 21, the following paragraph is added:

‘Switzerland shall apply to the Agency the Protocol on the Privileges and Immunities of the European Communities, which is set out as Annex A to the present Annex, in accordance with the Appendix to Annex A.’

(d) In Article 28, the following paragraph is added:

‘Switzerland shall participate fully in the Management Board and shall within it have the same rights and obligations as European Union Member States, except for the right to vote.’

(e) In Article 48, the following paragraph shall be added:

‘8. Switzerland shall participate in the financial contribution referred to in paragraph 1(a), according to the following formula:

$$S (0,2/100) + S [1 - (a + b) 0,2/100] c/C$$

where:

S = the part of the budget of the Agency not covered by the fees and charges mentioned in paragraph 1 (b) and (c)

a = the number of Associated States

b = the number of EU Member States

c = the contribution of Switzerland to the ICAO budget

C = the total contribution of the EU Member States and of the Associated States to the ICAO budget.’

(f) In Article 50, the following paragraph is added:

‘The provisions relating to financial control by the Community in Switzerland concerning the participants in the activities of the Agency are set out in Annex B to the present Annex.’

(g) Annex II to the Regulation shall be extended to include the following aircraft as products covered by Article 2(3)(a)(ii) of Commission Regulation (EC) No 1702/2003 of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations ⁽¹⁾:

A/c - [HB IDJ] – type CL600-2B19

A/c - [HB-IGM] – type Gulfstream G-V-SP

⁽¹⁾ OJ L 243, 27.9.2003, p. 6.

A/c - [HB-IIS, HB-IIY, HB-IMJ, HB-IVL, HB-IVZ, HB-JES] – type Gulfstream G-V

A/c - [HB-IBX, HB-IKR, HB-IMY, HB-ITF, HB-IWY] – type Gulfstream G-IV

A/c - [HB-XJF, HB-ZCW, HB-ZDF, HB-ZDO] – type MD 900

No 736/2006

Commission Regulation of 16 May 2006 on working methods of the European Aviation Safety Agency for conducting standardisation inspections

No 1702/2003

Regulation of 24 September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, as amended by:

- Commission Regulation (EC) No 335/2007,
- Commission Regulation (EC) No 381/2005,
- Commission Regulation (EC) No 375/2007,
- Commission Regulation (EC) No 706/2006,
- Commission Regulation (EC) No 287/2008,
- Commission Regulation (EC) No 1057/2008,
- Commission Regulation (EC) No 1194/2009.

For the purposes of the Agreement, the provisions of the Regulation shall be read subject to the following adjustment:

Article 2 is amended as follows:

In paragraphs 3, 4, 6, 8, 10, 11, 13 and 14, the date ‘28 September 2003’ shall be replaced by ‘the date of entry into force of the Decision the Community/Switzerland Air Transport Committee which incorporates Regulation (EC) No 1592/2002 into the Annex to the Regulation.

No 2042/2003

Commission Regulation of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as amended by:

- Commission Regulation (EC) No 707/2006,
- Commission Regulation (EC) No 376/2007,
- Commission Regulation (EC) No 1056/2008,
- Commission Regulation (EU) No 127/2010.

No 104/2004

Commission Regulation of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency

No 593/2007

Commission Regulation of 31 May 2007 on the fees and charges levied by the European Aviation Safety Agency, as last amended by:

- Commission Regulation (EC) No 1356/2008.

No 2111/2005

Regulation of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of directive 2004/36/EC

No 473/2006

Commission Regulation of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

No 474/2006

Commission Regulation of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council, as last amended by:

— Commission Regulation (EC) No 1144/2009. ⁽¹⁾

4. Aviation Security

No 2320/2002 ⁽²⁾

Regulation of the European Parliament and of the Council of 16 December 2002 establishing common rules in the field of civil aviation security (Articles 1-8, and 10-13), as amended by:

— Regulation (EC) No 849/2004

No 1217/2003 ⁽³⁾

Commission Regulation of 4 July 2003 laying down common specifications for national civil aviation security quality control programmes

No 1486/2003 ⁽⁴⁾

Commission Regulation of 22 August 2003 laying down procedures for conducting Commission inspections in the field of civil aviation security

(Articles 1-13, and 15-18)

No 1138/2004 ⁽⁵⁾

Commission Regulation of 21 June 2004 establishing a common definition of critical parts of security restricted areas of airports

No 300/2008

Regulation of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002

No 820/2008 ⁽⁶⁾

Commission Regulation of 8 August 2008 laying down measures for the implementation of the common basic standards on aviation security, as last amended by:

— Commission Regulation (EU) No 133/2010

— Commission Regulation (EU) No 134/2010

— Commission Regulation (EU) No 293/2010

⁽¹⁾ This Regulation shall apply in Switzerland as long as it is in force in the EU.

⁽²⁾ This Regulation will be repealed on 29 April 2010 when Regulation (EC) No 300/2008 shall become fully applicable.

⁽³⁾ This Regulation will be repealed on 29 April 2010 when Regulation (EC) No 300/2008 shall become fully applicable.

⁽⁴⁾ This Regulation will be repealed on 29 April 2010 when Regulation (EC) No 300/2008 shall become fully applicable.

⁽⁵⁾ This Regulation will be repealed on 29 April 2010 when Regulation (EC) No 300/2008 shall become fully applicable.

⁽⁶⁾ This Regulation will be repealed on 29 April 2010 when Regulation (EC) No 300/2008 shall become fully applicable.

No 4333/2008 ⁽¹⁾

Commission Decision of 8 August 2008 laying down additional measures for the implementation of the common basic standards on aviation security, applicable from 1st October 2008

No 272/2009

Commission Regulation of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council, as last amended by:

— Commission Regulation (EU) No 297/2010

No 1254/2009

Commission Regulation (EU) of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures

No 18/2010

Commission Regulation (EU) of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned

No 72/2010

Commission Regulation (EU) of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security

No 185/2010

Commission Regulation (EU) of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security

No C(2010)774

Commission Decision (EU) of 13 April 2010 laying down detailed measures for the implementation of the common basic standards on aviation security containing information as referred to in Point (a) of Article 18 of Regulation (EC) No 300/2008.

5. Air traffic management

No 549/2004

Regulation of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky (the Framework Regulation)

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 6, 8 (1), 10, 11 and 12.

Notwithstanding the horizontal adjustment referred to in the first indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport, the references to the 'Member States' made in Article 5 of Regulation (EC) No 549/2004 or in the provisions of Decision 1999/468/EC mentioned in that provision shall not be understood to apply to Switzerland.

No 550/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the Service Provision Regulation)

The Commission shall enjoy towards Switzerland the powers granted to it pursuant to Article 16, as amended below.

The provisions of the Regulation shall, for the purposes of the Agreement, be amended as follows:

(a) Article 3 shall be amended as follows:

In paragraph 2, the words 'and Switzerland' shall be inserted after the words 'the Community'.

⁽¹⁾ This Regulation will be repealed on 29 April 2010 when Regulation (EC) No 300/2008 shall become fully applicable.

(b) Article 7 is amended as follows:

In paragraph 1 and paragraph 6, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(c) Article 8 is amended as follows:

In paragraph 1, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(d) Article 10 is amended as follows:

In paragraph 1, the words 'and Switzerland' shall be inserted after the words 'the Community'.

(e) Article 16(3) is replaced by the following:

'3. The Commission shall address its decision to the Member States and inform the service provider thereof, in so far as it is legally concerned.'

No 551/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky (the Airspace Regulation)

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 2, 3(5) and 10.

No 552/2004

Regulation of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the Interoperability Regulation)

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 4, 7 and 10(3).

The provisions of the Regulation shall, for the purposes of the Agreement, be amended as follows:

(a) Article 5 is amended as follows:

In paragraph 2, the words 'or Switzerland' shall be inserted after the words 'the Community'.

(b) Article 7 is amended as follows:

In paragraph 4, the words 'or Switzerland' shall be inserted after the words 'the Community'.

(c) Annex III shall be amended as follows:

In section 3, second and last indents, the words 'or Switzerland' shall be inserted after the words 'the Community'.

No 2096/2005

Commission Regulation of 20 December 2005 laying down common requirements for the provision of air navigation services, as amended by:

— Commission Regulation (EC) No 1315/2007,

— Commission Regulation (EC) No 482/2008,

— Commission Regulation (EC) No 668/2008

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Article 9.

No 2150/2005

Commission Regulation of 23 December laying down common rules for the flexible use of airspace

No 1033/2006

Commission Regulation of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the Single European Sky

No 1032/2006

Commission Regulation of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units, as last amended by:

— Commission Regulation (EC) No 30/2009

No 2006/23

Directive of the European Parliament and of the Council of 5 April 2006 on a Community air traffic controller licence

No 730/2006

Commission Regulation of 11 May 2006 on airspace classification and access of flights operated under visual flight rules above flight level 195

No 219/2007

Council Regulation of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), as last amended by:

— Commission Regulation (EC) No 1361/2008

No 633/2007

Commission Regulation of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units

No 1265/2007

Commission Regulation of 26 October 2007 laying down requirements on air-ground voice channel spacing for the Single European Sky

No 29/2009

Commission Regulation of 16 January 2009 laying down requirements on data link services for the Single European Sky

No 262/2009

Commission Regulation of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the Single European Sky.

6. Environment and noise

No 2002/30

Directive of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports (Articles 1-12, and 14-18)

(The amendments to Annex I, arising from Annex II, Chapter 8 (Transport policy), Section G (Air transport), point 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, shall apply).

No 89/629

Council Directive of 4 December 1989 on the limitation of noise emissions from civil subsonic jet aeroplanes

(Articles 1-8)

No 2006/93/EC

Directive of the European Parliament and of the Council of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988)

7. Consumer protection

No 90/314

Council Directive of 13 June 1990 on package travel, package holidays and package tours

(Articles 1-10)

No 93/13

Council Directive of 5 April 1993 on unfair terms in consumer contracts.

(Articles 1-11)

No 2027/97

Council Regulation of 9 October 1997 on air carrier liability in the event of accidents (Articles 1-8), as amended by:

— Regulation (EC) No 889/2002.

No 261/2004

Regulation of the Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

(Articles 1-18)

No 1107/2006

Regulation of the European Parliament and of the Council of 5 July 2006 concerning the right of disabled persons and persons with reduced mobility when travelling by air

8. Miscellaneous

No 2003/96

Council Directive of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

(Article 14(1)(b), and Article 14(2))

9. Annexes

A: Protocol on the Privileges and Immunities of the European Union

B: Provisions on financial control by the European Union as regards Swiss participants in activities of the EASA

ANNEX A

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 343 of the Treaty on the Functioning of the European Union and Article 191 of the Treaty establishing the European Atomic Energy Community (EAEC), the European Union and the EAEC shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN UNION*Article 1*

The premises and buildings of the Union shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Union shall be inviolable.

Article 3

The Union, its assets, revenues and other property shall be exempt from all direct taxes.

The governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Union makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Union.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Union shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use: articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Union shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of its publications.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 5*

For their official communications and the transmission of all their documents, the institutions of the Union shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Union shall not be subject to censorship.

Article 6

Laissez-passer in a form to be prescribed by the Council, acting by a simple majority, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Union by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of officials and the Conditions of Employment of other servants of the Union.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of third countries.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 7

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 8

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 9

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN UNION

Article 10

Representatives of Member States taking part in the work of the institutions of the Union, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Union.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN UNION

Article 11

In the territory of each Member State and whatever their nationality, officials and other servants of the Union shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Union and its officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;

- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 12

Officials and other servants of the Union shall be liable to a tax for the benefit of the Union on salaries, wages and emoluments paid to them by the Union, in accordance with the conditions and procedure laid down by the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Union.

Article 13

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Union, officials and other servants of the Union who, solely by reason of the performance of their duties in the service of the Union, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Union, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Union. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 14

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned, shall lay down the scheme of social security benefits for officials and other servants of the Union.

Article 15

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, and after consulting the other institutions concerned, shall determine the categories of officials and other servants of the Union to whom the provisions of Article 11, the second paragraph of Article 12, and Article 13 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD COUNTRIES ACCREDITED TO THE EUROPEAN UNION*Article 16*

The Member State in whose territory the Union has its seat shall accord the customary diplomatic immunities and privileges to missions of third countries accredited to the Union.

CHAPTER VII

GENERAL PROVISIONS*Article 17*

Privileges, immunities and facilities shall be accorded to officials and other servants of the Union solely in the interests of the Union.

Each institution of the Union shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Union.

Article 18

The institutions of the Union shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 19

Articles 11 to 14 and Article 17 shall apply to Members of the Commission.

Article 20

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates-General, the Registrars and the Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice of the European Union relating to immunity from legal proceedings of Judges and Advocates-General.

Article 21

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 22

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

APPENDIX TO ANNEX A

PROCEDURES FOR THE APPLICATION IN SWITZERLAND OF THE PROTOCOL ON PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION**1. Extension of application to Switzerland**

Wherever the Protocol on the privileges and immunities of the European Union (hereinafter called 'the Protocol') contains references to Member States, the references are to be understood to apply equally to Switzerland, unless the following provisions determine otherwise.

2. Exemption of the Agency from indirect taxation (including VAT)

Goods and services exported from Switzerland are not to be subject to Swiss value added tax (VAT). In the case of goods and services provided to the Agency in Switzerland for its official use, in accordance with the second paragraph of Article 3 of the Protocol, exemption from VAT is by way of refund. Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 100 Swiss francs (inclusive of tax).

The VAT refund is to be granted on presentation to the Federal Tax Administration's VAT Main Division of the Swiss forms provided for the purpose. As a rule, refund applications must be processed within the three months following the date on which they were lodged together with the necessary supporting documents.

3. Procedures for the application of the rules relating to the Agency's staff

As regards the second paragraph of Article 12 of the Protocol, Switzerland shall exempt, according to the principles of its national law, officials and other servants of the Agency within the meaning of Article 2 of Regulation (Euratom, ECSC, EEC) No 549/69 ⁽¹⁾ from federal, cantonal and communal taxes on salaries, wages and emoluments paid to them by the European Union and subject to an internal tax for its own benefit.

Switzerland shall not be considered as a Member State within the meaning of point 1 above for the application of Article 13 of the Protocol.

Officials and other servants of the Agency and members of their families who are members of the social insurance system applicable to officials and other servants of the European Union are not obliged to be members of the Swiss social security system.

The Court of Justice of the European Union shall have exclusive jurisdiction in any matters concerning relations between the Agency or the Commission and its staff with regard to the application of Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾ and the other provisions of the European Union law laying down working conditions.

⁽¹⁾ Regulation (Euratom, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply (OJ L 74, 27.3.1969, p. 1). Regulation as last amended by Commission Regulation (EC) No 1749/2002 (OJ L 264, 2.10.2002, p. 13).

⁽²⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (Conditions of Employment of Other Servants) (OJ L 56, 4.3.1968, p. 1). Regulation as last amended by Commission Regulation (EC) No 2104/2005 (OJ L 337, 22.12.2005, p. 7).

ANNEX B

FINANCIAL CONTROL AS REGARDS SWISS PARTICIPANTS IN ACTIVITIES OF THE EUROPEAN AVIATION AGREEMENT*Article 1***Direct communication**

The Agency and the Commission shall communicate directly with all persons or entities established in Switzerland and participating in activities of the Agency, as contractors, participants in Agency programmes, recipients of payments from the Agency or the Community budget, or subcontractors. Such persons may send directly to the Commission and to the Agency all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Decision and of contracts or agreements concluded and any decisions taken pursuant to them.

*Article 2***Checks**

1. In accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽¹⁾ and the Financial Regulation adopted by the Management Board of the Agency on 26 March 2003, with Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽²⁾ and with the other instruments referred to in this Decision, contracts or agreements concluded and decisions taken with beneficiaries established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the beneficiaries and of their subcontractors by Agency and Commission officials or by other persons mandated by the Agency and the Commission.

2. Agency and Commission officials and other persons mandated by the Agency and the Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts or agreements concluded to implement the instruments referred to in this Decision.

3. The European Court of Auditors is to have the same rights as the Commission.

4. The audits may take place until five years after the expiry of this Decision or under the terms of the contracts or agreements concluded and the decisions taken.

5. The Swiss Federal Audit Office is to be informed in advance of audits conducted on Swiss territory. This information will not be a legal condition for carrying out such audits.

*Article 3***On-the-spot checks**

1. Under this Agreement, the Commission (OLAF) is authorised to carry out on-the-spot checks and inspections on Swiss territory, under the terms and conditions set out in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities ⁽³⁾.

2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close cooperation with the Swiss Federal Audit Office or with other competent Swiss authorities appointed by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.

3. If the Swiss competent authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by the Commission and the Swiss competent authorities.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1.

⁽²⁾ OJ L 357, 31.12.2002, p. 72.

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

4. Where the participants in the programme resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give the Commission inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

5. The Commission shall report as soon as possible to the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event the Commission is required to inform the aforementioned authority of the result of such checks and inspections.

Article 4

Information and consultation

1. For the purposes of proper implementation of this Annex, the competent Swiss and Community authorities shall exchange information regularly and, at the request of one of the Parties, shall conduct consultations.

2. The competent Swiss authorities shall inform the Agency and the Commission without delay of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the contracts or agreements concluded in application of the instruments referred to in this Decision.

Article 5

Confidentiality

Information communicated or acquired in any form whatsoever pursuant to this Annex will be covered by professional confidentiality and protected in the same way as similar information is protected by the national legislation of Switzerland and by the corresponding provisions applicable to the Community institutions. Such information shall not be communicated to persons other than those within the Community institutions, in the Member States, or in Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Contracting Parties.

Article 6

Administrative measures and penalties

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Agency or the Commission in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests ⁽¹⁾.

Article 7

Recovery and enforcement

Decisions taken by the Agency or the Commission within the scope of this Decision which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland.

The enforcement order must be issued, without any further control than verification of the authenticity of the act, by the authority designated by the Swiss government, which must inform the Agency or the Commission thereof. Enforcement must take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision is subject to control by the Court of Justice of the European Union.

Judgments given by the Court of Justice of the European Union pursuant to an arbitration clause are enforceable on the same terms.

⁽¹⁾ OJ L 312, 23.12.1995, p. 1.

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COUNCIL DECISION

of 9 October 2009

on the signing and conclusion of the Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part

(2010/240/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, 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) Article 13 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part⁽¹⁾ ('the Association Agreement') in force since 1 June 2004, of which the trade and trade-related provisions entered into force on 1 January 2004, provides that the Community and Egypt shall gradually implement greater liberalisation of their reciprocal trade in agricultural products, processed agricultural products and fish and fishery products.
- (2) On 6 March 2007, the EU-Egypt Association Council adopted an Action Plan of the European Neighbourhood Policy that includes a specific provision for the further liberalisation of trade in agricultural products, processed agricultural products and fish and fishery products.
- (3) On 14 November 2005, the Council authorised the Commission to conduct negotiations with the Arab Republic of Egypt within the framework of the Association Agreement, in order to achieve greater liberalisation of reciprocal trade in agricultural products, processed agricultural products and fish and fishery products.
- (4) On 19 June 2008, the Commission concluded the negotiations on behalf of the Community of an Agreement in the form of an Exchange of Letters with a view to amending the Association Agreement.

- (5) The measures necessary for the implementation of this Decision should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽²⁾.

- (6) The Agreement in the form of an Exchange of Letters should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, which amends the Association Agreement and, in particular, replaces Protocols 1 and 2 of that Agreement, as well as their annexes, is hereby approved on behalf of the Community.

The text of the Agreement in the form of an Exchange of Letters is attached to this Decision.

Article 2

1. The Commission shall adopt the necessary implementing measures for Protocols 1 and 2 in accordance with Decision 1999/468/EC.

2. The Commission shall be assisted in this task by the Management Committee for the Common Organisation of Agricultural Markets, established by Article 195 of 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)⁽³⁾, by the Management Committee for Fisheries Products, established by Article 38 of Council Regulation (EC) No 104/2000 of 17 December 1999 on the

⁽¹⁾ OJ L 304, 30.9.2004, p. 39.

⁽²⁾ OJ L 184, 17.7.1999, p. 23.

⁽³⁾ OJ L 299, 16.11.2007, p. 1.

common organisation of the markets in fishery and aquaculture products ⁽¹⁾ or, where appropriate, by the committees established by the corresponding provisions of other regulations on the common organisation of markets or by the Customs Code Committee established by Article 248a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽²⁾.

Article 3

Where the Community needs to take a safeguard measure concerning agricultural products and fish and fishery products, as provided for in the Association Agreement, that measure shall be adopted in accordance with the procedure provided for in Article 159(2) of the Single CMO Regulation for agricultural products, or by Article 30 of Regulation (EC) No 104/2000 for fish and fishery products. In the case of processed agricultural products, such safeguard measures shall, provided that the conditions laid down by the relevant provisions of the Association Agreement are met, be adopted in accordance with the relevant provisions laid down respectively in Regulation (EEC) No 2783/75 of the Council of 29 October 1975 on the common system of trade for

ovalbumin and lactalbumin ⁽³⁾, in Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements, applicable to certain goods resulting from the processing of agricultural products ⁽⁴⁾ and in Council Regulation (EC) No 1667/2006 of 7 November 2006 on glucose and lactose ⁽⁵⁾.

Article 4

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Community.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 9 October 2009.

For the Council

The President

Å. TORSTENSSON

⁽¹⁾ OJ L 17, 21.1.2000, p. 22.

⁽²⁾ OJ L 302, 19.10.1992, p. 1.

⁽³⁾ OJ L 282, 1.11.1975, p. 104.

⁽⁴⁾ OJ L 318, 20.12.1993, p. 18.

⁽⁵⁾ OJ L 312, 11.11.2006, p. 1.

AGREEMENT

in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part

A. Letter from the European Community

Sir/Madam,

I have the honour of referring to the negotiations which took place in accordance with the Euro-Mediterranean Roadmap for agriculture (Rabat Roadmap) adopted by the Euro-Mediterranean Ministers of Foreign Affairs on 28 November 2005 for the acceleration of liberalisation of trade in agricultural products, processed agricultural products and fish and fishery products and under Articles 13 and 15 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part ⁽¹⁾ ('the Association Agreement'), in force since 1 June 2004, of which the trade and trade-related provisions entered into force on 1 January 2004, which provides that the Community and the Arab Republic of Egypt shall gradually establish a greater liberalisation of their trade in agricultural products, processed agricultural products and fish and fishery products.

On the conclusion of the negotiations, the two Parties agreed upon the following amendments to the Association Agreement:

1. The title of Chapter 2 shall be replaced by the following:

'Agricultural products, processed agricultural products and fish and fishery products'.

2. Article 14(1) shall be replaced by the following:

'1. Agricultural products, processed agricultural products and fish and fishery products originating in Egypt and listed in Protocol 1, on importation into the Community, shall be subject to the arrangements set out in that Protocol.'

3. Article 14(2) shall be replaced by the following:

'2. Agricultural products, processed agricultural products and fish and fishery products originating in the Community and listed in Protocol 2, on importation into Egypt, shall be subject to the arrangements set out in that Protocol.'

4. Article 14(3) shall be deleted.

5. The following paragraph shall be added to Article 15:

'3. The Contracting Parties shall meet two years from the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 28 October 2009 to consider the possibility of granting each other further concessions of trade in agricultural products, processed agricultural products and fish and fishery products in accordance with Article 13 of this Agreement. Such meeting shall thereafter be held regularly every two years.'

6. Protocols 1 and 2 and their Annexes shall be replaced by those appearing in Annexes I and II to this Agreement in the form of an Exchange of Letters.

7. Protocol 3 shall be deleted.

8. A Common Declaration on sanitary and phytosanitary or technical barriers to trade issues, appearing in Annex III to this Agreement in the form of an Exchange of Letters, shall be added to the Association Agreement.

⁽¹⁾ OJ L 304, 30.9.2004, p. 39.

This Agreement in the Form of an Exchange of Letters shall enter into force on the first day of the second month following the date of deposit of the last instrument of approval.

I would be grateful if you could confirm the agreement of your Government to the above.

Please accept, Sir/Madam, the assurance of my highest consideration.

Съставено в Брюксел на
Hecho en Bruselas, el
V Bruselu dne
Udfærdiget i Bruxelles, den
Geschehen zu Brüssel am
Brüssel,
Έγινε στις Βρυξέλλες, στις
Done at Brussels,
Fait à Bruxelles, le
Fatto a Bruxelles, addì
Briselë,
Priimta Briuselyje
Kelt Brüsszelben,
Maghmula fi Brussell,
Gedaan te Brussel,
Sporządzono w Brukseli dnia
Feito em Bruxelas,
Încheiat la Bruxelles,
V Bruseli
V Bruslju,
Tehty Brysselissä
Utfärdat i Bryssel den
تم في بروكسل

28 -10- 2009

За 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

عن الجماعة الأوروبية



ANNEX I

PROTOCOL 1

concerning the arrangements applicable to the importation into the European Community of agricultural products, processed agricultural products and fish and fishery products originating in the Arab Republic of Egypt

1. Imports into the European Community of the products listed in the Annex to this Protocol, which originate in Egypt, shall be subject to the conditions set out below.
2. From the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 28 October 2009 (hereinafter 'the Agreement in the form of an Exchange of Letters'), customs duties applicable on the import into the European Community of agricultural products, processed agricultural products and fish and fishery products originating in Egypt shall be eliminated, except as otherwise provided for in Table 1 of the Annex.
3. For those products originating in Egypt listed in Table 2 of the Annex, customs duties shall be eliminated or reduced within the limit of the tariff quotas listed in column 'b'.

Customs duties in respect of the quantities in excess of the quotas shall be reduced by the percentage listed in column 'c'.

For the first year after the entry into force of the Agreement in the form of an Exchange of Letters, the volume of tariff quotas shall be calculated as a pro rata of the basic volume, taking into account the part of the period elapsed before the date of entry into force of that Agreement.

4. For products falling under CN codes 0703 20 00 and 0707 00 05, the tariff quota volume listed in column 'b' shall be increased annually by 3 % of the volume of the previous year, the first increase taking place one year after the entry into force of the Agreement in the form of an Exchange of Letters.
5. For products falling under CN codes 0810 10 00, 1006 20, 1006 30 and 1006 40, the tariff quota volume listed in column 'b' shall be increased annually by 3 % of the volume of the previous year over a period of five years, the first increase taking place one year after the entry into force of the Agreement in the form of an Exchange of Letters.
6. For products falling under CN codes 1806 10 30, 1806 10 90, 1806 20 95, 2101 20 98 and 2106 90 59, the tariff quota volume listed in column 'b' shall be increased annually by 5 % of the volume of the previous year over a period of five years, the first increase taking place one year after the entry into force of the Agreement in the form of an Exchange of Letters.
7. For products falling under CN codes 1704 90 99, 1901 90 99, 2101 12 98, 2106 90 98 and 3302 10 29, the tariff quota volume listed in column 'b' shall be increased annually by 10 % of the volume of the previous year over a period of five years, the first increase taking place one year after the entry into force of the Agreement in the form of an Exchange of Letters.
8. (a) Notwithstanding the conditions under point 2 of this Protocol, for the products to which an entry price applies in accordance with Article 140a of Council Regulation (EC) No 1234/2007 ⁽¹⁾, and for which the Common Customs Tariff provides for the application of *ad valorem* customs duties and a specific customs duty, the elimination applies only to the *ad valorem* part of the duty.
- (b) For fresh sweet oranges, falling within CN code 0805 10 20 ⁽²⁾, within the limit of a tariff quota of 36 300 tons applicable for the concession on the *ad valorem* customs duties, the agreed entry price between the European Community and Egypt, from which the specific duty provided in the Community's list of concessions to the WTO is reduced to zero, is EUR 264/tonne, for every period from 1 December to 31 May.

If the entry price for a consignment is 2, 4, 6 or 8 % lower than the agreed entry price, the specific customs quota duty shall be equal respectively to 2, 4, 6 or 8 % of this agreed entry price. If the entry price of a consignment is less than 92 % of the agreed entry price, the specific customs duty bound within the WTO shall apply.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ CN code corresponding to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

ANNEX TO PROTOCOL 1

concerning the arrangements applicable to the importation into the European Community of agricultural products, processed agricultural products and fish and fishery products originating in the Arab Republic of Egypt

Imports into the European Community of the following products originating in Egypt shall be subject to the conditions set out below.

Table 1

Products not included in the table below are duty free. A preferential treatment for some of the products listed below is indicated in Table 2.

CN Code ⁽¹⁾	Description ⁽²⁾
0702 00 00	Tomatoes, fresh or chilled
0703 20 00	Garlic, fresh or chilled
0707 00 05	Cucumbers, fresh or chilled
0709 90 70	Courgettes, fresh or chilled
0709 90 80	Globe artichokes, fresh or chilled
0806 10 10	Table grapes, fresh
0810 10 00	Strawberries, fresh
1006	Rice
1604 13	Prepared or preserved sardines, sardinella and brisling or sprats, whole or in pieces, but not minced
1604 14	Prepared or preserved tuna, skipjack and bonito (<i>Sarda</i> spp.), whole or in pieces, but not minced
1701	Cane or beet sugar and chemically pure sucrose, in solid form
1702 excluding 1702 90 10	Other sugars, including chemically pure lactose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel
1702 50 00	Chemically pure fructose in solid form
ex 1704 90 99	Other sugar confectionery, not containing cocoa, containing: 70 % or more by weight of sucrose
ex 1806 10 30	Sweetened cacao powder, containing: 70 % or more but less than 80 % by weight of sucrose
1806 10 90	Sweetened cacao powder, containing: 80 % or more by weight of sucrose
ex 1806 20 95	Chocolate and other food preparations containing cocoa, in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form, in containers or immediate packings of a content exceeding 2 kg, containing less than 18 % by weight of cocoa butter, containing: 70 % or more by weight of sucrose
ex 1901 90 99	Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, containing: 70 % or more by weight of sucrose/isoglucose
ex 2101 12 98	Preparations with a basis of coffee, containing: 70 % or more by weight of sucrose/isoglucose

CN Code ⁽¹⁾	Description ⁽²⁾
ex 2101 20 98	Preparations with a basis of tea or mate containing: 70 % or more by weight of sucrose/isoglucose
ex 2106 90 59	Other flavoured or coloured sugar syrups (excl. isoglucose, lactose, glucose and maltodextrine syrups), containing: 70 % or more by weight of sucrose/isoglucose
ex 2106 90 98	Other food preparations not elsewhere specified or included, of a kind used in drink industries, containing: 70 % or more by weight of sucrose/isoglucose
ex 3302 10 29	Other preparations of a kind used in the drink industries, containing all flavouring agents characterising a beverage, of an actual alcoholic strength by volume not exceeding 0,5 %, containing: 70 % or more by weight of sucrose/isoglucose

⁽¹⁾ CN codes corresponding to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

⁽²⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by the application of the CN codes and corresponding description taken together.

Table 2

For the following products a preferential treatment is provided in the form of tariff quotas, reduced duties beyond the tariff quota and calendars as listed below:

CN Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty %	Tariff quota (tonnes net weight)	Reduction of the customs duty beyond the tariff quota %
0702 00 00	Tomatoes, fresh or chilled, from 1 November to 30 June	100 %	unlimited	—
0703 20 00	Garlic, fresh or chilled, from 15 January to 30 June	100 %	4 000	50 %
0707 00 05	Cucumbers, fresh or chilled, from 15 November to 15 May	100 %	3 000	—
0709 90 70	Courgettes, fresh or chilled, from 1 October to 30 April	100 %	unlimited	—
0709 90 80	Globe artichokes, fresh or chilled, from 1 November to 31 March	100 %	unlimited	—
0806 10 10	Table grapes, fresh, from 1 February to 31 July	100 %	unlimited	—
0810 10 00	Fresh strawberries, from 1 October to 30 April	100 %	10 000	—
1006 20	Husked (brown) rice	100 %	20 000	—
1006 30	Semi-milled or wholly milled rice, whether or not polished or glazed	100 %	70 000	—
1006 40 00	Broken rice	100 %	80 000	—
1702 50 00	Chemically pure fructose in solid form	100 %	1 000	100 % on the <i>ad valorem</i> duty + 30 % on the EA ⁽³⁾
ex 1704 90 99	Other sugar confectionery, not containing cocoa, containing: 70 % or more by weight of sucrose	100 %	1 000	—

CN Code ⁽¹⁾	Description ⁽²⁾	a	b	c
		Reduction of the MFN customs duty %	Tariff quota (tonnes net weight)	Reduction of the customs duty beyond the tariff quota %
ex 1806 10 30	Sweetened cacao powder, containing: 70 % or more but less than 80 % of sucrose (sugar)	100 %	500	—
1806 10 90	Sweetened cacao powder, containing: 80 % or more by weight of sucrose (sugar)	100 %	500	—
ex 1806 20 95	Chocolate and other food preparations containing cocoa, in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form, in containers or immediate packings of a content exceeding 2 kg, containing less than 18 % by weight of cocoa butter, containing: 70 % or more by weight of sucrose	100 %	500	—
ex 1901 90 99	Other food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included, containing: 70 % or more by weight of sucrose/isoglucose	100 %	1 000	—
ex 2101 12 98	Preparations with a basis of coffee, containing: 70 % or more by weight of sucrose/isoglucose	100 %	1 000	—
ex 2101 20 98	Preparations with a basis of tea or mate, containing: 70 % or more by weight of sucrose/isoglucose	100 %	500	—
ex 2106 90 59	Other flavoured or coloured sugar syrups (excl. isoglucose, lactose, glucose and maltodextrine syrups), containing: 70 % or more by weight of sucrose/isoglucose	100 %	500	—
ex 2106 90 98	Other food preparations not elsewhere specified or included, of a kind used in drink industries, containing: 70 % or more by weight of sucrose/isoglucose	100 %	1 000	—
ex 3302 10 29	Other preparations of a kind used in drink industries, containing all flavouring agents characterising a beverage, of an actual alcoholic strength by volume not exceeding 0,5 %, containing: 70 % or more by weight of sucrose/isoglucose	100 %	1 000	—

⁽¹⁾ CN codes corresponding to Regulation (EC) No 1214/2007 (OJ L 286, 31.10.2007, p. 1).

⁽²⁾ Notwithstanding the rules for the interpretation of the combined nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential scheme being determined, within the context of this Annex, by the coverage of the CN codes. Where 'ex' CN codes are indicated, the preferential scheme is to be determined by the application of the CN codes and corresponding description taken together.

⁽³⁾ EA: agricultural component as referred to in Regulation (EEC) No 3448/93, as amended.

ANNEX II

PROTOCOL 2

concerning the arrangements applicable to the importation into the Arab Republic of Egypt of agricultural products, processed agricultural products and fish and fishery products originating in the European Community

1. Imports into the Arab Republic of Egypt of the products listed in the Annex to this Protocol, which originate in the European Community, shall be subject to the conditions set out below.
2. From the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 28 October 2009 on Brussels (hereinafter 'the Agreement in the form of an Exchange of Letters'), customs duties applicable on the import into the Arab Republic of Egypt of agricultural products, processed agricultural products and fish and fishery products originating in the European Community shall be eliminated except for those products listed in Table 1 of the Annex.
3. For those products originating in the European Community listed in Table 2 of the Annex, customs duties shall be eliminated or reduced within the limit of the tariff quotas listed in column 'b'.

For the first year after the entry into force of the Agreement in the form of an Exchange of Letters, the volume of tariff quotas shall be calculated as a pro rata of the basic volume, taking into account the part of the period elapsed before the date of entry into force of that Agreement.

ANNEX TO PROTOCOL 2

concerning the arrangements applicable to the importation into the Arab Republic of Egypt of agricultural products, processed agricultural products and fish and fishery products originating in the European Community

Imports into the Arab Republic of Egypt of the following products which originate in the European Community shall be subject to the conditions set out below.

Table 1

Products not included in the table below are duty free. A preferential treatment for some of the products listed below is indicated in Table 2.

HS or Egyptian Code ⁽¹⁾	Description ⁽²⁾
0203	Meat of swine, fresh, chilled or frozen
ex 0206	Edible offal of bovine animals, swine, sheep, goats, horses, asses, mules or hinnies, fresh, chilled or frozen:
0206 30	– of swine, fresh or chilled
0206 41	– of swine livers, frozen
0206 49	-- Other
ex 0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen:
	– of fowls of the species <i>Gallus domesticus</i> :
0207 11	-- Not cut in pieces, fresh or chilled
0207 12	-- Not cut in pieces, frozen
0209	Pig fat, free of lean meat, and poultry fat, not rendered or otherwise extracted, fresh, chilled, frozen, salted, in brine, dried or smoked
ex 0210	Meat and edible meat offal, salted, in brine, dried or smoked; edible flours and meals of meat or meat offal:
	– Meat of swine:
0210 11	-- Hams, shoulders and cuts thereof, with bone in
0210 12	-- Bellies (streaky) and cuts thereof
0210 19	-- Other
ex 0406 10	Fresh (unripened or uncured) cheese, including whey cheese, and curd (less than 20 kg)
1501	Pig fat (including lard) and poultry fat, other than that of heading 0209 or 1503
ex 1602	Other prepared or preserved meat, meat offal or blood:
1602 10	– homogenised preparations
1602 20	– of liver of any animal
	– of swine:
1602 41	– Hams and cuts thereof

HS or Egyptian Code ⁽¹⁾	Description ⁽²⁾
1602 42	– Shoulders and cuts thereof
1602 49	– Other, including mixtures
	– Other, including preparations of blood of any animal:
1602 90 10	– of swine
1704	Sugar confectionery (including white chocolate), not containing cocoa
1806	Chocolate and other food preparations containing cocoa
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006
ex 2106	Food preparations not elsewhere specified or included:
2106 90 20	-- Compound alcoholic preparations, other than those based on odoriferous substances, of a kind used for the manufacture of beverages
2203	Beer made from malt
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
2206	Other fermented beverages (for example, cider, perry, mead); mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages
2401	Unmanufactured tobacco; tobacco refuse
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitute
2403	Other manufactured tobacco and manufactured tobacco substitutes; 'homogenised' or 'reconstituted' tobacco; tobacco extracts and essences
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages; of a kind used in the food or drink industry:
3302 10 10	Compound alcoholic preparations of a kind used for manufacture of beverages

⁽¹⁾ Egyptian codes corresponding to the Egyptian Customs Tariff, published on 5 February 2007.

⁽²⁾ Notwithstanding the rules for the interpretation of the Harmonised System (HS) or of the Egyptian tariff nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value.

Table 2

For the following products a preferential treatment is provided in the form of tariff quotas and reduced duties as listed below:

HS or Egyptian Code ⁽¹⁾	Description ⁽²⁾	a	b
		Reduction of the MFN customs duty %	Tariff quota (tonnes net weight)
ex 0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen:	35 %	5 000
	– of fowls of the species <i>Gallus domesticus</i> :		
0207 11	-- Not cut in pieces, fresh or chilled		
0207 12	-- Not cut in pieces, frozen		
ex 0406 10	Fresh (unripened or uncured) cheese, including whey cheese, and curd (less than 20 kg)	50 %	1 000
1704	Sugar confectionery (including white chocolate), not containing cocoa	50 %	unlimited
1806	Chocolate and other food preparations containing cocoa	50 %	unlimited
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared	50 %	unlimited
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	50 %	unlimited
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006	50 %	unlimited
ex 3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with bases of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:	35 %	unlimited
3302 10 10	of a kind used in the food or drink industry: --- compound alcoholic preparations of a kind used for manufacture of beverages		

⁽¹⁾ Egyptian codes corresponding to the Egyptian Customs Tariff, published on 5 February 2007.

⁽²⁾ Notwithstanding the rules for the interpretation of the Harmonised System (HS) or of the Egyptian tariff nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value.

*ANNEX III***COMMON DECLARATION ON SANITARY AND PHYTOSANITARY OR TECHNICAL BARRIERS TO TRADE
ISSUES**

The Parties shall solve any problems, in particular sanitary, phytosanitary or technical barriers to trade, hindering the implementation of this Agreement, by means of existing administrative arrangements. The results shall then be reported to the Subcommittee for agriculture and fisheries, as well as to the Subcommittee of industry, trade, services and investment and to the Association Committee. The Parties commit to examine and solve such cases with the shortest possible delay in a friendly manner, in line with their respective applicable laws.

B. Letter from the Arab Republic of Egypt

Sir/Madam,

I have the honour to acknowledge receipt of your letter of today's date, worded as follows:

I have the honour of referring to the negotiations which took place in accordance with the Euro-Mediterranean Roadmap for agriculture (Rabat Roadmap) adopted by the Euro-Mediterranean Ministers of Foreign Affairs on 28 November 2005 for the acceleration of liberalisation of trade in agricultural products, processed agricultural products and fish and fishery products and under Articles 13 and 15 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part ⁽¹⁾ ("the Association Agreement"), in force since 1 June 2004, of which the trade and trade-related provisions entered into force since 1 January 2004, which provides that the Community and the Arab Republic of Egypt shall gradually establish a greater liberalisation of their trade in agricultural products, processed agricultural products and fish and fishery products.

On the conclusion of the negotiations, the two Parties agreed upon the following amendments to the Association Agreement:

1. The title of Chapter 2 shall be replaced by the following:

"Agricultural products, processed agricultural products and fish and fishery products".

2. Article 14(1) shall be replaced by the following:

"1. Agricultural products, processed agricultural products and fish and fishery products originating in Egypt and listed in Protocol 1, on importation into the Community, shall be subject to the arrangements set out in that Protocol."

3. Article 14(2) shall be replaced by the following:

"2. Agricultural products, processed agricultural products and fish and fishery products originating in the Community and listed in Protocol 2, on importation into Egypt, shall be subject to the arrangements set out in that Protocol."

4. Article 14(3) shall be deleted.

5. The following paragraph shall be added to Article 15:

"3. The Contracting Parties shall meet two years from the date of entry into force of the Agreement in the form of an Exchange of Letters signed at Brussels on 28 October 2009 to consider the possibility of granting each other further concessions of trade in agricultural products, processed agricultural products and fish and fishery products in accordance with Article 13 of this Agreement. Such meeting shall thereafter be held regularly every two years."

6. Protocols 1 and 2 and their Annexes shall be replaced by those appearing in Annexes I and II to this Agreement in the form of an Exchange of Letters.

7. Protocol 3 shall be deleted.

⁽¹⁾ OJ L 304, 30.9.2004, p. 39.

8. A Common Declaration on sanitary and phytosanitary or technical barriers to trade issues, appearing in Annex III to this Agreement in the form of an Exchange of Letters, shall be added to the Association Agreement.

This Agreement in the Form of an Exchange of Letters shall enter into force on the first day of the second month following the date of deposit of the last instrument of approval.'

The Arab Republic of Egypt has the honour of confirming its agreement with the content of this letter.

Please accept, Sir/Madam, the assurance of my highest consideration.

Съставено в Брюксел на
 Hecho en Bruselas, el
 V Bruselu dne
 Udfærdiget i Bruxelles, den
 Geschehen zu Brüssel am
 Brüssel,
 Έγινε στις Βρυξέλλες, στις
 Done at Brussels,
 Fait à Bruxelles, le
 Fatto a Bruxelles, addì
 Briselē,
 Priimta Briuselyje
 Kelt Brüsszelben,
 Maghmula fi Brussell,
 Gedaan te Brussel,
 Sporządzono w Brukseli dnia
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28 -10- 2009

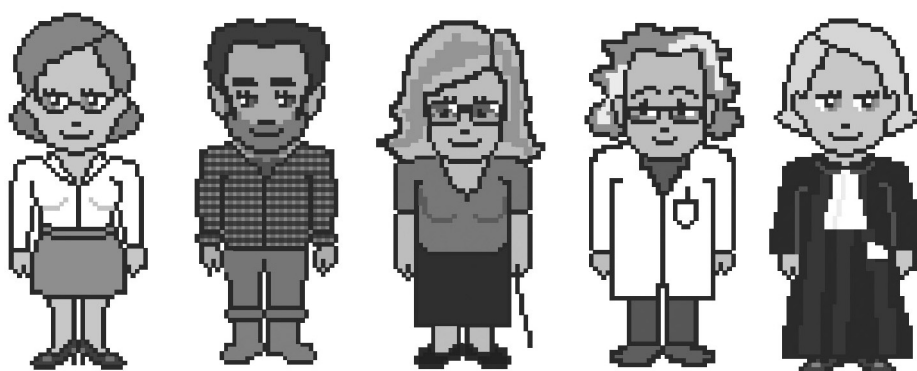
За Арабска република Египет
 Por la República Árabe de Egipto
 Za Egyptskou arabskou republiku
 For Den Arabiske Republik Egypten
 Für die Arabische Republik Ägypten
 Egiptuse Araabia Vabariigi nimel
 Για την Αραβική Δημοκρατία της Αιγύπτου
 For the Arab Republic of Egypt
 Pour la République arabe d'Égypte
 Per la Repubblica araba d'Egitto
 Egiptes Arābu Republikas vārdā
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2010/240/EC:

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Agreement in the form of an Exchange of Letters between the European Community and the Arab Republic of Egypt concerning reciprocal liberalisation measures on agricultural products, processed agricultural products and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part 41

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