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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 956/2011

of 26 September 2011

implementing Articles 12(1) and 13 of Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia ⁽¹⁾, and in particular Articles 12(1) and 13 thereof,

Whereas:

- (1) On 26 April 2010, the Council adopted Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia.

- (2) On 28 July 2011, the Sanctions Committee established pursuant to UNSCR 751 (1992) concerning Somalia updated the list of persons and entities subject to restrictive measures,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 356/2010 shall be replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 26 September 2011.

*For the Council**The President*

M. KOROLEC

⁽¹⁾ OJ L 105, 27.4.2010, p. 1.

ANNEX

'ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES OR BODIES REFERRED TO IN ARTICLES 2 AND 8**I. Persons**

1. Yasin Ali Baynah (a.k.a. a) Ali, Yasin Baynah, b) Ali, Yassin Mohamed, c) Baynah, Yasin, d) Baynah, Yassin, e) Baynax, Yasiin Cali, f) Beenah, Yasin, g) Beenah, Yassin, h) Beenax, Yasin, i) Beenax, Yassin, j) Benah, Yasin, k) Benah, Yassin, l) Benax, Yassin, m) Beynah, Yasin, n) Binah, Yassin, o) Cali, Yasiin Baynax)

Date of birth: 24 December 1965. Nationality: Somalia. Alt. Nationality: Sweden. Location: Rinkeby, Stockholm, Sweden; Mogadishu, Somalia.

Yasin Ali Baynah has incited attacks against the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM). He has also mobilised support and raised funds on behalf of the Alliance for the Re-Liberation of Somalia and Hisbul Islam, both of which have actively engaged in acts that threaten the peace and security of Somalia, including rejection of the Djibouti Agreement, and attacks on the TFG and AMISOM forces in Mogadishu. Date of UN designation: 12 April 2010.

2. Hassan Dahir Aweys (a.k.a. a) Ali, Sheikh Hassan Dahir Aweys, b) Awes, Hassan Dahir, c) Awes, Shaykh Hassan Dahir, d) Aweyes, Hassen Dahir, e) Aweys, Ahmed Dahir, f) Aweys, Sheikh, g) Aweys, Sheikh Hassan Dahir, h) Dahir, Aweys Hassan, i) Ibrahim, Mohammed Hassan, j) OAIS, Hassan Tahir, k) Uways, Hassan Tahir, l) 'Hassan, Sheikh')

Date of birth: 1935. Citizen: Somalia. Nationality: Somalia. Location: Somalia. Date of UN designation: 12 April 2010.

Hassan Dahir Aweys has acted and continues to act as a senior political and ideological leader of a variety of armed opposition groups responsible for repeated violations of the general and complete arms embargo and/or acts that threaten the Djibouti peace agreement, the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM) forces. Between June 2006 and September 2007, AWEYSs served as chairman of the central committee of the Islamic Courts Union; in July 2008 he declared himself chairman of the Alliance for the Re-Liberation of Somalia-Asmara wing; and in May 2009 he was named chairman of Hisbul Islam, an alliance of groups opposed to the TFG. In each of these positions, AWEYS's statements and actions have demonstrated an unequivocal and sustained intention to dismantle the TFG and expel AMISOM by force from Somalia.

3. Hassan Abdullah Hersi Al-Turki (a.k.a. a) Al-Turki, Hassan, b) Turki, Hassan, c) Turki, Hassan Abdillahi Hersi, d) Turki, Sheikh Hassan, e) Xirsi, Xasan Cabdilaahi, f) Xirsi, Xasan Cabdulle)

Date of birth: circa 1944. Place of birth: Ogaden Region, Ethiopia. Nationality: Somalia. Location: Somalia.

Hassan Abdullah Hersi Al-Turki has been a senior leader of an armed militia group since the mid-1990s and had engaged in numerous arms embargo violations. In 2006, al-Turki contributed forces to the Islamic Courts Union take-over of Mogadishu and emerged as a military leader in the group, aligned with al-Shabaab. Since 2006, al-Turki has made territory under his control available for training by various armed opposition groups including al-Shabaab. In September 2007, al-Turki appeared in an al-Jazeera news video showing militia training under his leadership.

4. Ahmed Abdi aw-Mohamed (a.k.a. a) Abu Zubeyr, Muktar Abdirahman, b) Abuzubair, Muktar Abdulrahim, c) Aw Mohammed, Ahmed Abdi, d) Aw-Mohamud, Ahmed Abdi, e) 'Godane', f) 'Godani', g) 'Mukhtar, Shaykh', h) 'Zubeyr, Abu')

Date of birth: 10 July 1977. Place of birth: Hargeysa, Somalia. Nationality: Somalia. Date of UN designation: 12 April 2010.

Ahmed Abdi Aw-Mohamed is a senior leader of al-Shabaab and was publically named emir of the organization in December 2007. He exercises command responsibility for al-Shabaab operations across Somalia. Aw-Mohamed has denounced the Djibouti peace process as a foreign conspiracy, and in a May 2009 audio recording to Somali media, he acknowledged that his forces were engaged in recent fighting in Mogadishu.

5. Fuad Mohamed Khalaf (a.k.a. a) Fuad Mohamed Khalif, b) Fuad Mohamed Qalaf, c) Fuad Mohammed Kalaf, d) Fuad Mohamed Kalaf, e) Fuad Mohammed Khalif, f) Fuad Khalaf, g) Fuad Shongale, h) Fuad Shongole, i) Fuad Shangole, j) Fuad Songale, k) Fouad Shongale, l) Fuad Muhammad Khalaf Shongole)

Nationality: Somalia. Location: Mogadishu, Somalia. Alt. Location: Somalia. Date of UN designation: 12 April 2010.

Fuad Mohamed Khalaf has facilitated financial support to al-Shabaab; in May 2008, he held two fundraising events for al-Shabaab at mosques in Kismaayo, Somalia. In April 2008, Khalaf and several other individuals directed vehicle borne explosive device attacks on Ethiopian bases and Somali Transitional Federal Government elements in Mogadishu, Somalia. In May 2008, Khalaf and a group of fighters attacked and captured a police station in Mogadishu, killing and wounding several soldiers.

6. Bashir Mohamed Mahamoud (a.k.a. a) Bashir Mohamed Mahmoud, b) Bashir Mahmud Mohammed, c) Bashir Mohamed Mohamud, d) Bashir Mohamed Mohamoud, e) Bashir Yare, f) Bashir Qorgab, g) Gure Gap, h) 'Abu Muscab', i) 'Qorgab')

Date of birth: circa 1979-1982. Alt. Date of birth: 1982. Nationality: Somalia. Location: Mogadishu, Somalia. Date of UN designation: 12 April 2010.

Bashir Mohamed Mahamoud is a military commander of al-Shabaab. Mahamoud was also one of approximately ten members on al-Shabaab's leadership council as of late 2008. Mahamoud and an associate were in charge of the 10 June 2009 mortar attack against the Somali Transitional Federal Government in Mogadishu.

7. Mohamed Sa'id (a.k.a. a)'Atom', b) Mohamed Sa'id Atom, c) Mohamed Siad Atom)

Date of birth: circa 1966. Place of birth: Galgala, Somalia. Location: Galgala, Somalia. Alternative Location: Badhan, Somalia. Date of UN designation: 12 April 2010.

MOHAMED SA'ID 'ATOM' has engaged in acts that threaten the peace, security or stability of Somalia. ATOM has directly or indirectly supplied, sold, or transferred to Somalia arms or related matériel or advice, training, or assistance, including financing and financial assistance, related to military activities in violation of the arms embargo. ATOM has been identified as one of the principal suppliers of arms and ammunition for al-Shabaab operations in the Puntland region. He is described as the leader of a militia that emerged in 2006 in the eastern Sanaag region of northern Somalia. The militia comprises as many as 250 fighters and has been implicated in incidents of kidnapping, piracy and terrorism, and imports its own weapons, in violation of the arms embargo. ATOM has established his force as the principal military presence in the area, with a primary base near Galgala and a secondary base near Badhan. According to some information, ATOM is aligned with al-Shabaab and may receive instructions from al-Shabaab leader Fu'aad Mohamed Khalaf.

Furthermore, ATOM is reportedly involved in arms trafficking into Somalia. Information from a number of sources indicates that his forces receive arms and equipment from Yemen and Eritrea. According to a December 2008 report, an eyewitness described six such shipments during a four-week period in early 2008, each sufficient to fill two pickup trucks with small arms, ammunition, and rocket-propelled grenades. According to a Bossaso businessman familiar with the arms trade, ATOM's consignments do not enter the arms market, suggesting that they are either retained for the use of his forces or are transferred to recipients in southern Somalia, where al-Shabaab operates.

ATOM's forces were implicated in the kidnapping of a German aid worker, in the kidnapping of two Somalis near Bossaso, and in a bombing of Ethiopian migrants in Bossaso on 5 February 2008, which killed 20 people and wounded over 100 others. ATOM's militia may also have played a secondary role in the kidnapping of a German couple captured by pirates in June 2008.

8. Fares Mohammed Mana'a (a.k.a.: a) Faris Mana'a, b) Fares Mohammed Mana'a)

Date of birth: 8 February 1965. Place of birth: Sadah, Yemen. Passport No.: 00514146; Place of issue: Sanaa, Yemen. ID Card No.: 1417576; Place of issue: Al-Amana, Yemen; Date of issue: 7 January 1996. Date of UN designation: 12 April 2010.

FARES MOHAMMED MANA'A has directly or indirectly supplied, sold or transferred to Somalia arms or related material in violation of the arms embargo. Mana'a is a known arms trafficker. In October 2009, the Yemeni government released a blacklist of arms dealers with Mana'a 'on top' as part of an effort to stem the flood of weapons in the country, where weapons reportedly outnumber people. 'Faris Mana'a is a major weapons trafficker, and that's well known', according to June 2009 reporting by a U.S. journalist who is a commentator on Yemeni affairs, authors a semi-annual country report, and has contributed to Jane's Intelligence Group. In a December 2007 Yemen Times article, he is referenced as 'Sheikh Fares Mohammed Mana'a, an arms dealer'. In a January 2008 Yemen Times article, he is referred to as 'Sheikh Faris Mana'a, an arms tradesman'.

As of mid-2008, Yemen continues to serve as a hub for illegal arms shipments to the Horn of Africa, particularly arms shipments by boat to Somalia. There are unconfirmed reports that Faris Mana'a has participated in shipments to Somalia on numerous occasions. In 2004, Mana was involved in weapons contracts from Eastern Europe for weapons allegedly marketed to Somali fighters. Despite the Somalia UN arms embargo since 1992, Mana'a's interest in trafficking arms into Somalia can be traced back at least to 2003. MANA'A made an offer to buy thousands of arms in 2003 from Eastern Europe, and indicated that he planned to sell some of the arms in Somalia.

9. Hassan Mahat Omar (a.k.a.: a) Hassaan Hussein Adam, b) Hassane Mahad Omar, c) Xassaan Xuseen Adan, d) Asan Mahad Cumar, e) Abu Salman, f) Abu Salmaan, g) Sheikh Hassaan Hussein).

Date of birth: 10 April 1979. Place of birth: Garissa, Kenya. Nationality: Possibly Ethiopian. Passport No.: A 1180173 Kenya, expiry 20 August 2017. ID Card No.: 23446085. Location: Nairobi, Kenya. Date of UN designation: 28 July 2011.

Hassan Mahat Omar is engaging in acts that threaten the peace, security or stability of Somalia. He is an Imam and one of the leaders of Masjid-ul-Axmar, an informal Al-Shabaab affiliated centre in Nairobi. He is also involved in recruiting new members and soliciting funds for Al-Shabaab, including online at the Al-Shabaab affiliated website alqimmah.net.

In addition, he has issued fatwas calling for attacks against the TFG on an Al-Shabaab chat room site.

10. Omar Hammami (a.k.a.: a) Abu Maansuur Al-Amriki, b) Abu Mansour Al-Amriki, c) Abu Mansuur Al-Amriki, d) Umar Hammami, e) Abu Mansur Al-Amriki).

Date of birth: 6 May 1984. Place of birth: Alabama, United States. Nationality: United States. Also believed to hold Syrian nationality.

Passport No.: 403062567 (US). Social Security No: 423-31-3021 (US). Location: Somalia. Other information: Married to a Somali woman. Lived in Egypt in 2005 and moved to Somalia in 2009. Date of UN designation: 28 July 2011.

Omar Hammami is engaging in acts that threaten the peace, security or stability of Somalia. He is a senior member of Al-Shabaab. He is involved in recruitment, finance and payroll for foreign fighters in Somalia. He is described as an expert in explosives and warfare in general. Since October 2007 he has appeared in television reports and in Al-Shabaab propaganda videos. He has been shown in a video training Al-Shabaab fighters. He has also been shown in videos and on websites calling for more fighters to join Al-Shabaab.

II. Entities

AL-SHABAAB (a.k.a. a) Al-Shabab, b) Shabaab, c) The Youth, d) Mujahidin Al-Shabaab Movement, e) Mujahideen Youth Movement, f) Mujahidin Youth Movement, g) MYM, h) Harakat Shabab Al-Mujahidin, i) Hizbul Shabaab, j) Hisb'ul Shabaab, k) Al-Shabaab Al-Islamiya, l) Youth Wing, m) Al-Shabaab Al-Islaam, n) Al-Shabaab Al-Jihaad, o) The Unity Of Islamic Youth, p) Harakat Al-Shabaab Al-Mujaahidiin, q) Harakatul Shabaab Al Mujaahidiin, r) Mujaahidiin Youth Movement)

Location: Somalia. Date of UN designation: 12 April 2011.

Al-Shabaab has engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to: acts that threaten the Djibouti Agreement of August 18, 2008, or the political process; and, acts that threaten the Transitional Federal Institutions (TFIs), the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia.

Al-Shabaab has also obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.

According to the statement by the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia to the Security Council delivered on 29 July 2009, both Al-Shabaab and Hisb'ul Islam publicly and repeatedly claimed responsibility for the attacks by forces on the Transitional Federal Government (TFG) and AMISOM. Al-Shabaab had also claimed responsibility for the killing of TFG officials, and on 19 July 2009 had raided and shut down the field offices of UNOPS, UNDSS and UNDP in the Bay and Bakool regions, in violation of paragraph (c) of resolution 1844 (2008). Al-Shabaab has also repeatedly obstructed access to, or distribution of, humanitarian assistance in Somalia.

The United Nations Security Council's Report of the Secretary-General on the situation in Somalia, dated 20 July 2009, contained the following paragraphs involving the activities of al-Shabaab in Somalia:

Insurgent groups, such as al-Shabaab, are alleged to be extorting money from private companies and recruiting young people to join the fight against the Government in Mogadishu, including child soldiers. Al-Shabaab has confirmed the presence of foreign fighters within its ranks and has stated openly that it is working with al-Qaida in Mogadishu to remove the Government of Somalia. The foreign fighters, many of whom reportedly originate from Pakistan and Afghanistan, appear to be well trained and battle-tested. They have been observed wearing hoods and directing offensive operations against Government forces in Mogadishu and neighbouring regions.

Al-Shabaab has intensified its strategy to coerce and intimidate the Somali population, as reflected in the carefully selected high gain assassinations and arrests of clan elders, several of whom have been murdered. On 19 June 2009, Omar Hashi Aden, the Minister of National Security, was killed in a large-scale suicide car bomb in Beletwyne. Over 30 other people were killed in the attack, which was strongly condemned by the international community and a broad cross-section of Somali society.

According to the December 2008 report from the UN Security Council Somalia Monitoring Group (2008/769), al-Shabaab is responsible for a variety of attacks within Somalia over the last several years, including:

- The reported killing and beheading of a Somali driver working for the World Food Programme in September 2008,

- The bombing of a market in Puntland that killed 20 and wounded over 100 on 6 February 2008,
- A campaign of bombings and targeted killings in Somaliland intended to disrupt the 2006 parliamentary elections,
- The murders of several foreign aid workers in 2003 and 2004,

According to reporting, al-Shabaab raided United Nations compounds in Somalia on 20 July 2009, and issued a decree banning three agencies of the United Nations from the al-Shabaab controlled areas of Somalia. Additionally, Somali Transitional Federal Government forces fought al-Shabaab and Hizbul Islam insurgents from 11-12 July 2009 resulting in the deaths of over 60 people. In the fighting on 11 July 2009, al-Shabaab landed four mortars inside Villa Somalia that resulted in the deaths of three African Union Mission to Somalia (AMISOM) soldiers and injuries to eight others.

According to an article published by the British Broadcasting Corporation on 22 February 2009, al-Shabaab claimed responsibility for a suicide car bomb attack on an African Union military base in Mogadishu. According to the article, the African Union confirmed that 11 African Union peacekeepers were killed and 15 others were hurt.

According to an article published by Reuters on 14 July 2009, al-Shabaab militants made gains in 2009 in guerrilla-style attacks on Somali and African Union forces.

According to an article published by Voice of America on 10 July 2009, al-Shabaab was involved in an attack on Somali government forces in May 2009.

According to an article posted on the website of the Council on Foreign Relations authored on 27 February 2009, al-Shabaab has waged an insurgency against Somalia's transitional government and its Ethiopian supporters since 2006. Al-Shabaab killed eleven Burundian soldiers in the deadliest attack on AU peacekeepers since their deployment and states that al-Shabaab engaged in heavy fighting that killed at least fifteen people in Mogadishu.'

COMMISSION IMPLEMENTING REGULATION (EU) No 957/2011**of 26 September 2011****amending Regulation (EU) No 1272/2009 as regards the buying-in and sale of butter and skimmed milk powder**

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(d), (f) and (j) in conjunction with Article 4 thereof,

Whereas:

- (1) In accordance with Article 4(1)(b) of Commission Regulation (EC) No 884/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the financing by the European Agricultural Guarantee Fund (EAGF) of intervention measures in the form of public storage operations and the accounting of public storage operations by the paying agencies of the Member States ⁽²⁾, the EAGF finances expenditure on the physical operations referred to in Annex V to that Regulation on the basis of standard amounts, provided the corresponding expenditure has not been fixed under the applicable sectoral agricultural legislation.
- (2) The standard amounts set and notified to the Member States for 2010 were calculated on the basis of the rules applicable before 1 March 2010. On that date the rules regarding the buying-in and the sales of products for and from intervention, including new rules regarding the costs to be borne by intervention agencies and operators, as established by Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾ became applicable for the dairy sector.
- (3) In order to take account of this situation regarding sales, Commission Regulation (EU) No 569/2010 of 29 June 2010 derogating from Regulation (EU) No 1272/2009 as regards sales by tender of butter and skimmed milk powder provided for respectively by Regulation (EU) No 446/2010 and Regulation (EU) No 447/2010 ⁽⁴⁾ introduced a derogation from Regulation (EU) No 1272/2009 on the relevant rules for the sales by tender of butter and skimmed milk powder for tenders submitted until 21 September 2010.

- (4) In order to provide time for the further examination of the uniform application of the rules regarding the costs to be borne by the intervention agencies and operators regarding the buying-in and the sale of butter and skimmed milk powder for and from intervention, the derogation introduced by Regulation (EU) No 569/2010 was extended until the end of the 2011 accounting year by Commission Regulation (EU) No 826/2010 of 20 September 2010 derogating from Regulation (EU) No 1272/2009 as regards buying-in and sales of butter and skimmed milk powder ⁽⁵⁾.
- (5) An on-the-ground examination of the physical operations involved when butter and skimmed milk powder are removed from an intervention storage site was carried out. It showed that the movement of the product from the storage cell and the subsequent loading of vehicles has to be considered as a single operation. It also showed that it is not appropriate to disaggregate the cost of moving the product from the storage cell from the cost of loading of the vehicle. The same situation applies when the products are delivered to the intervention store, unloaded from vehicles and moved to the storage cell. Therefore, it is necessary to amend Regulation (EU) No 1272/2009 to reflect this situation and to ensure coherence with Regulation (EC) 884/2006.
- (6) In order to provide for continuity of application, this Regulation should apply from the day following the expiry of Regulation (EU) No 826/2010.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 1272/2009 is amended as follows:

1. In Article 28(3), the third subparagraph is replaced by the following:

‘The cost incurred in unloading the butter or skimmed milk powder at the loading bay of the storage place shall be borne by the paying agency.’

2. In Article 42(1), point (e) is replaced by the following:

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 171, 23.6.2006, p. 35.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

⁽⁴⁾ OJ L 163, 30.6.2010, p. 32.

⁽⁵⁾ OJ L 247, 21.9.2010, p. 44.

‘(e) it indicates the price in euro tendered per unit of measure, rounded to no more than two decimal places, exclusive of VAT:

(i) in the case of cereals and rice, for the product loaded onto the means of transport;

(ii) in the case of butter or skimmed milk powder, for the product supplied on pallets at the loading bay of the storage place or, if necessary, supplied on pallets loaded onto the means of transport where this concerns a lorry or railway wagon; or

(iii) for the other products delivered to the loading-bay of the storage place;’

3. In Article 52, paragraph (1) is replaced by the following:

‘1. At the time of removal from the storage place, the intervention agency shall, in the case of delivery outside of

the storage place, make the butter and skimmed milk powder available on pallets at the storage place loading bay, and loaded onto the means of transport where this is a lorry or a railway wagon. The costs involved shall be borne by the paying agency.’

4. In Article 52(3), the first sentence is replaced by the following:

‘Any stowage and depalletising costs shall be borne by the buyer of the butter or skimmed milk powder.’

Article 2

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

It shall apply from 1 October 2011.

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

Done at Brussels, 26 September 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 958/2011**of 26 September 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 27 September 2011.

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

Done at Brussels, 26 September 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	AR	25,3
	EC	25,3
	MK	48,9
	ZZ	33,2
0707 00 05	MK	44,0
	TR	106,2
	ZZ	75,1
0709 90 70	TR	127,2
	ZZ	127,2
0805 50 10	AR	69,6
	CL	84,8
	TR	69,8
	UY	68,8
	ZA	80,5
	ZZ	74,7
0806 10 10	CL	69,0
	IL	136,9
	MK	82,2
	TR	100,9
	ZA	63,5
	ZZ	90,5
0808 10 80	BZ	86,4
	CL	142,0
	CN	82,6
	NZ	120,4
	ZA	111,1
	ZZ	108,5
0808 20 50	AR	47,4
	CN	88,3
	TR	120,5
	ZA	61,3
	ZZ	79,4
0809 30	TR	162,5
	ZZ	162,5

⁽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 959/2011**of 26 September 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 953/2011 ⁽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 27 September 2011.

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

Done at Brussels, 26 September 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 247, 24.9.2011, p. 13.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 27 September 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⁾	44,03	0,00
1701 11 90 ⁽¹⁾	44,03	1,70
1701 12 10 ⁽¹⁾	44,03	0,00
1701 12 90 ⁽¹⁾	44,03	1,40
1701 91 00 ⁽²⁾	47,04	3,36
1701 99 10 ⁽²⁾	47,04	0,23
1701 99 90 ⁽²⁾	47,04	0,23
1702 90 95 ⁽³⁾	0,47	0,23

⁽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.

DECISIONS

COUNCIL DECISION 2011/635/CFSP

of 26 September 2011

amending Decision 2010/231/CFSP concerning restrictive measures against Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, in particular Article 29 thereof,

Whereas:

- (1) On 10 December 2002, the Council adopted Common Position 2002/960/CFSP concerning restrictive measures against Somalia⁽¹⁾ following United Nations Security Council Resolutions (UNSCR) 733 (1992), 1356 (2001) and 1425 (2002).
- (2) On 16 February 2009, the Council adopted Common Position 2009/138/CFSP concerning restrictive measures against Somalia and repealing Common Position 2002/960/CFSP⁽²⁾, implementing UNSCR 1844 (2008). On 1 March 2010, the Council adopted Decision 2010/126/CFSP amending Common Position 2009/138/CFSP⁽³⁾ and implementing UNSCR 1907 (2009).
- (3) On 26 April 2010, the Council adopted Decision 2010/231/CFSP concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP⁽⁴⁾ following the adoption of UNSCR 1916 (2010) and the adoption of the list of persons and entities which are subject to restrictive measures by the Sanctions Committee established pursuant to UNSCR 751 (1992) concerning Somalia (hereinafter referred to as the 'Sanctions Committee').
- (4) On 28 July 2011, the Sanctions Committee updated the list of persons and entities subject to restrictive measures.
- (5) On 29 July 2011, the United Nations Security Council adopted UNSCR 2002 (2011) extending the designation criteria to include political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law, and individuals and entities being responsible for violations of applicable international law in Somalia involving the targeting of

civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.

- (6) In addition, UNSCR 2002 (2011) clarified the exemption permitting the making available of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners.
- (7) Decision 2010/231/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/231/CFSP is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

Restrictive measures as provided for in Articles 3, 5(1) and 6(1) and (2) shall be imposed against persons and entities designated by the Sanctions Committee as:

- engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFI or AMISOM by force,
- having acted in violation of the arms embargo and related measures as referred to in Article 1,
- obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia,
- being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of applicable international law,

⁽¹⁾ OJ L 334, 11.12.2002, p. 1.

⁽²⁾ OJ L 46, 17.2.2009, p. 73.

⁽³⁾ OJ L 51, 2.3.2010, p. 18.

⁽⁴⁾ OJ L 105, 27.4.2010, p. 17.

— being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.

The relevant persons and entities are listed in the Annex.’.

2. Article 6(6) is replaced by the following:

‘6. Paragraphs 1 and 2 shall not apply to the making available of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian

assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia.’.

Article 2

The Annex to Decision 2010/231/CFSP shall be replaced by the text set out in the Annex to this Decision.

Article 3

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 26 September 2011.

For the Council
The President
M. KOROLEC

ANNEX

‘ANNEX

LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLE 2

I. Persons

1. Yasin Ali Baynah (a.k.a. a) Ali, Yasin Baynah, b) Ali, Yassin Mohamed, c) Baynah, Yasin, d) Baynah, Yassin, e) Baynax, Yasiin Cali, f) Beenah, Yasin, g) Beenah, Yassin, h) Beenax, Yasin, i) Beenax, Yassin, j) Benah, Yasin, k) Benah, Yassin, l) Benax, Yassin, m) Beynah, Yasin, n) Binah, Yassin, o) Cali, Yasiin Baynax)

Date of birth: 24 December 1965. Nationality: Somalia. Alt. Nationality: Sweden. Location: Rinkeby, Stockholm, Sweden; Mogadishu, Somalia. Date of UN designation: 12 April 2010.

Yasin Ali Baynah has incited attacks against the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM). He has also mobilised support and raised funds on behalf of the Alliance for the Re-Liberation of Somalia and Hisbul Islam, both of which have actively engaged in acts that threaten the peace and security of Somalia, including rejection of the Djibouti Agreement, and attacks on the TFG and AMISOM forces in Mogadishu.

2. Hassan Dahir Aweys (a.k.a. a) Ali, Sheikh Hassan Dahir Aweys, b) Awes, Hassan Dahir, c) Awes, Shaykh Hassan Dahir, d) Aweys, Hassen Dahir, e) Aweys, Ahmed Dahir, f) Aweys, Sheikh, g) Aweys, Sheikh Hassan Dahir, h) Dahir, Aweys Hassan, i) Ibrahim, Mohammed Hassan, j) OAIS, Hassan Tahir, k) Uways, Hassan Tahir, l) ‘Hassan, Sheikh’)

Date of birth: 1935. Citizen: Somalia. Nationality: Somalia. Location: Somalia. Date of UN designation: 12 April 2010.

Hassan Dahir Aweys has acted and continues to act as a senior political and ideological leader of a variety of armed opposition groups responsible for repeated violations of the general and complete arms embargo and/or acts that threaten the Djibouti peace agreement, the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM) forces. Between June 2006 and September 2007, AWEYSs served as chairman of the central committee of the Islamic Courts Union; in July 2008 he declared himself chairman of the Alliance for the Re-Liberation of Somalia-Asmara wing; and in May 2009 he was named chairman of Hisbul Islam, an alliance of groups opposed to the TFG. In each of these positions, AWEYS's statements and actions have demonstrated an unequivocal and sustained intention to dismantle the TFG and expel AMISOM by force from Somalia.

3. Hassan Abdullah Hersi Al-Turki (a.k.a. a) Al-Turki, Hassan, b) Turki, Hassan, c) Turki, Hassan Abdillahi Hersi, d) Turki, Sheikh Hassan, e) Xirsi, Xasan Cabdilaahi, f) Xirsi, Xasan Cabdulle)

Date of birth: circa 1944. Place of birth: Ogaden Region, Ethiopia. Nationality: Somalia. Location: Somalia. Date of UN designation: 12 April 2010.

Hassan Abdullah Hersi Al-Turki has been a senior leader of an armed militia group since the mid-1990s and had engaged in numerous arms embargo violations. In 2006, al-Turki contributed forces to the Islamic Courts Union take-over of Mogadishu and emerged as a military leader in the group, aligned with al-Shabaab. Since 2006, al-Turki has made territory under his control available for training by various armed opposition groups including al-Shabaab. In September 2007, al-Turki appeared in an al-Jazeera news video showing militia training under his leadership.

4. Ahmed Abdi aw-Mohamed (a.k.a. a) Abu Zubeyr, Muktar Abdirahman, b) Abuzubair, Muktar Abdulrahim, c) Aw Mohammed, Ahmed Abdi, d) Aw-Mohamud, Ahmed Abdi, e) ‘Godane’, f) ‘Godani’, g) ‘Mukhtar, Shaykh’, h) ‘Zubeyr, Abu’)

Date of birth: 10 July 1977. Place of birth: Hargeysa, Somalia. Nationality: Somalia. Date of UN designation: 12 April 2010.

Ahmed Abdi Aw-Mohamed is a senior leader of al-Shabaab and was publically named emir of the organisation in December 2007. He exercises command responsibility for al-Shabaab operations across Somalia. Aw-Mohamed has denounced the Djibouti peace process as a foreign conspiracy, and in a May 2009 audio recording to Somali media, he acknowledged that his forces were engaged in recent fighting in Mogadishu.

5. Fuad Mohamed Khalaf (a.k.a. a) Fuad Mohamed Khalif, b) Fuad Mohamed Qalaf, c) Fuad Mohammed Kalaf, d) Fuad Mohamed Kalaf, e) Fuad Mohammed Khalif, f) Fuad Khalaf, g) Fuad Shongale, h) Fuad Shongole, i) Fuad Shangole, j) Fuad Songale, k) Fouad Shongale, l) Fuad Muhammad Khalaf Shongole)

Nationality: Somalia. Location: Mogadishu, Somalia. Alt. Location: Somalia. Date of UN designation: 12 April 2010.

Fuad Mohamed Khalaf has facilitated financial support to al-Shabaab; in May 2008, he held two fundraising events for al-Shabaab at mosques in Kismaayo, Somalia. In April 2008, Khalaf and several other individuals directed vehicle-borne explosive device attacks on Ethiopian bases and Somali Transitional Federal Government elements in Mogadishu, Somalia. In May 2008, Khalaf and a group of fighters attacked and captured a police station in Mogadishu, killing and wounding several soldiers.

6. Bashir Mohamed Mahamoud (a.k.a. a) Bashir Mohamed Mahmoud, b) Bashir Mahmud Mohammed, c) Bashir Mohamed Mohamud, d) Bashir Mohamed Mohamoud, e) Bashir Yare, f) Bashir Qorgab, g) Gure Gap, h) 'Abu Muscab', i) 'Qorgab')

Date of birth: circa 1979-1982. Alt. Date of birth: 1982. Nationality: Somalia. Location: Mogadishu, Somalia. Date of UN designation: 12 April 2010.

Bashir Mohamed Mahamoud is a military commander of al-Shabaab. Mahamoud was also one of approximately ten members on al-Shabaab's leadership council as of late 2008. Mahamoud and an associate were in charge of the 10 June 2009 mortar attack against the Somali Transitional Federal Government in Mogadishu.

7. Mohamed Sa'id (a.k.a. a) 'Atom', b) Mohamed Sa'id Atom, c) Mohamed Siad Atom)

Date of birth: circa 1966. Place of birth: Galgala, Somalia. Location: Galgala, Somalia. Alternative Location: Badhan, Somalia. Date of UN designation: 12 April 2010.

Mohamed Sa'id 'Atom' has engaged in acts that threaten the peace, security or stability of Somalia. Atom has directly or indirectly supplied, sold, or transferred to Somalia arms or related matériel or advice, training, or assistance, including financing and financial assistance, related to military activities in violation of the arms embargo. Atom has been identified as one of the principal suppliers of arms and ammunition for al-Shabaab operations in the Puntland region. He is described as the leader of a militia that emerged in 2006 in the eastern Sanaag region of northern Somalia. The militia comprises as many as 250 fighters and has been implicated in incidents of kidnapping, piracy and terrorism, and imports its own weapons, in violation of the arms embargo. Atom has established his force as the principal military presence in the area, with a primary base near Galgala and a secondary base near Badhan. According to some information, Atom is aligned with al-Shabaab and may receive instructions from al-Shabaab leader Fu'ad Mohamed Khalaf.

Furthermore, Atom is reportedly involved in arms trafficking into Somalia. Information from a number of sources indicates that his forces receive arms and equipment from Yemen and Eritrea. According to a December 2008 report, an eyewitness described six such shipments during a four-week period in early 2008, each sufficient to fill two pickup trucks with small arms, ammunition, and rocket-propelled grenades. According to a Bossaso businessman familiar with the arms trade, Atom's consignments do not enter the arms market, suggesting that they are either retained for the use of his forces or are transferred to recipients in southern Somalia, where al-Shabaab operates.

Atom's forces were implicated in the kidnapping of a German aid worker, in the kidnapping of two Somalis near Bossaso, and in a bombing of Ethiopian migrants in Bossaso on 5 February 2008, which killed 20 people and wounded over 100 others. Atom's militia may also have played a secondary role in the kidnapping of a German couple captured by pirates in June 2008.

8. Fares Mohammed Mana'a (a.k.a. a) Faris Mana'a, b) Fares Mohammed Manaa)

Date of birth: 8 February 1965. Place of birth: Sadah, Yemen. Passport No.: 00514146; Place of issue: Sanaa, Yemen. ID Card No.: 1417576; Place of issue: Al-Amana, Yemen; Date of issue: 7 January 1996. Date of UN designation: 12 April 2010.

Fares Mohammed Mana'a has directly or indirectly supplied, sold or transferred to Somalia arms or related material in violation of the arms embargo. Mana'a is a known arms trafficker. In October 2009, the Yemeni government released a blacklist of arms dealers with Mana'a 'on top' as part of an effort to stem the flood of weapons in the country, where weapons reportedly outnumber people. 'Faris Mana'a is a major weapons trafficker, and that's well known', according to June 2009 reporting by a U.S. journalist who is a commentator on Yemeni affairs, authors a semi-annual country report, and has contributed to Jane's Intelligence Group. In a December 2007 Yemen Times article, he is referenced as 'Sheikh Fares Mohammed Mana'a, an arms dealer'. In a January 2008 Yemen Times article, he is referred to as 'Sheikh Faris Mana'a, an arms tradesman'.

As of mid-2008, Yemen continues to serve as a hub for illegal arms shipments to the Horn of Africa, particularly arms shipments by boat to Somalia. There are unconfirmed reports that Faris Mana'a has participated in shipments to Somalia on numerous occasions. In 2004, Mana was involved in weapons contracts from Eastern Europe for weapons allegedly marketed to Somali fighters. Despite the Somalia UN arms embargo since 1992, Mana'a's interest in trafficking arms into Somalia can be traced back at least to 2003. Mana'a made an offer to buy thousands of arms in 2003 from Eastern Europe, and indicated that he planned to sell some of the arms in Somalia.

9. Hassan Mahat Omar (a.k.a.: a) Hassaan Hussein Adam, b) Hassane Mahad Omar, c) Xassaan Xuseen Adan, d) Asan Mahad Cumar, e) Abu Salman, f) Abu Salmaan, g) Sheikh Hassaan Hussein).

Date of birth: 10 April 1979. Place of birth: Garissa, Kenya. Nationality: Possibly Ethiopian. Passport No.: A 1180173 Kenya, expiry 20 August 2017. ID Card No.: 23446085. Location: Nairobi, Kenya. Date of UN designation: 28 July 2011.

Hassan Mahat Omar is engaging in acts that threaten the peace, security or stability of Somalia. He is an Imam and one of the leaders of Masjid-ul-Axmar, an informal Al-Shabaab affiliated centre in Nairobi. He is also involved in recruiting new members and soliciting funds for Al-Shabaab, including online at the Al-Shabaab affiliated website alqimmah.net.

In addition, he has issued fatwas calling for attacks against the TFG on an Al-Shabaab chat room site.

10. Omar Hammami (a.k.a.: a) Abu Maansuur Al-Amriki, b) Abu Mansour Al-Amriki, c) Abu Mansuur Al-Amriki, d) Umar Hammami, e) Abu Mansur Al-Amriki).

Date of birth: 6 May 1984. Place of birth: Alabama, United States. Nationality: United States. Also believed to hold Syrian nationality.

Passport No.: 403062567 (US). Social Security No: 423-31-3021 (US). Location: Somalia. Other information: Married to a Somali woman. Lived in Egypt in 2005 and moved to Somalia in 2009. Date of UN designation: 28 July 2011.

Omar Hammami is engaging in acts that threaten the peace, security or stability of Somalia. He is a senior member of Al-Shabaab. He is involved in recruitment, finance and payroll for foreign fighters in Somalia. He is described as an expert in explosives and warfare in general. Since October 2007 he has appeared in television reports and in Al-Shabaab propaganda videos. He has been shown in a video training Al-Shabaab fighters. He has also been shown in videos and on websites calling for more fighters to join Al-Shabaab.

II. Entities

Al-Shabaab (a.k.a. a) Al-Shabab, b) Shabaab, c) The Youth, d) Mujahidin Al-Shabaab Movement, e) Mujahideen Youth Movement, f) Mujahidin Youth Movement, g) MYM, h) Harakat Shabab Al-Mujahidin, i) Hizbul Shabaab, j) Hisb'ul Shabaab, k) Al-Shabaab Al-Islamiya, l) Youth Wing, m) Al-Shabaab Al-Islaam, n) Al-Shabaab Al-Jihaad, o) The Unity Of Islamic Youth, p) Harakat Al-Shabaab Al-Mujaahidiin, q) Harakatul Shabaab Al Mujaahidiin, r) Mujaahidiin Youth Movement)

Location: Somalia. Date of UN designation: 12 April 2010.

Al-Shabaab has engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to: acts that threaten the Djibouti Agreement of August 18, 2008, or the political process; and, acts that threaten the Transitional Federal Institutions (TFIs), the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia.

Al-Shabaab has also obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.

According to the statement by the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia to the Security Council delivered on 29 July 2009, both Al-Shabaab and Hisb'ul Islam publicly and repeatedly claimed responsibility for the attacks by forces on the Transitional Federal Government (TFG) and AMISOM. Al-Shabaab had also claimed responsibility for the killing of TFG officials, and on 19 July 2009 had raided and shut down the field offices of UNOPS, UNDSS and UNDP in the Bay and Bakool regions, in violation of paragraph (c) of resolution 1844 (2008). Al-Shabaab has also repeatedly obstructed access to, or distribution of, humanitarian assistance in Somalia.

The United Nations Security Council's Report of the Secretary-General on the situation in Somalia, dated 20 July 2009, contained the following paragraphs involving the activities of al-Shabaab in Somalia:

Insurgent groups, such as al-Shabaab, are alleged to be extorting money from private companies and recruiting young people to join the fight against the Government in Mogadishu, including child soldiers. Al-Shabaab has confirmed the presence of foreign fighters within its ranks and has stated openly that it is working with al-Qaida in Mogadishu to remove the Government of Somalia. The foreign fighters, many of whom reportedly originate from Pakistan and Afghanistan, appear to be well trained and battle-tested. They have been observed wearing hoods and directing offensive operations against Government forces in Mogadishu and neighbouring regions.

Al-Shabaab has intensified its strategy to coerce and intimidate the Somali population, as reflected in the carefully selected high gain assassinations and arrests of clan elders, several of whom have been murdered. On 19 June 2009, Omar Hashi Aden, the Minister of National Security, was killed in a large-scale suicide car bomb in Beletwyne. Over 30 other people were killed in the attack, which was strongly condemned by the international community and a broad cross-section of Somali society.

According to the December 2008 report from the UN Security Council Somalia Monitoring Group (2008/769), al-Shabaab is responsible for a variety of attacks within Somalia over the last several years, including:

- The reported killing and beheading of a Somali driver working for the World Food Programme in September 2008,
- The bombing of a market in Puntland that killed 20 and wounded over 100 on 6 February 2008,
- A campaign of bombings and targeted killings in Somaliland intended to disrupt the 2006 parliamentary elections,
- The murders of several foreign aid workers in 2003 and 2004,

According to reporting, al-Shabaab raided United Nations compounds in Somalia on 20 July 2009, and issued a decree banning three agencies of the United Nations from the al-Shabaab controlled areas of Somalia. Additionally, Somali Transitional Federal Government forces fought al-Shabaab and Hizbul Islam insurgents from 11-12 July 2009 resulting in the deaths of over 60 people. In the fighting on 11 July 2009, al-Shabaab landed four mortars inside Villa Somalia that resulted in the deaths of three African Union Mission to Somalia (AMISOM) soldiers and injuries to eight others.

According to an article published by the British Broadcasting Corporation on 22 February 2009, al-Shabaab claimed responsibility for a suicide car bomb attack on an African Union military base in Mogadishu. According to the article, the African Union confirmed that 11 African Union peacekeepers were killed and 15 others were hurt.

According to an article published by Reuters on 14 July 2009, al-Shabaab militants made gains in 2009 in guerrilla-style attacks on Somali and African Union forces.

According to an article published by Voice of America on 10 July 2009, al-Shabaab was involved in an attack on Somali government forces in May 2009.

According to an article posted on the website of the Council on Foreign Relations authored on 27 February 2009, al-Shabaab has waged an insurgency against Somalia's transitional government and its Ethiopian supporters since 2006. Al-Shabaab killed eleven Burundian soldiers in the deadliest attack on AU peacekeepers since their deployment and states that al-Shabaab engaged in heavy fighting that killed at least fifteen people in Mogadishu.'

COMMISSION IMPLEMENTING DECISION

of 21 September 2011

determining the date from which the Visa Information System (VIS) is to start operations in a first region

(2011/636/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) ⁽¹⁾, and in particular Article 48(1) thereof,

Whereas:

- (1) The Commission should determine the date from which the VIS is to start operations when the conditions contained in points (a) (b) and (c) of Article 48(1) of the VIS Regulation are met.
- (2) In accordance with point (a) of Article 48(1) and Article 45(2) of the VIS Regulation the Commission adopted three decisions necessary for the technical implementation of the central VIS, the national interfaces and the communication infrastructure between the central VIS and the national interfaces. Those decisions are Commission Decision 2009/377/EC of 5 May 2009 adopting implementing measures for the consultation mechanism and the other procedures referred to in Article 16 of Regulation (EC) No 767/2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) ⁽²⁾, Commission Decision 2009/756/EC of 9 October 2009 laying down specifications for the resolution and use of fingerprints for biometric identification and verification in the Visa Information System ⁽³⁾ and Commission Decision 2009/876/EC of 30 November 2009 adopting technical implementing measures for entering the data and linking applications, for accessing the data, for amending, deleting and advance deleting of data and for keeping and accessing the records of data processing operations in the Visa Information System ⁽⁴⁾.
- (3) In accordance with point (b) of Article 48(1) of the VIS Regulation, the Commission has declared the successful completion of a comprehensive test of the VIS on the date of adoption of this Decision.

- (4) In accordance with point (c) of Article 48(1) of the VIS Regulation, the Member States have notified the Commission that they have made the necessary technical and legal arrangements to collect and transmit the data referred to in Article 5(1) of the VIS Regulation to the VIS for all applications in the first region, including arrangements for the collection and/or transmission of the data on behalf of another Member State.
- (5) In accordance with Article 48(4) of the VIS Regulation, the Commission adopted Decision 2010/49/EC of 30 November 2009 determining the first regions for the start of operations of the Visa Information System (VIS) ⁽⁵⁾. According to that decision, the first region where the collection and transmission of data to the VIS for all applications should start covers Algeria, Egypt, Libya, Mauritania, Morocco and Tunisia.
- (6) The conditions laid down by Article 48(1) of the VIS Regulation thus being fulfilled, it is for the Commission to determine the date from which the VIS is to start operations in the first region.
- (7) In view of the need to set the date for the start of the VIS in the very near future, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (8) Given that the VIS Regulation builds upon the Schengen *acquis*, Denmark notified the implementation of the VIS Regulation in its national law in accordance with Article 5 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community. Denmark is therefore bound under international law to implement this Decision.
- (9) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽⁶⁾. The United Kingdom is therefore not bound by it or subject to its application.

⁽¹⁾ OJ L 218, 13.8.2008, p. 60.

⁽²⁾ OJ L 117, 12.5.2009, p. 3.

⁽³⁾ OJ L 270, 15.10.2009, p. 14.

⁽⁴⁾ OJ L 315, 2.12.2009, p. 30.

⁽⁵⁾ OJ L 23, 27.1.2010, p. 62.

⁽⁶⁾ OJ L 131, 1.6.2000, p. 43.

(10) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽¹⁾. Ireland is therefore not bound by it or subject to its application.

(11) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽²⁾, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC ⁽³⁾ on certain arrangements for the application of that Agreement.

(12) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁴⁾, which fall within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁵⁾.

(13) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*,

which fall within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁶⁾.

(14) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession.

(15) As regards Bulgaria and Romania, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 4(2) of the 2005 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

The Visa Information System shall start operations in the first region determined by Decision 2010/49/EC on 11 October 2011.

Article 2

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

Article 3

This Decision shall apply in accordance with the Treaties.

Done at Brussels, 21 September 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 64, 7.3.2002, p. 20.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

⁽³⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁴⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁶⁾ OJ L 160, 18.6.2011, p. 19.

Declaration by the Commission of the successful completion of a comprehensive test of the Visa Information System

In accordance with Article 48(1)(b) of Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) ⁽¹⁾, the Commission declares the successful completion of a comprehensive test of the VIS, which has been conducted by the Commission together with Member States.

⁽¹⁾ OJ L 218, 13.8.2008, p. 60.

CORRIGENDA

Corrigendum to Commission Delegated Regulation (EU) No 1061/2010 of 28 September 2010 supplementing Directive 2010/30/EU of the European Parliament and of the Council with regard to energy labelling of household washing machines*(Official Journal of the European Union L 314 of 30 November 2010)*

On page 61, Annex VII, the mathematical formula in point 1(c)(i) should read as follows:

$$AE_C = E_t \times 220 + \frac{\left[P_o \times \frac{525\,600 - (T_t \times 220)}{2} + P_l \times \frac{525\,600 - (T_t \times 220)}{2} \right]}{60 \times 1\,000}$$

On page 62, Annex VII, the mathematical formula in point 1(c)(ii) should read as follows:

$$AE_C = E_t \times 220 + \frac{\{(P_l \times T_t \times 220) + P_o \times [525\,600 - (T_t \times 220) - (T_t \times 220)]\}}{60 \times 1\,000}$$

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