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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2011/731/EU:

- ★ **Council Decision of 8 November 2011 on the conclusion, on behalf of the European Union, of the 2006 International Tropical Timber Agreement** 1

2011/732/EU:

- ★ **Council Decision of 8 November 2011 on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on certain aspects of air services** 3

2011/733/EU:

- ★ **Council Decision of 8 November 2011 on the conclusion of an Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements** 4

REGULATIONS

- ★ **Commission Regulation (EU) No 1146/2011 of 9 November 2011 establishing a prohibition of fishing for cod in NAFO 3M by vessels flying the flag of Spain** 5

Price: EUR 3

(Continued overleaf)

EN

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

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

★ Commission Implementing Regulation (EU) No 1147/2011 of 11 November 2011 amending Regulation (EU) No 185/2010 implementing the common basic standards on civil aviation security as regards the use of security scanners at EU airports ⁽¹⁾	7
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Commission Implementing Regulation (EU) No 1148/2011 of 11 November 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables	12
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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 8 November 2011

on the conclusion, on behalf of the European Union, of the 2006 International Tropical Timber Agreement

(2011/731/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192 and 207 thereof, read in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) On 27 January 2006 the negotiating conference established under the aegis of the United Nations Conference on Trade and Development (UNCTAD) approved the text of the 2006 International Tropical Timber Agreement ('the 2006 Agreement').

(2) The 2006 Agreement was negotiated to replace the International Tropical Timber Agreement of 1994 ('the 1994 Agreement') as extended, which will remain in force until the entry into force of the 2006 Agreement.

(3) The 2006 Agreement has been open for signature since 3 April 2006 and will remain so until 1 month after its final entry into force. Consent to be bound by that Agreement shall be expressed either by definitive signature or by ratification, acceptance, approval or accession.

(4) The objectives of the 2006 Agreement are consistent with both the common commercial policy and the environmental policy.

(5) The European Community was a party to the 1994 Agreement. The 2006 Agreement will continue to promote the European Union's sustainable development objectives.

(6) The Community signed the 2006 Agreement on 2 November 2007. All the Member States have expressed their intention to ratify it.

(7) As the compulsory contributions by the consumer members of the International Tropical Timber Organisation are assessed primarily in terms of the volume of tropical timber they import, the Union will contribute to the Administrative Account of the International Tropical Timber Organisation, once the 2006 Agreement enters into force, while the Member States, as well as the Union, will be able to make voluntary financial contributions to the planned actions via the voluntary contribution accounts of the Organisation.

(8) The 2006 Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The 2006 International Tropical Timber Agreement ⁽¹⁾ ('the 2006 Agreement') is hereby approved on behalf of the Union.

⁽¹⁾ The text of the Agreement has been published in OJ L 262, 9.10.2007, p. 8, together with the decision on signing and provisional application.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit the instrument of approval on behalf of the Union with the Secretary-General of the United Nations, in accordance with Article 36(2) of the 2006 Agreement.

Done at Brussels, 8 November 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

COUNCIL DECISION**of 8 November 2011****on the conclusion of the Agreement between the European Union and the Republic of Cape Verde
on certain aspects of air services**

(2011/732/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2), in conjunction with point (a) of Article 218(6) and the first subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) In its Decision of 5 June 2003, the Council authorised the Commission to open negotiations with third countries on the replacement of certain provisions in existing bilateral agreements with an agreement at Union level.
- (2) On behalf of the Union, the Commission has negotiated an Agreement on certain aspects of air services with the Republic of Cape Verde (the Agreement) in accordance with the mechanisms and directives in the Annex to the Council Decision of 5 June 2003.
- (3) The Agreement was signed on behalf of the Union on 23 March 2011 subject to its possible conclusion at a later date, in conformity with Council Decision 2011/228/EU ⁽¹⁾.

(4) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of Cape Verde on certain aspects of air services (the Agreement) is hereby approved on behalf of the Union ⁽²⁾.

Article 2

The President of the Council is authorised to designate the person empowered to make the notification provided in Article 8(1) of the Agreement.

Article 3

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

Done at Brussels, 8 November 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

⁽¹⁾ OJ L 96, 9.4.2011, p. 1.

⁽²⁾ The Agreement has been published in OJ L 96, 9.4.2011, p. 2 together with the Decision on the signing.

COUNCIL DECISION**of 8 November 2011****on the conclusion of an Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements**

(2011/733/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(6)(a)(i) and the second subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements were signed, on behalf of the European Community, on 25 July 2007, in accordance with Council Decision 2007/566/EC ⁽²⁾, subject to their conclusion.
- (2) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.
- (3) Those agreements should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The following agreements ⁽³⁾ are hereby approved on behalf of the European Union:

- Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area,
- Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Bulgaria,
- Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Norway concerning a Cooperation Programme for Economic Growth and Sustainable Development in Romania,

— Additional Protocol to the Agreement between the European Economic Community and Iceland consequent on the accession of the Republic of Bulgaria and Romania to the European Union, and

— Additional Protocol to the Agreement between the European Economic Community and the Kingdom of Norway consequent on the accession of the Republic of Bulgaria and Romania to the European Union.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to deposit on behalf of the Union the act of approval provided for in each of the agreements, in order to express the consent of the Union to be bound ⁽⁴⁾.

Article 3

The President of the Council shall, on behalf of the Union, make the following notification:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the text of the Agreements are, where appropriate, to be read as "the European Union".'

Article 4

This Decision shall enter into force on the day following its adoption.

Done at Brussels, 8 November 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

⁽¹⁾ The European Parliament gave its assent to the conclusion of the Agreement on 13 November 2007 (OJ C 282 E, 6.11.2008, p. 92) and confirmed its position in its Resolution of 5 May 2010 on the consequences of the entry into force of the Treaty of Lisbon for ongoing interinstitutional decision-making procedures (OJ C 81 E, 15.3.2011, p. 1).

⁽²⁾ OJ L 221, 25.8.2007, p. 1.

⁽³⁾ The agreements have been published in OJ L 221, 25.8.2007 together with the Decision on signing.

⁽⁴⁾ The date of entry into force of the agreements will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COMMISSION REGULATION (EU) No 1146/2011

of 9 November 2011

establishing a prohibition of fishing for cod in NAFO 3M by vessels flying the flag of Spain

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing 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⁾, lays down quotas for 2011.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 9 November 2011.

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

Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

No	68/T&Q
Member State	Spain
Stock	COD/N3M.
Species	Cod (<i>Gadus morhua</i>)
Zone	NAFO 3M
Date	8.10.2011

COMMISSION IMPLEMENTING REGULATION (EU) No 1147/2011**of 11 November 2011****amending Regulation (EU) No 185/2010 implementing the common basic standards on civil aviation security as regards the use of security scanners at EU airports****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 establishing common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽¹⁾ and in particular Article 4(2) and (3).

Whereas:

(1) In accordance with Article 4(2) of Regulation (EC) No 300/2008, the Commission is required to adopt general measures designed to amend non-essential elements of the common basic standards laid down in the Annex to that Regulation by supplementing them.

(2) Article 4(3) of Regulation (EC) No 300/2008 further provides that the Commission must adopt detailed measures for implementing the common basic standards on civil aviation security laid down in the Annex to that Regulation, as supplemented by the general measures adopted by the Commission on the basis of Article 4(2).

(3) In particular, Commission Regulation (EC) No 272/2009 ⁽²⁾ supplementing the common basic standards on civil aviation security provides for general measures in respect of methods of screening allowed for passengers as laid down in Part A of its Annex.

(4) In order to allow the use of security scanners as method for the screening of passengers, provisions on this use, minimum detection performance standards and minimum operational conditions shall be set.

(5) Commission Regulation (EU) No 185/2010 ⁽³⁾ should therefore be amended accordingly.

(6) Security scanners shall be deployed and used in compliance with Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) ⁽⁴⁾ and Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual directive within the meaning of Article 16(1) of Directive 89/391/EEC) ⁽⁵⁾.

(7) By laying down specific operational conditions on the use of security scanners and by providing passengers with the possibility to undergo alternative screening methods, this Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including respect for human dignity and for private and family life, the right to the protection of personal data, the rights of the child, the right to freedom of religion and the prohibition of discrimination. This Regulation must be applied according to these rights and principles.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Civil Aviation Security,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 185/2010 is amended in accordance with the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 97, 9.4.2008, p. 72.⁽²⁾ OJ L 91, 3.4.2009, p. 7.⁽³⁾ OJ L 55, 5.3.2010, p. 1.⁽⁴⁾ OJ L 199, 30.7.1999, p. 59.⁽⁵⁾ OJ L 159, 30.4.2004, p. 1.

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

Done at Brussels, 11 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

The Annex to Regulation (EU) No 185/2010 is amended as follows:

(1) in Chapter 4, point 4.1.1.1 is replaced by the following:

‘4.1.1.1 Before screening, coats and jackets shall be taken off and shall be screened as cabin baggage. The screener may request the passenger to undertake further divesting as appropriate.’;

(2) in Chapter 4, point 4.1.1.2 is replaced by the following:

‘4.1.1.2 Passengers shall be screened by:

- (a) a hand search; or
- (b) walk-through metal detection (WTMD) equipment; or
- (c) explosive detection dogs in combination with point (a); or
- (d) security scanners which do not use ionising radiation.

Where the screener cannot determine whether or not the passenger is carrying prohibited articles, the passenger shall be denied access to security restricted areas or rescreened to the screener’s satisfaction.’;

(3) in Chapter 4, the following point is added:

‘4.1.1.10 When a security scanner with a human reviewer, as defined under point 12.11.1, second paragraph, is used for screening of passengers the following minimum conditions shall be complied with:

- (a) security scanners shall not store, retain, copy, print or retrieve images. However, any image generated during the screening can be kept for the time needed for the human reviewer to analyse it and shall be deleted as soon as the passenger is cleared. Any unauthorised access and use of the image is prohibited and shall be prevented;
- (b) the human reviewer analysing the image shall be in a separate location so that he/she cannot see the screened passenger;
- (c) any technical devices capable of storing, copying or photographing or otherwise recording images shall not be allowed into the separate location where the image is analysed;
- (d) the image shall not be linked to any data concerning the screened person and his/her identity shall be kept anonymous;
- (e) a passenger may request that the image of his/her body is analysed by a human reviewer of the gender of his/her choice;
- (f) the image shall be blurred or obscured to prevent the identification of the face of the passenger.

Paragraphs (a) and (d) shall also apply to security scanners with automatic threat detection.

Passengers shall be entitled to opt out from a security scanner. In this case the passenger shall be screened by an alternative screening method including at least a hand search in accordance with Attachment 4-A of Commission Decision (2010)774. When the security scanner alarms, the cause of the alarm shall be resolved.

Before being screened by a security scanner, the passenger shall be informed of the technology used, the conditions associated to its use and the possibility to opt out from a security scanner.’;

(4) in Chapter 11, point 11.3 is replaced by the following:

‘11.3 CERTIFICATION OR APPROVAL

11.3.1 Persons performing tasks as listed in points 11.2.3.1 to 11.2.3.5 shall be subject to:

- (a) an initial certification or approval process; and
 - (b) for persons operating x-ray or EDS equipment or for human reviewers of security scanners, recertification at least every 3 years; and
 - (c) for all other persons, recertification or reapproval at least every 5 years.
- 11.3.2 Persons operating x-ray or EDS equipment or human reviewers of security scanners shall, as part of the initial certification or approval process, pass a standardised image interpretation test.
- 11.3.3 The recertification or reapproval process for persons operating x-ray or EDS equipment or for human reviewers of security scanners shall include both the standardised image interpretation test and an evaluation of operational performance.
- 11.3.4 Failure to undertake or successfully complete recertification or reapproval within a reasonable timescale, not normally exceeding 3 months, shall result in the related security entitlements being withdrawn.
- 11.3.5 Certification or approval records shall be kept for all persons certified or approved, respectively, for at least the duration of their contract.;

(5) in Chapter 11, the following point is added:

- ‘11.4.1.1 Human reviewers of security scanners shall be subject to recurrent training consisting of image recognition training and testing. This shall take the form of classroom and/or computer based training for at least 6 hours in every 6-month period.

The results of testing shall be provided to the person and recorded, and may be taken into consideration as part of the recertification or reapproval process.;

(6) in Chapter 12, the following points are added:

‘12.11 SECURITY SCANNERS

12.11.1 **General principles**

A security scanner is a system for the screening of persons that is capable of detecting metallic and non-metallic objects, distinct from the human skin, carried on the body or within clothes.

A security scanner with human reviewer may consist of a detection system that creates an image of a person's body for a human reviewer to analyse and establish that no metallic and non-metallic objects, distinct from the human skin is carried on the body of the person screened. When the human reviewer identifies such an object, its location shall be communicated to the screener for further search. In this case, the human reviewer is to be considered as an integral part of the detection system.

A security scanner with automatic threat detection may consist of a detection system that automatically recognises metallic and non-metallic objects, distinct from the human skin carried on the body of the person screened. When the system identifies such an object, its location shall be indicated on a stick figure to the screener.

For the purpose of screening passengers, a security scanner shall meet the following standards:

- (a) security scanners shall detect and indicate by means of an alarm at least specified metallic and non-metallic items including explosives both individually and in combination;
- (b) detection shall be independent of the position and orientation of the item;
- (c) the system shall have a visual indicator to show that the equipment is in operation;
- (d) security scanners shall be positioned so as to ensure that their performance is not affected by sources of interference;
- (e) the correct functioning of security scanners shall be tested on a daily basis;
- (f) the security scanner shall be used in accordance with the concept of operations provided by the manufacturer.

Security scanners for the screening of passengers shall be deployed and used in compliance with Council Recommendation 1999/519/EC of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz) (*) and Directive 2004/40/EC of the European Parliament and of the Council of 29 April 2004 on the minimum health and safety requirements regarding the exposure of workers to the risks arising from physical agents (electromagnetic fields) (18th individual directive within the meaning of Article 16(1) of Directive 89/391/EEC (**).

12.11.2 Standards for security scanners

The performance requirements for security scanners are laid down in Attachment 12-K, which shall be classified as "CONFIDENTIEL UE" and be handled in accordance with Decision No 2001/844/EC, ECSC, Euratom.

Security scanners shall meet the standard defined in Attachment 12-K from the entry into force of this Regulation.

12.11.2.1 All security scanners shall meet standard 1.

Standard 1 shall expire on 1 January 2022.

12.11.2.2 Standard 2 shall apply to security scanners installed as of 1 January 2019.

(*) OJ L 199, 30.7.1999, p. 59.

(**) OJ L 159, 30.4.2004, p. 1.

(7) in Chapter 12, Attachment 12-K is added:

'ATTACHMENT 12-K

Detailed provisions for security performance requirements for security scanners are laid down in a separate Commission Decision.'

COMMISSION IMPLEMENTING REGULATION (EU) No 1148/2011**of 11 November 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 12 November 2011.

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

Done at Brussels, 11 November 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	61,2
	AR	40,4
	MA	77,7
	TR	78,3
	ZZ	64,4
0707 00 05	AL	64,0
	EG	161,4
	TR	139,7
	ZZ	121,7
0709 90 70	AR	61,1
	MA	74,1
	TR	108,3
	ZZ	81,2
0805 20 10	MA	69,1
	ZA	103,8
	ZZ	86,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	29,1
	IL	76,9
	MA	79,7
	TR	83,3
	UY	54,6
	ZZ	64,7
0805 50 10	TR	63,2
	ZA	52,3
	ZZ	57,8
0806 10 10	BR	241,7
	EC	65,7
	LB	271,1
	TR	145,0
	US	258,2
	ZA	77,5
0808 10 80	ZZ	176,5
	CL	90,0
	CN	67,2
	NZ	169,0
	US	143,8
	ZA	156,2
0808 20 50	ZZ	125,2
	CL	73,3
	CN	69,6
	TR	133,1
	ZA	73,2
	ZZ	87,3

⁽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'.

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