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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 683/2011

of 17 June 2011

amending Regulation (EU) No 57/2011 as regards fishing opportunities for certain fish stocks

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

the area consisting of EU and international waters of ICES zones I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV and the area consisting of ICES zones VIIIc, IX and X and EU waters of CECAF 34.1.1), since those two areas are subject to the same scientific advice and considered part of the same biological stock.

Having regard to the proposal from the European Commission,

Whereas:

(1) Council Regulation (EU) No 57/2011 ⁽¹⁾ fixes for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters.

(2) Consultations on fishing opportunities between the Union and the Faroe Islands failed to result in an agreement for 2011. After a further round of consultations with Norway in March 2011, the fishing opportunities reserved for the consultations with the Faroe Islands can now be allocated to Member States. Therefore, Article 1 of Regulation (EU) No 57/2011 and the relevant TACs in Annexes IA and IB thereto should be amended in order to distribute the non-allocated quota and to reflect the traditional allocation of mackerel in the North-East Atlantic.

(3) It is desirable to implement flexible arrangements regarding the use of blue whiting quotas across the two main management areas provided for in Annex IA to Regulation (EU) No 57/2011 for that fishery (namely

(4) Annex IA to Regulation (EU) No 57/2011 establishes general quotas for Norway lobster in ICES zone VII and specific quotas for Norway lobster in the area of the Porcupine Bank located within that zone. It is necessary to fix those specific quotas anew for the year 2011 on the basis of updated data on historic catches.

(5) Further to the consultations concluded on 17 March 2011 between coastal states (Faroe Islands, Greenland and Iceland) and other North East Atlantic Fisheries Convention (NEAFC) parties (Union and Norway) on the management of redfish in the Irminger Sea and adjacent waters, it is necessary to establish TACs for redfish in those areas while respecting the agreed time and area restrictions. Annex IB to Regulation (EU) No 57/2011 should be amended accordingly.

(6) At its Annual Meeting in 2010, the Western and Central Pacific Fisheries Commission decided to maintain the limits imposed for that year on swordfish catches and on the number of vessels authorised to fish for swordfish, with effect from 1 January 2011. It is necessary to implement those measures in Union law.

(7) During the Third International Meeting, held in May 2007, for the creation of a Regional Fisheries Management Organisation (RFMO) in the high seas of the South Pacific (SPRFMO), the participants accepted

⁽¹⁾ OJ L 24, 27.1.2011, p. 1.

interim measures, including fishing opportunities, in order to regulate pelagic fishing activities as well as bottom fisheries in that area until the establishment of such RFMO. New interim measures have been accepted at the Second Preparatory Conference for the SPRFMO Commission, held in January 2011. Those interim measures are voluntary and not legally binding under international law. It is however appropriate, in accordance with the cooperation and conservation obligations enshrined in the International Law of the Sea, to implement those measures in Union law by establishing an overall quota for the Union. For the purpose of allocating the Union quota among the Member States, it is appropriate to establish a new and final allocation key on the basis of sound, fair and objective criteria of the past fishing performance of the Member States in 2009 and 2010 which is a recent and sufficiently representative period during which all Member States concerned were present on the fishing grounds.

- (8) Annex IIB to Regulation (EU) No 57/2011 sets fishing effort limitations for the recovery of certain southern hake and Norway lobster stocks in ICES divisions VIIIc and IXa, excluding the Gulf of Cadiz. It is appropriate to clarify the wording of a special condition set out in the framework of those fishing effort limitations and the consequences of receiving an unlimited number of days for landings in the 2011 management period.
- (9) Annex IIC to Regulation (EU) No 57/2011 sets fishing effort limitations for the purposes of Council Regulation (EC) No 509/2007 of 7 May 2007 establishing a multi-annual plan for the sustainable exploitation of the stock of sole in the Western Channel ⁽¹⁾. It is necessary to align the wording of that Annex with the wording of Article 5(2) of Regulation (EC) No 509/2007.
- (10) Regulation (EU) No 57/2011 applies, in general, from 1 January 2011. However, the fishing effort limits are laid down for a 1-year period starting from 1 February 2011. In order to follow the year-to-year regime of reporting on fishing opportunities, the provisions of this Regulation concerning catch limits and allocations should apply from 1 January 2011 and the provisions concerning fishing effort limits should apply from 1 February 2011, except where indicated otherwise. Such retroactive application is without prejudice to the principle of legal certainty as the fishing opportunities concerned have not yet been exhausted. For reasons of

urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) No 57/2011

Regulation (EU) No 57/2011 is amended as follows:

- (1) Article 1 is replaced by the following:

'Article 1

Subject matter

This Regulation fixes the following fishing opportunities:

- (a) for the year 2011, catch limits for certain fish stocks and groups of fish stocks;
- (b) for the period from 1 February 2011 to 31 January 2012, certain effort limits;
- (c) for the periods set out in Articles 20, 21 and 22 and in Annexes IE and V, fishing opportunities for certain stocks in the Convention Area of the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR);
- (d) for the periods set out in Article 28, fishing opportunities for certain stocks in the Convention Area of the Inter American Tropical Tuna Commission (IATTC); and
- (e) additional fishing opportunities for mackerel resulting from uncaught quota in 2010.;

- (2) Annex IA is amended as follows:

⁽¹⁾ OJ L 122, 11.5.2007, p. 7.

- (a) the entry for sandeel and associated by-catches in EU waters of IIa, IIIa and IV is replaced by the following:

Species: Sandeel and associated by-catches <i>Ammodytes</i> spp.		Zone: EU waters of IIa, IIIa and IV ⁽¹⁾ (SAN/2A3A4.)
Denmark	334 324	
United Kingdom	7 308	
Germany	511	
Sweden	12 277	
EU	354 420 ⁽²⁾	
Norway	20 000	
TAC	374 420	Analytical TAC

⁽¹⁾ Excluding waters within six miles of UK baselines at Shetland, Fair Isle and Foula.

⁽²⁾ At least 98 % of landings counted against the TAC must be of sandeel. By-catches of dab, mackerel and whiting are to be counted against the remaining 2 % of the TAC

Special conditions:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex IID:

Zone: EU waters of sandeel management areas							
	1	2	3	4	5	6	7
	(SAN/*234_1)	(SAN/*234_2)	(SAN/*234_3)	(SAN/*234_4)	(SAN/*234_5)	(SAN/*234_6)	(SAN/*234_7)
Denmark	282 989	32 072	9 434	9 434	0	395	0
United Kingdom	6 186	701	206	206	0	9	0
Germany	433	49	14	14	0	1	0
Sweden	10 392	1 178	346	346	0	15	0
EU	300 000	34 000	10 000	10 000	0	420	0
Norway	20 000	0	0	0	0	0	0
Total	320 000	34 000	10 000	10 000	0	420	0;

- (b) the entry for herring in IIIa is replaced by the following:

Species: Herring ⁽¹⁾ <i>Clupea harengus</i>		Zone: IIIa (HER/03A.)
Denmark	12 608 ⁽²⁾	
Germany	202 ⁽²⁾	
Sweden	13 189 ⁽²⁾	
EU	25 999 ⁽²⁾	
TAC	30 000	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Landings of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.

⁽²⁾ Up to 50 % of this amount may be fished in EU waters of IV.;

- (c) the entry for herring in EU and international waters of Vb, VIb and VIaN is replaced by the following:

'Species: Herring <i>Clupea harengus</i>		Zone: EU and international waters of Vb, VIb and VIaN ⁽¹⁾ (HER/5B6ANB)
Germany	2 513	
France	475	
Ireland	3 396	
The Netherlands	2 513	
United Kingdom	13 584	
EU	22 481	
TAC	22 481	Analytical TAC

⁽¹⁾ Reference is to the herring stock in VIa, north of 56° 00' N and in that part of VIa which is situated east of 07° 00' W and north of 55° 00' N, excluding the Clyde.;

- (d) the entry for blue whiting in EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV is replaced by the following:

'Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: EU and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV (WHB/1X14)
Denmark	1 533 ⁽¹⁾	
Germany	596 ⁽¹⁾	
Spain	1 300 ⁽¹⁾ ⁽²⁾	
France	1 067 ⁽¹⁾	
Ireland	1 187 ⁽¹⁾	
The Netherlands	1 869 ⁽¹⁾	
Portugal	121 ⁽¹⁾ ⁽²⁾	
Sweden	379 ⁽¹⁾	
United Kingdom	1 990 ⁽¹⁾	
EU	10 042 ⁽¹⁾	
TAC	40 100	Analytical TAC

⁽¹⁾ Of which up to 68 % may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen (WHB/*NZJM1).

⁽²⁾ Transfers of this quota may be effected to VIIIc, IX and X; EU waters of CECAF 34.1.1. Such transfers must be notified in advance to the Commission.;

(e) the entry for blue ling in EU waters and international waters of Vb, VI, VII is replaced by the following:

Species: Blue ling <i>Molva dypterygia</i>		Zone: EU waters and international waters of Vb, VI, VII (BLI/5B67-) ⁽³⁾
Germany	20	
Estonia	3	
Spain	62	
France	1 422	
Ireland	5	
Lithuania	1	
Poland	1	
United Kingdom	362	
Others	5 ⁽¹⁾	
EU	1 717	
Norway	150 ⁽²⁾	
TAC	2 032	Analytical TAC Article 13 of this Regulation applies.

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

⁽²⁾ To be fished in EU waters of IIa, IV, Vb, VI and VII.

⁽³⁾ Special rules apply in accordance with Article 1 of Regulation (EC) No 1288/2009 ^(*) and point 7 of Annex III to Regulation (EC) No 43/2009 ^(**).

^(*) Council Regulation (EC) No 1288/2009 of 27 November 2009 establishing transitional technical measures from 1 January 2010 to 30 June 2011 (OJ L 347, 24.12.2009, p. 6).

^(**) Council Regulation (EC) No 43/2009 of 16 January 2009 fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required (OJ L 22, 26.1.2009, p. 1).;

- (f) the entry for ling in EU and international waters of VI, VII, VIII, IX, X, XII and XIV is replaced by the following:

Species: Ling <i>Molva molva</i>		Zone: EU and international waters of VI, VII, VIII, IX, X, XII and XIV (LIN/6X14.)
Belgium	30	
Denmark	5	
Germany	109	
Spain	2 211	
France	2 357	
Ireland	591	
Portugal	5	
United Kingdom	2 716	
EU	8 024	
Norway	6 140 ⁽¹⁾ ⁽²⁾	
TAC	14 164	Analytical TAC Article 13 of this Regulation applies.

⁽¹⁾ Of which an incidental catch of other species of 25 % per ship, at any moment, is authorised in Vb, VI and VII. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in VI and VII shall not exceed 3 000 tonnes.

⁽²⁾ Including tusk. The quotas for Norway are ling 6 140 tonnes and tusk 2 923 tonnes and are interchangeable of up to 2 000 tonnes and may only be fished with long-lines in Vb, VI and VII;

- (g) the entry for Norway lobster in zone VII is replaced by the following:

Species: Norway lobster <i>Nephrops norvegicus</i>		Zone: VII (NEP/07.)
Spain	1 306 ⁽¹⁾	
France	5 291 ⁽¹⁾	
Ireland	8 025 ⁽¹⁾	
United Kingdom	7 137 ⁽¹⁾	
EU	21 759 ⁽¹⁾	
TAC	21 759 ⁽¹⁾	Analytical TAC

⁽¹⁾ Of which no more than the following quotas may be taken in VII (Porcupine Bank – Unit 16) (NEP/*07U16):

Spain	377
France	241
Ireland	454
United Kingdom	188
EU	1 260;

- (h) the entry for mackerel in IIIa and IV; EU waters of IIa, IIb, IIc and Subdivisions 22-32 is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: IIIa and IV; EU waters of IIa, IIb, IIc and IIId (MAC/2A34.)
Belgium	517 ⁽³⁾	
Denmark	18 084 ⁽³⁾ ⁽⁵⁾	
Germany	539 ⁽³⁾	
France	1 629 ⁽³⁾	
The Netherlands	1 640 ⁽³⁾	
Sweden	4 860 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	1 518 ⁽³⁾	
EU	28 787 ⁽¹⁾ ⁽³⁾ ⁽⁵⁾	
Norway	169 019 ⁽⁴⁾	
TAC	Not relevant	Article 3 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Including 242 tonnes to be taken in Norwegian waters south of 62°N (MAC/*04N-).

⁽²⁾ When fishing in Norwegian waters, by-catches of cod, haddock, pollack and whiting and saithe are to be counted against the quotas for these species.

⁽³⁾ May also be taken in Norwegian waters of IVa.

⁽⁴⁾ To be deducted from Norway's share of the TAC (access quota). This amount includes Norway's share in the North Sea TAC of the amount of 47 197 tonnes. This quota may be fished in IVa only, except for 3 000 tonnes that may be fished in IIIa.

⁽⁵⁾ Includes 323 tonnes of quota transferred from unused 2010 fishing opportunities.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

	IIIa (MAC/*03A.)	IIIa and IVbc (MAC/*3A4BC)	IVb (MAC/*04B.)	IVc (MAC/*04C.)	VI, international waters of IIa, from 1 January to 31 March 2011 and in December 2011 (MAC/*2A6.)
Denmark	0	4 130	0	0	9 764 ⁽¹⁾
France	0	490	0	0	0
The Netherlands	0	490	0	0	0
Sweden	0	0	390	10	1 847
United Kingdom	0	490	0	0	0
Norway	3 000	0	0	0	0

⁽¹⁾ Includes 183 tonnes of quota transferred from unused 2010 fishing opportunities.;

- (i) the entry for mackerel in VI, VII, VIIIa, VIIIb, VIIIc and VIId; EU and international waters of Vb; international waters of IIa, XII and XIV is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: VI, VII, VIIIa, VIIIb, VIIIc and VIId; EU and international waters of Vb; international waters of IIa, XII and XIV (MAC/2CX14-)
Germany	20 694	
Spain	22	
Estonia	172	
France	13 797	
Ireland	68 978	
Latvia	127	
Lithuania	127	
The Netherlands	30 177	
Poland	1 457	
United Kingdom	189 694	
EU	325 245 ⁽³⁾	
Norway	14 050 ⁽¹⁾ ⁽²⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ May be fished in IIa, VIa north of 56° 30' N, IVa, VIId, VIIe, VIIf and VIIh.

⁽²⁾ An additional 33 804 tonnes of access quota may be fished by Norway north of 56° 30' N and counted against its catch limit.

⁽³⁾ Includes 674 tonnes of quota omitted from the 2010 fishing opportunities.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones and periods specified below.

	EU and Norwegian waters of IVa (MAC/*04A-EN) During the periods from 1 January to 15 February 2011 and from 1 September to 31 December 2011	Norwegian waters of IIa (MAC/*2AN-)
Germany	8 326	849
France	5 551	566
Ireland	27 754	2 832
The Netherlands	12 142	1 238
United Kingdom	76 325	7 789
EU	130 098	13 274;

- (j) the entry for mackerel in VIIIc, IX and X; EU waters of CECAF 34.1.1 is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: VIIIc, IX and X; EU waters of CECAF 34.1.1 (MAC/8C3411)
Spain	30 609 ⁽¹⁾	
France	203 ⁽¹⁾	
Portugal	6 327 ⁽¹⁾	
EU	37 139	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Quantities subject to exchanges with other Member States may be taken in VIIIa, VIIIb and VIId (MAC/*8ABD.). However, the quantities provided by Spain, Portugal or France for exchange purposes and to be taken in VIIIa, VIIIb and VIId shall not exceed 25 % of the quotas of the donor Member State.

Special condition:

Within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone.

	VIIIb (MAC/*08B.)
Spain	2 570
France	17
Portugal	531;

- (k) the entry for mackerel in Norwegian waters of IIa and IVa is replaced by the following:

Species: Mackerel <i>Scomber scombrus</i>		Zone: Norwegian waters of IIa and IVa (MAC/2A4A-N.)
Denmark	13 018 ⁽¹⁾ ⁽²⁾	
EU	13 018 ⁽¹⁾ ⁽²⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Catches taken in IVa (MAC/*4A.) and in IIa (MAC/*02A.) to be reported separately.

⁽²⁾ Includes 272 tonnes of quota transferred from unused 2010 fishing opportunities.;

- (l) the entry for sprat and associated by-catches in EU waters of IIa and IV is replaced by the following:

'Species: Sprat and associated by-catches <i>Sprattus sprattus</i>		Zone: EU waters of IIa and IV (SPR/2AC4-C)
Belgium	1 835	
Denmark	145 273	
Germany	1 835	
France	1 835	
The Netherlands	1 835	
Sweden	1 330 ⁽¹⁾	
United Kingdom	6 057	
EU	160 000 ⁽⁴⁾	
Norway	10 000 ⁽²⁾	
TAC	170 000 ⁽³⁾	Precautionary TAC

⁽¹⁾ Including sandeel.

⁽²⁾ May only be fished in EU waters of IV.

⁽³⁾ Preliminary TAC. The final TAC will be established in the light of new scientific advice during the first half of 2011.

⁽⁴⁾ At least 98 % of landings counted against the TAC must be of sprat. By-catches of dab and whiting are to be counted against the remaining 2 % of the TAC.;

- (m) the entry for horse mackerel and associated by-catches in EU waters of IIa, IVa; VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIId and VIIle; EU and international waters of Vb; international waters of XII and XIV is replaced by the following:

'Species: Horse mackerel and associated by-catches <i>Trachurus spp.</i>		Zone: EU waters of IIa, IVa; VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIId and VIIle; EU and international waters of Vb; international waters of XII and XIV (JAX/2A-14)
Denmark	15 781 ⁽¹⁾	
Germany	12 314 ⁽¹⁾ ⁽²⁾	
Spain	16 795	
France	6 338 ⁽¹⁾ ⁽²⁾	
Ireland	41 010 ⁽¹⁾	
The Netherlands	49 406 ⁽¹⁾ ⁽²⁾	
Portugal	1 618	
Sweden	675 ⁽¹⁾	
United Kingdom	14 850 ⁽¹⁾ ⁽²⁾	
EU	158 787 ⁽³⁾	
TAC	158 787	Analytical TAC

⁽¹⁾ Up to 5 % of this quota fished in EU waters of IIa or IVa before 30 June 2011 may be accounted for as fished under the quota concerning EU waters of IVb, IVc and VIId. However, the use of this special condition must be notified in advance to the Commission (JAX/*4BC7D).

⁽²⁾ Up to 5 % of this quota may be fished in VIId. However, the use of this special condition must be notified in advance to the Commission (JAX/*07D).

⁽³⁾ At least 95 % of landings counted against the TAC must be of horse mackerel. By-catches of boarfish, haddock, whiting and mackerel are to be counted against the remaining 5 % of the TAC.;

(3) Annex IB is amended as follows:

(a) the entry for cod and haddock in Faroese waters of Vb is replaced by the following:

Species: Cod and haddock <i>Gadus morhua</i> and <i>Melanogrammus aeglefinus</i>		Zone: Faroese waters of Vb (C/H/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
EU	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(b) the entry for blue whiting in Faroese waters is replaced by the following:

Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: Faroese waters (WHB/2A4AXF)
Denmark	0	
Germany	0	
France	0	
The Netherlands	0	
United Kingdom	0	
EU	0	
TAC	40 100 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ TAC agreed by the Union, Faroe Islands, Norway and Iceland.;

(c) the entry for ling and blue ling in Faroese waters of Vb is replaced by the following:

Species: Ling and blue ling <i>Molva molva</i> and <i>Molva dypterygia</i>		Zone: Faroese waters of Vb (B/L/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
EU	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(d) the entry for northern prawn in Greenland waters of V and XIV is replaced by the following:

Species: Northern prawn <i>Pandalus borealis</i>		Zone: Greenland waters of V and XIV (PRA/514GRN)
Denmark	1 950	
France	1 950	
EU	7 000 ⁽¹⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Of which 3 100 tonnes are allocated to Norway.;

(e) the entry for saithe in Faroese waters of Vb is replaced by the following:

Species: Saithe <i>Pollachius virens</i>		Zone: Faroese waters of Vb (POK/05B-F.)
Belgium	0	
Germany	0	
France	0	
The Netherlands	0	
United Kingdom	0	
EU	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(f) the entry for Greenland halibut in Greenland waters of NAFO 0 and 1 is replaced by the following:

Species: Greenland halibut <i>Reinhardtius hippoglossoides</i>		Zone: Greenland waters of NAFO 0 and 1 (GHL/N01GRN)
Germany	1 850	
EU	2 650 ⁽¹⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Of which 800 tonnes are allocated to Norway to be fished in NAFO 1 only.;

(g) the entry for Greenland halibut in Greenland waters of V and XIV is replaced by the following:

Species: Greenland halibut <i>Reinhardtius hippoglossoides</i>		Zone: Greenland waters of V and XIV (GHL/514GRN)
Germany	5 867	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
United Kingdom	309	
EU	7 000 ⁽¹⁾	
TAC	Not relevant	

⁽¹⁾ Of which 824 tonnes are allocated to Norway.;

(h) the entry for redfish in EU and international waters of V; international waters of XII and XIV is replaced by the following:

Species: Redfish (shallow pelagic) <i>Sebastes</i> spp.		Zone: EU and international waters of V; international waters of XII and XIV (RED/51214S)
Estonia	0 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.
Germany	0 ⁽¹⁾	
Spain	0 ⁽¹⁾	
France	0 ⁽¹⁾	
Ireland	0 ⁽¹⁾	
Latvia	0 ⁽¹⁾	
The Netherlands	0 ⁽¹⁾	
Poland	0 ⁽¹⁾	
Portugal	0 ⁽¹⁾	
United Kingdom	0 ⁽¹⁾	
EU	0 ⁽¹⁾	
TAC	0 ⁽¹⁾	

⁽¹⁾ May not be fished from 1 January to 9 May 2011.

Species: Redfish (deep pelagic) <i>Sebastes</i> spp.		Zone: EU and international waters of V; international waters of XII and XIV (RED/51214D)
Estonia	177 ⁽¹⁾ ⁽²⁾	
Germany	3 569 ⁽¹⁾ ⁽²⁾	
Spain	633 ⁽¹⁾ ⁽²⁾	
France	336 ⁽¹⁾ ⁽²⁾	
Ireland	1 ⁽¹⁾ ⁽²⁾	
Latvia	64 ⁽¹⁾ ⁽²⁾	
The Netherlands	2 ⁽¹⁾ ⁽²⁾	
Poland	324 ⁽¹⁾ ⁽²⁾	
Portugal	757 ⁽¹⁾ ⁽²⁾	
United Kingdom	8 ⁽¹⁾ ⁽²⁾	
EU	5 871 ⁽¹⁾ ⁽²⁾	
TAC	38 000 ⁽¹⁾ ⁽²⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ May only be taken within the area bounded by the lines joining the following coordinates:

Point No	Latitude N	Longitude W
1	64° 45'	28° 30'
2	62° 50'	25° 45'
3	61° 55'	26° 45'
4	61° 00'	26° 30'
5	59° 00'	30° 00'
6	59° 00'	34° 00'
7	61° 30'	34° 00'
8	62° 50'	36° 00'
9	64° 45'	28° 30'

⁽²⁾ May not be fished from 1 January to 9 May 2011.;

(i) the entry for redfish in Greenland waters of V and XIV is replaced by the following:

Species: Redfish (pelagic) <i>Sebastes</i> spp.		Zone: Greenland waters of V and XIV (RED/514GRN)
Germany	5 164 ⁽¹⁾ ⁽²⁾	
France	26 ⁽¹⁾ ⁽²⁾	
United Kingdom	37 ⁽¹⁾ ⁽²⁾	
EU	5 227 ⁽¹⁾ ⁽²⁾	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ May only be fished by pelagic trawl. May be fished East or West.

⁽²⁾ The quota may be fished in the NEAFC Regulatory Area on the condition that reporting conditions established by Greenland are fulfilled (RED/*51214). When fished in the NEAFC Regulatory Area, redfish may only be taken as of 10 May 2011 as deep pelagic redfish, and only within the area bounded by the lines joining the following coordinates (RED/*5-14).

Point No	Latitude N	Longitude W
1	64° 45'	28° 30'
2	62° 50'	25° 45'
3	61° 55'	26° 45'
4	61° 00'	26° 30'
5	59° 00'	30° 00'
6	59° 00'	34° 00'
7	61° 30'	34° 00'
8	62° 50'	36° 00'
9	64° 45'	28° 30' ;

(j) the entry for other species in Faroese waters of Vb is replaced by the following:

Species: Other species ⁽¹⁾		Zone: Faroese waters of Vb (OTH/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
EU	0	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Excluding fish species of no commercial value.;

(k) the entry for flatfish in Faroese waters of Vb is replaced by the following:

Species: Flatfish		Zone: Faroese waters of Vb (FLX/05B-F.)
Germany	0	
France	0	
United Kingdom	0	
EU	0	
TAC	Not relevant;	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

(4) in Annex IC, the entry for northern prawn in zone NAFO 3L is replaced by the following:

Species: Northern prawn <i>Pandalus borealis</i>		Zone: NAFO 3L ⁽¹⁾ (PRA/N3L.)
Estonia	214	
Latvia	214	
Lithuania	214	
Poland	214	
Other Member States	213 ⁽²⁾	
EU	1 069	
TAC	19 200	Analytical TAC Article 3 of Regulation (EC) No 847/96 does not apply. Article 4 of Regulation (EC) No 847/96 does not apply.

⁽¹⁾ Not including the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

⁽²⁾ Except Estonia, Latvia, Lithuania and Poland.;

- (5) In Annex ID, the entry for bluefin tuna in the Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE045W) is replaced by the following:

Species: Bluefin tuna <i>Thunnus thynnus</i>		Zone: Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE045W)
Cyprus	66,98 ⁽⁴⁾	
Greece	124,37	
Spain	2 411,01 ⁽²⁾ ⁽⁴⁾	
France	958,42 ⁽²⁾ ⁽³⁾ ⁽⁴⁾	
Italy	1 787,91 ⁽⁴⁾ ⁽⁵⁾	
Malta	153,99 ⁽⁴⁾	
Portugal	226,84	
Other Member States	26,90 ⁽¹⁾	
EU	5 756,41 ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾	
TAC	12 900	

⁽¹⁾ Except Cyprus, Greece, Spain, France, Italy, Malta and Portugal, and only as by-catch.

⁽²⁾ Within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 1 of Annex IV (BFT/*8301):

Spain	350,51
France	158,14
EU	508,65

⁽³⁾ Within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex IV (BFT/*641):

France	45 (*)
EU	45

(*) This quantity may be revised by the Commission upon request from France, up to an amount of 100 tonnes as indicated by ICCAT Recommendation 08-05.

⁽⁴⁾ Within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between and 8 kg and 30 kg by the vessels referred to in point 2 of Annex IV (BFT/*8302):

Spain	48,22
France	47,57
Italy	37,55
Cyprus	1,34
Malta	3,08
EU	137,77

⁽⁵⁾ Within this TAC, the following catch limit and allocation between Member States shall apply to catches of bluefin tuna between and 8 kg and 30 kg by the vessels referred to in point 3 of Annex IV (BFT/*643):

Italy	37,55
EU	37,55;

- (6) Annex IH is replaced by the following:

‘ANNEX IH

WCPFC Convention Area

Species: Swordfish <i>Xiphias gladius</i>		Zone: WCPFC Convention Area south of 20° S (SWO/E7120S)
EU	3 170,36	
TAC	Not relevant;	Analytical TAC

- (7) Annex IJ is replaced by the following:

‘ANNEX IJ

SPRFMO Convention Area

Species: Jack mackerel <i>Trachurus murphyi</i>		Zone: SPRFMO Convention Area (CJM/SPRFMO)
Germany	10 223,67	
The Netherlands	11 080,80	
Lithuania	7 112,63	
Poland	12 231,90	
EU	40 649;	

- (8) Annex IIB is amended as follows:

- (a) point 5.2 is replaced by the following:

‘5.2. For the purposes of fixing the maximum number of days at sea that an EU vessel may be authorised by its flag Member State to be present within the area, the following special conditions shall apply in accordance with Table I:

- (a) the total landings of hake in the year 2008 or 2009 made by the vessel shall represent less than 5 tonnes or less than 3 % of the total landings in live weight; and
- (b) the total landings of Norway lobster in the year 2008 or 2009 made by the vessel shall represent less than 2,5 tonnes according to the landings in live weight.’;

- (b) point 9.1 is replaced by the following:

‘9.1. If a vessel has received an unlimited number of days resulting from compliance with the special conditions, the vessel’s landings in the 2011 management period shall not exceed 5 tonnes or 3 % of the total landings in live weight of hake and 2,5 tonnes in live weight of Norway lobster.’;

- (9) Annex IIC is amended as follows:

- (a) point 2 is replaced by the following:

‘2. Fishing gear

For the purposes of this Annex, the following groupings of fishing gears shall apply:

- (a) beam trawls of mesh size equal to or greater than 80 mm;
- (b) static nets including gill-nets, trammel-nets and tangle-nets with mesh size equal to or less than 220 mm.’;

(b) Table I is replaced by the following:

Table I

Gear point 2	Denomination	Western Channel
	Only the gear groupings as defined in point 2 are used	
2(a)	Beam trawls of mesh size ≥ 80 mm	164
2(b)	Static nets with mesh size ≤ 220 mm	164';

(10) Annex VII is replaced by the following:

'ANNEX VII

WCPFC CONVENTION AREA

Maximum number of EU vessels authorised to fish for swordfish in areas south of 20° S of the WCPFC Convention Area

Spain	14
EU	14'.

Article 2

Entry into force and applicability

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

Points 1 to 7 and point 10 of Article 1 shall apply from 1 January 2011.

Points 8 and 9 of Article 1 shall apply from 1 February 2011.

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

Done at Luxembourg, 17 June 2011.

For the Council
The President
MATOLCSY Gy.

COMMISSION IMPLEMENTING REGULATION (EU) No 684/2011**of 15 July 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 2011.

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

Done at Brussels, 15 July 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	49,0
	AR	19,4
	EC	19,4
	MK	45,6
	ZZ	33,4
0707 00 05	AR	22,0
	TR	105,8
	ZZ	63,9
0709 90 70	AR	24,9
	TR	110,8
	ZZ	67,9
0805 50 10	AR	62,1
	TR	64,0
	UY	68,5
	ZA	71,8
	ZZ	66,6
0808 10 80	AR	91,7
	BR	78,2
	CA	106,0
	CL	91,2
	CN	75,6
	EC	60,7
	NZ	119,1
	US	181,5
	ZA	96,6
	ZZ	100,1
0808 20 50	AR	140,6
	CL	107,9
	CN	46,2
	NZ	118,4
	ZA	103,6
	ZZ	103,3
0809 10 00	AR	75,0
	TR	222,9
	XS	138,6
	ZZ	145,5
0809 20 95	TR	309,1
	ZZ	309,1
0809 40 05	BA	56,1
	EC	75,9
	ZZ	66,0

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

COMMISSION IMPLEMENTING REGULATION (EU) No 685/2011**of 15 July 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Implementing Regulation (EU) No 676/2011 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 2011.

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

Done at Brussels, 15 July 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 184, 14.7.2011, p. 7.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 16 July 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	48,41	0,00
1701 11 90 ⁽¹⁾	48,41	0,38
1701 12 10 ⁽¹⁾	48,41	0,00
1701 12 90 ⁽¹⁾	48,41	0,08
1701 91 00 ⁽²⁾	59,96	0,00
1701 99 10 ⁽²⁾	59,96	0,00
1701 99 90 ⁽²⁾	59,96	0,00
1702 90 95 ⁽³⁾	0,60	0,17

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION IMPLEMENTING REGULATION (EU) No 686/2011
of 15 July 2011
fixing the import duties in the cereals sector applicable from 16 July 2011

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

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

- (4) Import duties should be fixed for the period from 16 July 2011 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 July 2011, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 July 2011.

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

Done at Brussels, 15 July 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 July 2011

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

⁽¹⁾ For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, pursuant to Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom, or on the Atlantic coast of the Iberian peninsula.

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

ANNEX II

Factors for calculating the duties laid down in Annex I

30.6.2011-14.7.2011

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

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	223,61	178,28	—	—	—
Fob price USA	—	—	414,64	404,64	383,64
Gulf of Mexico premium	—	21,27	—	—	—
Great Lakes premium	76,97	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 18,39 EUR/t

Freight costs: Great Lakes–Rotterdam: 48,40 EUR/t

DECISIONS

COUNCIL DECISION

of 12 July 2011

abrogating Decision 2010/408/EU on the existence of an excessive deficit in Finland

(2011/417/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) By Decision 2010/408/EU ⁽¹⁾, following a proposal from the Commission in accordance with Article 126(6) of the Treaty, the Council decided that an excessive deficit existed in Finland. In Decision 2010/408/EU, the Council noted that the general government deficit planned for 2010 was 4,1 % of GDP, above the 3 % of GDP Treaty reference value, while general government gross debt was planned to reach 49,9 % of GDP, below the 60 % of GDP Treaty reference value.
- (2) On 13 July 2010, in accordance with Article 126(7) of the Treaty and Article 3(4) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽²⁾, the Council adopted, on a recommendation from the Commission, a recommendation addressed to Finland with a view to bringing the excessive deficit situation to an end by 2011 at the latest. The recommendation was made public.
- (3) In accordance with Article 126(12) of the Treaty, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (4) In accordance with Article 4 of the Protocol (No 12) on the excessive deficit procedure annexed to the Treaties,

the Commission provides the data for the implementation of this procedure. As part of the application of this Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community ⁽³⁾.

- (5) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009 following the notification by Finland before 1 April 2011 and on the Commission services' spring 2011 forecast, the following conclusions are warranted:

- while the EDP notification of April 2010 planned for a deficit of 4,1 % of GDP in 2010, the actual outcome was considerably better at a deficit of 2,5 % of GDP,
- the better-than-planned deficit outturn is primarily explained by stronger-than-expected economic growth and an improved labour market situation boosting tax revenues (notably VAT and income tax), while expenditure growth remained overall contained,
- the Commission services' spring 2011 forecast projects the deficit to fall further to 1 % of GDP in 2011. Similarly, the 2011 update of the stability programme projects a deficit of 0,9 % of GDP in 2011. The improvement of the fiscal balance from the previous year is driven by cyclical factors, reflecting the expected continuation of relatively robust economic activity, and some discretionary tax increases (mostly energy and product taxes) worth about ½ % of GDP. The deficit is forecast by both the Commission services and the 2011 update of the stability programme to marginally improve further to 0,7 % of GDP in 2012,

⁽¹⁾ OJ L 189, 22.7.2010, p. 17.

⁽²⁾ OJ L 209, 2.8.1997, p. 6.

⁽³⁾ OJ L 145, 10.6.2009, p. 1.

- according to the Commission services' spring 2011 forecast and the structural balances (recalculated by the Commission services on the basis of the information in the latest stability programme update, using the commonly agreed methodology) in 2011, the structural balance is estimated to reach a more favourable level than the medium-term objective, which is set by the Finnish authorities at a structural surplus of 0,5 % of GDP. However, the structural balance is estimated to weaken somewhat and turn negative in the medium term. The apparent decline in the structural balance estimate results from a broadly stable headline deficit against the backdrop of favourable projections for economic growth closing the currently large output gap. As a result, and unless further measures are taken, in 2015 the budget balance net of cyclical factors and one-off and other temporary measures is currently estimated to move slightly below the minimum benchmark of – 1,2 % of GDP which under normal cyclical fluctuations ensures a safety margin against breaching the 3 % of GDP reference value. The stability programme projections, extending until 2015, forecast the general government deficit to settle at about 1 % of GDP over 2013-2015,
- the Commission services' spring 2011 forecast projects the debt ratio to climb from 48,4 % of GDP recorded in 2010 to 52,2 % of GDP in 2012. The stability programme update projects the debt ratio to climb to 51,3 % of GDP by 2012.

- (6) It follows from these conclusions that the excessive deficit in Finland has been corrected and Decision 2010/408/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that the excessive deficit situation in Finland has been corrected.

Article 2

Decision 2010/408/EU is hereby abrogated.

Article 3

This Decision is addressed to the Republic of Finland.

Done at Brussels, 12 July 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

COMMISSION IMPLEMENTING DECISION

of 14 July 2011

amending Decision 2005/7/EC authorising a method for grading pig carcasses in Cyprus

(notified under document C(2011) 4996)

(Only the Greek text is authentic)

(2011/418/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 43(m), in conjunction with Article 4, thereof,

Whereas:

- (1) By Commission Decision 2005/7/EC ⁽²⁾, the use of one method for grading pig carcasses in Cyprus was authorised.
- (2) Due to the fact that there is a need for updating the formula of the method after nearly 5 years of use since its approval, Cyprus has decided to run a new trial with two instruments, the HGP 4 and the Ultra FOM 300.
- (3) Cyprus has requested the Commission to authorise the replacement of the formula used in the 'Hennessy Grading Probe (HGP 4)', method of grading pig carcasses as well as to authorise one new non-invasive up-to-date method (Ultra FOM 300) for grading pig carcasses on its territory and has presented a detailed description of the dissection trial, indicating the principles on which that method is based, the results of its dissection trial and the equations used for assessing the percentage of lean meat in the protocol provided for in Article 23(4) of Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof ⁽³⁾.
- (4) Examination of that request has revealed that the conditions for authorising those grading methods are fulfilled. Those grading methods should therefore be authorised in Cyprus.
- (5) Decision 2005/7/EC should therefore be amended accordingly.

(6) Modifications of the apparatus or grading methods should not be allowed, unless they are explicitly authorised by Commission Decision.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2005/7/EC is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

The use of the following methods is authorised for grading pig carcasses pursuant to point 1 of Section B.IV of Annex V to Council Regulation (EC) No 1234/2007 ^(*) in Cyprus:

- the "Hennessy Grading Probe (HGP 4)" apparatus and the assessment methods related thereto, details of which are given in Part I of the Annex,
- the "Ultra FOM 300" apparatus and the assessment methods related thereto, details of which are given in Part II of the Annex.

As regards the apparatus "Ultra FOM 300", referred to in the second indent of the first subparagraph, after the end of the measurement procedure it must be possible to verify on the carcass that the apparatus measured the values of measurements X_1 and X_2 on the site provided for in the Annex, Part II, point 3. The corresponding marking of the measurement site must be made at the same time as the measurement procedure.

^(*) OJ L 299, 16.11.2007, p. 1.;

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 2, 5.1.2005, p. 19.

⁽³⁾ OJ L 337, 16.12.2008, p. 3.

2. the Annex is replaced by the text in the Annex to this Decision.

Article 2

This Decision shall apply from 5 September 2011.

Article 3

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 14 July 2011.

For the Commission

Dacian CIOLOȘ

Member of the Commission

ANNEX

'ANNEX

METHODS FOR GRADING PIG CARCASSES IN CYPRUS

PART I

Hennessy Grading Probe (HGP 4)

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as "Hennessy Grading Probe (HGP 4)".
2. The apparatus shall be equipped with a probe of 5,95 millimetres diameter (and of 6,3 millimetres at the blade of the top of the probe) containing a photodiode (Siemens LED of the type LYU 260-EO) and photodetector of the type 58 MR and having an operating distance of between 0 and 120 millimetres. The results of the measurements shall be converted into estimated lean meat content by means of the HGP 4 itself or a computer linked to it.
3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{Y} = 61,10 - 0,629 X_1 + 0,160 X_2$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in the carcass,

X_1 = the thickness of back-fat (including rind) in millimetres, measured at 6 centimetres off the midline of the split carcass, between the third and fourth last ribs,

X_2 = the thickness of the dorsal muscle in millimetres, measured at the same time and in the same place as X_1 .

This formula shall be valid for carcasses weighing between 55 and 120 kilograms.

PART II

Ultra FOM 300

1. The rules provided for in this Part shall apply when the grading of pig carcasses is carried out by means of the apparatus known as "Ultra FOM 300".
2. The apparatus shall be equipped with a 3,5 MHz ultrasound probe, 5 centimetres in length, featuring 64 ultrasound transducers. The ultrasound signal shall be digitalised; stored and processed by a microprocessor (type SHARC ADSP-21060L).

The results of the measurements shall be converted into estimated lean meat content by the Ultra FOM 300 apparatus itself.
3. The lean meat content of carcasses shall be calculated according to the following formula:

$$\hat{Y} = 65,51 - 0,779 X_1 + 0,111 X_2$$

where:

$\hat{Y}$ = the estimated percentage of lean meat in the carcass,

X_1 = the thickness of back-fat (including rind) in millimetres, measured at 6 centimetres off the midline of the split carcass, between the third and fourth last ribs,

X_2 = the thickness of the dorsal muscle in millimetres, measured at the same time and in the same place as X_1 .

This formula shall be valid for carcasses weighing between 55 and 120 kilograms.'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

**DECISION No 1/2011 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 4 July 2011

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

(2011/419/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, as from 1 August 2011.

Done at Brussels, 4 July 2011.

For the Joint Committee

The Head of the European Union Delegation
Matthew BALDWIN

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,
- the references to Council Regulations (EEC) No 2407/92 and (EEC) 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 of the European Parliament and of the Council,
- 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 (EC) No 1008/2008. Any reference to Regulation (EEC) No 2407/92 shall be understood as reference to Regulation (EC) No 1008/2008,
- Any reference in the following texts to Articles 81 and 82 of the Treaty or to Articles 101 and 102 of the Treaty on the Functioning of the European Union shall be understood to mean Articles 8 and 9 of this Agreement.

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

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, as amended by:

- Commission Regulation (EU) No 285/2010

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 2009/12

Directive of the European Parliament and of the Council of 11 March 2009 on airport charges (to be applied by Switzerland as from 1 July 2011)

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

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 (EEC) No 17/62 has been repealed by Regulation (EC) 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 Article 4(4) and (5), Article 9(2) and (6), and Article 22(2) of the Merger Regulation:

- (1) the European Commission shall transmit all the relevant documents pursuant to Article 4(4) and (5), Article 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 Article 4(4) and (5), Article 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 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 216/2008

Regulation of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, as amended by:

— Commission Regulation (EC) No 690/2009,

— Regulation (EC) No 1108/2009

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 11(2), Article 14(5) and (7), Article 24(5), Article 25(1), Article 38(3)(i), Article 39(1), Article 40(3), Article 41(3) and (5), Article 42(4), Article 54(1) and Article 61(3).

Notwithstanding the horizontal adaptation provided for in the second 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 65 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 12 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 paragraph 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 29, 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 30, the following paragraph is added:

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

(d) in Article 37, 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 59, the following paragraph shall be added:

'12. Switzerland shall participate in the financial contribution referred to in paragraph 1(b), 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 (c) and (d)

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 61, 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-ID]] – type CL600-2B19

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

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

A/c - [HB-XJF, HB-ZCW, HB-ZDF] – type MD900.

No 1108/2009

Regulation of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC

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

⁽¹⁾ OJ L 243, 27.9.2003, p. 6.

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 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 of the Community/Switzerland Air Transport Committee which incorporates Regulation (EC) No 216/2008 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,
- Commission Regulation (EU) No 962/2010

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 Implementing Regulation (EU) No 390/2011 ⁽¹⁾

4. Aviation Security

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 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

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

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, as amended by:

- Commission Regulation (EU) No 357/2010,
- Commission Regulation (EU) No 358/2010,
- Commission Regulation (EU) No 573/2010,
- Commission Regulation (EU) No 983/2010,
- Commission Regulation (EU) No 334/2011

No 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, as amended by:

- Commission Decision 2010/2604/EU,
- Commission Decision 2010/3572/EU,
- Commission Decision 2010/9139/EU.

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), as amended by:

- Regulation (EC) No 1070/2009

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

Article 10 shall be amended as follows:

In paragraph 2, the words 'at Community level' should be replaced by words 'at Community level, involving Switzerland'.

Notwithstanding the horizontal adjustment referred to in the second 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), as amended by:

- Regulation (EC) No 1070/2009

The Commission shall enjoy towards Switzerland the powers granted to it pursuant to Articles 9a, 9b, 15a, 16 and 17.

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';

(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), as amended by:

— Regulation (EC) No 1070/2009

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 3a, 6 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), as amended by:

— Regulation (EC) No 1070/2009

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,

— Commission Regulation (EU) No 691/2010.

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

No 2150/2005

Commission Regulation of 23 December 2005 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, as last amended by:

— Commission Regulation (EU) No 929/2010

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 1794/2006

Commission Regulation of 6 December 2006 laying down a common charging scheme for air navigation services (to be applied by Switzerland as from the entry into force of the relevant Swiss legislation but at the latest as from 1 January 2012), as last amended by:

— Commission Regulation (EU) No 1191/2010

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:

— Council 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

No 73/2010

Commission Regulation of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the Single European Sky

No 255/2010

Commission Regulation of 25 March 2010 laying down common rules on air traffic flow management

No 691/2010

Commission Regulation of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services

Corrective measures adopted by the Commission under Article 14 paragraph 3 of the Regulation are mandatory for Switzerland after having been adopted by a decision of the Joint Committee

No 2010/5134

Commission Decision of 29 July 2010 on the designation of the Performance Review Body of the Single European Sky

No 2010/5110

Commission Decision of 12 August 2010 on the designation of a functional airspace blocks system coordinator in the context of the Single European Sky

No 2011/121

Commission Decision 2011/121/EU of 21 February 2011 setting the European Union-wide performance targets and alert thresholds for the provision of air navigation services for the years 2012 to 2014

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 3 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 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 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 5 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.

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.

⁽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.

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.

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