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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2011/863/EU:

- ★ **Council Decision of 16 December 2011 on the position to be taken by the European Union in the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the replacement of Annex II to that Agreement on the co-ordination of social security schemes** 1

REGULATIONS

- ★ **Council Regulation (EU) No 1359/2011 of 19 December 2011 amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products** 11
- ★ **Council Regulation (EU) No 1360/2011 of 20 December 2011 amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya** 18
- ★ **Commission Implementing Regulation (EU) No 1361/2011 of 19 December 2011 entering a name in the register of protected designations of origin and protected geographical indications [Terre Aurunche (PDO)]** 19

Price: EUR 4

(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 1362/2011 of 19 December 2011 entering a name in the register of protected designations of origin and protected geographical indications [Ptujski lük (PGI)]	21
★ Commission Implementing Regulation (EU) No 1363/2011 of 19 December 2011 entering a name in the register of protected designations of origin and protected geographical indications [Čiliegia dell'Etna (PDO)]	23
★ Commission Implementing Regulation (EU) No 1364/2011 of 19 December 2011 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Speck Alto Adige/Südtiroler Markenspeck/Südtiroler Speck (PGI)]	25
★ Commission Implementing Regulation (EU) No 1365/2011 of 19 December 2011 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Carne De Vacuno Del País Vasco/Euskal Okela (PGI)]	27
★ Commission Implementing Regulation (EU) No 1366/2011 of 19 December 2011 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Pataca de Galicia / Patata de Galicia (PGI)]	29
★ Commission Implementing Regulation (EU) No 1367/2011 of 19 December 2011 entering a name in the register of protected designations of origin and protected geographical indications [Figue de Solliès (PDO)]	31
★ Commission Implementing Regulation (EU) No 1368/2011 of 21 December 2011 amending Regulation (EC) No 1121/2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof, and Regulation (EC) No 1122/2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector	33
★ Commission Implementing Regulation (EU) No 1369/2011 of 21 December 2011 amending Regulation (EC) No 952/2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system	38
★ Commission Implementing Regulation (EU) No 1370/2011 of 21 December 2011 entering a name in the register of protected designations of origin and protected geographical indications [Горнооряховски суджук (Gornooryahovski sudzhuk) (PGI)]	39

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 16 December 2011

on the position to be taken by the European Union in the Joint Committee established under the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons as regards the replacement of Annex II to that Agreement on the co-ordination of social security schemes

(2011/863/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48, in conjunction with Article 218(9) thereof,

Having regard to Decision 2002/309/EC, Euratom of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation ⁽¹⁾, and in particular Article 2 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons ⁽²⁾ ("the Agreement") was signed on 21 June 1999 and entered into force on 1 June 2002.
- (2) Article 18 of the Agreement provides that the Joint Committee may, by decision, adopt amendments to the Agreement, including Annex II thereto on the co-ordination of social security schemes.
- (3) In order to preserve a coherent and correct application of the legal acts of the Union and to avoid administrative and possibly legal difficulties, Annex II to the Agreement needs to be amended to integrate new legal acts of the Union to which the Agreement does not currently refer.
- (4) In the interests of clarity and rationality, Annex II to the Agreement and the Protocol to that Annex should be codified.

- (5) The position of the Union in the Joint Committee should therefore be based on the draft Decision set out in Annex I to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the Union in the Joint Committee established by Article 14 of the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons shall be based on the draft Decision of the Joint Committee set out in Annex I to this Decision.

Article 2

The Declaration set out in Annex II to this Decision is hereby approved and shall be made on behalf of the Union in the Joint Committee when the latter adopts its Decision referred to in Article 1.

Article 3

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

Done at Brussels, 16 December 2011.

For the Council
The President
M. SAWICKI

⁽¹⁾ OJ L 114, 30.4.2002, p. 1.

⁽²⁾ OJ L 114, 30.4.2002, p. 6.

DRAFT

**DECISION No .../... OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT
BETWEEN THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, OF THE ONE PART,
AND THE SWISS CONFEDERATION, OF THE OTHER, ON THE FREE MOVEMENT OF PERSONS**

of ...

replacing Annex II to that Agreement on the co-ordination of social security schemes

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons ⁽¹⁾ ("the Agreement"), and in particular Article 18 thereof,

Whereas:

- (1) The Agreement was signed on 21 June 1999 and entered into force on 1 June 2002.
- (2) Annex II to the Agreement on the co-ordination of social security schemes was last amended by Decision No 1/2006 of 6 July 2006 ⁽²⁾ and should now be updated to take account of the new legal acts of the European Union that have entered into force since then, in particular Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾ and the measures adopted to implement that regulation.
- (3) Regulation (EC) No 883/2004 has replaced Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽⁴⁾.
- (4) In the interests of clarity and rationality, Annex II to the Agreement and the Protocol to that Annex should be consolidated in a legally binding version.

- (5) Annex II to the Agreement should be maintained in line with the evolution of the relevant legal acts of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons ("the Agreement") is replaced by the Annex to this Decision.

Article 2

This Decision is established in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic.

Article 3

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

Done at ...,

*For the Joint Committee**The Chairman**The Secretaries*

⁽¹⁾ OJ L 114, 30.4.2002, p. 6.

⁽²⁾ OJ L 270, 29.9.2006, p. 67.

⁽³⁾ OJ L 166, 30.4.2004, p. 1.

⁽⁴⁾ OJ L 149, 5.7.1971, p. 2.

ANNEX

‘ANNEX II

CO-ORDINATION OF SOCIAL SECURITY SCHEMES

Article 1

1. The contracting parties agree, with regard to the co-ordination of social security schemes, to apply among themselves the legal acts of the European Union to which reference is made in, and as amended by, section A of this Annex, or rules equivalent to such acts.

2. The term "Member State(s)" contained in the legal acts referred to in section A of this Annex shall be understood to include Switzerland in addition to the States covered by the relevant legal acts of the European Union.

Article 2

1. For the purposes of applying the provisions of this Annex, the contracting parties shall take into due account the legal acts of the European Union referred to in section B of this Annex.

2. For the purposes of applying the provisions of this Annex, the contracting parties shall take note of the legal acts of the European Union referred to in section C of this Annex.

Article 3

1. Special provisions concerning the transitory arrangements relating to unemployment insurance for nationals of certain Member States of the European Union holding a Swiss residence permit valid for less than one year, concerning the Swiss allowances for helpless persons and concerning benefits under the occupational benefit plans regarding old-age, survivors' and invalidity pensions are set out in the Protocol to this Annex.

2. The Protocol forms an integral part of this Annex.

SECTION A: LEGAL ACTS REFERRED TO

- (1) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽¹⁾, as amended by Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes ⁽²⁾

For the purposes of this Agreement, Regulation (EC) No 883/2004 shall be adapted as follows:

- (a) The following shall be added to Annex I, section I:

"Switzerland

Cantonal legislation concerning the advances of maintenance payments based on Articles 131 paragraph 2 and 293 paragraph 2 of the Federal Civil Act.";

- (b) The following shall be added to Annex I, section II:

"Switzerland

Birth grants and adoption grants pursuant to the relevant cantonal legislation based on Article 3 paragraph 2 of the Federal Family Allowances Act.";

- (c) The following shall be added to Annex II:

"Germany-Switzerland

- (a) Convention on social security of 25 February 1964, as amended by Complementary Conventions No 1 of 9 September 1975 and No 2 of 2 March 1989:

(i) point 9b, paragraph 1, Nos 1-4 of the Final Protocol (legislation applicable and entitlement to sickness benefits in kind for residents of the German exclave of Büsingen);

(ii) point 9e, paragraph 1(b), first, second and fourth sentences, of the Final Protocol (access to voluntary sickness insurance in Germany by relocation in Germany).

⁽¹⁾ OJ L 166, 30.4.2004, p. 1.

⁽²⁾ OJ L 284, 30.10.2009, p. 43.

(b) Convention on unemployment insurance of 20 October 1982, as amended by the Additional Protocol of 22 December 1992:

- (i) Article 8(5), Germany (district of Büsingen) shall contribute a sum equivalent to the cantonal contribution under Swiss law towards the cost of actual places on employment-promotion measures for workers subject to this provision.

Spain-Switzerland

Point 17 of the Final Protocol to the Convention on social security of 13 October 1969, as amended by the Complementary Convention of 11 June 1982; persons insured under the Spanish scheme by virtue of this provision are exempted from the requirement to join the Swiss sickness insurance scheme.

Italy-Switzerland

Article 9(1) of the Convention on social security of 14 December 1962, as amended by Complementary Convention No 1 of 18 December 1963, the Complementary Agreement of 4 July 1969, the Additional Protocol of 25 February 1974 and Complementary Agreement No 2 of 2 April 1980.";

(d) The following shall be added to Annex IV:

"Switzerland";

(e) The following shall be added to Annex VIII, part 1:

"Switzerland

All claims for old-age, survivors' and invalidity pensions under the basic scheme (Federal Law on old-age and survivors' insurance and Federal Law on invalidity insurance) and statutory old-age pensions under the statutory occupational benefit plans (Federal Law on occupational benefit plans for old-age, survivors' and invalidity insurance).";

(f) The following shall be added to Annex VIII, part 2:

"Switzerland

Old-age, survivors' and invalidity pensions under the statutory occupational benefit plans (Federal Law on occupational benefit plans for old-age, survivors' and invalidity insurance).";

(g) The following shall be added to Annex IX, part II:

"Switzerland

Survivors' and invalidity pensions under the statutory occupational benefit plans (Federal Law on occupational benefit plans for old-age, survivors' and invalidity insurance).";

(h) The following shall be added to Annex X:

"Switzerland

1. Supplementary benefits (Federal Supplementary Benefits Act of 19 March 1965) and similar benefits provided for under cantonal legislation.
2. Pensions in the case of hardship under invalidity insurance (Article 28 subparagraph 1a of the Federal Invalidity Insurance Act of 19 June 1959, as amended on 7 October 1994).
3. Non-contributory mixed benefits in the event of unemployment, as provided for under cantonal legislation.
4. Non-contributory extraordinary invalidity pensions for disabled persons (Article 39 of the Federal Invalidity Insurance Act of 19 June 1959) who have not been subject, before their incapacity for work, to the Swiss legislation on the basis of an activity as an employed or self-employed person.";

(i) The following shall be added to Annex XI:

"Switzerland

1. Article 2 of the Federal Old-Age and Survivors' Insurance Act and Article 1 of the Federal Invalidity Insurance Act, which govern voluntary insurance in these insurance branches for Swiss nationals resident in States not subject to this Agreement, shall be applicable to persons resident outside Switzerland who are nationals of the other States to which this Agreement applies, and to refugees and stateless persons resident in the territory of these States, where these persons join the voluntary insurance scheme not later than one year after the date on which they ceased to be covered by old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years.

2. Where a person ceases to be insured under Swiss old-age, survivors' and invalidity insurance after a continuous period of insurance of at least five years, he shall continue to be entitled to be insured with the agreement of the employer if he works in a State to which this Agreement does not apply for an employer in Switzerland and if he submits an application to this effect within six months of the date on which he ceases to be insured.
3. Compulsory insurance under Swiss sickness insurance and possible exemptions
 - (a) The Swiss legal provisions governing compulsory sickness insurance shall apply to the following persons not resident in Switzerland:
 - (i) persons subject to Swiss legal provisions under Title II of the Regulation;
 - (ii) persons for whom Switzerland shall bear the costs of benefits according to Articles 24, 25, 26 of the Regulation;
 - (iii) persons receiving Swiss unemployment insurance benefits;
 - (iv) family members of persons referred to in (i) and (iii) or of an employed or self-employed person resident in Switzerland who is insured under the Swiss sickness insurance scheme, unless these family members are resident in one of the following States: Denmark, Spain, Hungary, Portugal, Sweden or the United Kingdom;
 - (v) family members of persons referred to in (ii) or of a pensioner resident in Switzerland who is insured under the Swiss sickness insurance scheme, unless these family members are resident in one of the following States: Denmark, Portugal, Sweden or the United Kingdom.

As family members are considered those persons who are defined as family members according to the legislation of the state of residence.

- (b) Persons referred to in (a) may, on request, be exempted from compulsory insurance if and as long as they are resident in one of the following States and can prove that they are eligible for cover in the event of sickness: Germany, France, Italy, Austria, and, with regard to persons referred to in (a) (iv) and (v), Finland and, with regard to persons referred to in (a)(ii), Portugal.

This request

- (aa) must be submitted within three months of the date on which the obligation to take out insurance in Switzerland comes into effect; where, in justified cases, the request is submitted after this deadline, the exemption shall take effect as from the commencement of the insurance obligation;
 - (bb) shall apply to all family members residing in the same State.
4. Where a person subject to Swiss legal provisions under Title II of the Regulation is, in application of 3(b), subject for the purposes of sickness insurance to the legal provisions of another State covered by this Agreement, the costs of these benefits in kind for non-occupational accidents shall be shared equally between the Swiss insurer against occupational and non-occupational accidents and industrial diseases and the competent sickness insurance institution if an entitlement exists to benefits in kind from both bodies. The Swiss insurer against occupational and non-occupational accidents and industrial diseases shall meet all costs in the event of occupational accidents, accidents on the way to work or industrial diseases, even where there is an entitlement to benefits from a sickness insurance body in the country of residence.
5. Persons who are working, but not residing in Switzerland and who have statutory insurance cover in their State of residence in accordance with point 3(b), as well as their family members, shall benefit from the provisions of Article 19 of the Regulation during a stay in Switzerland.
6. For the purposes of applying Articles 18, 19, 20, 27 of the Regulation in Switzerland, the competent insurer shall bear all invoiced costs.
7. Periods of daily allowance insurance completed under the insurance scheme of another State to which this Agreement applies shall be taken into account for reducing or lifting a possible reserve in daily allowance insurance in the event of maternity or sickness where the person becomes insured with a Swiss insurer within three months of ceasing to be covered by insurance in another country.

8. Where a person who was gainfully employed or self-employed in Switzerland and covering his vital needs has had to cease his activity owing to an accident or illness and is no longer subject to Swiss legislation on invalidity insurance, he shall be considered to be covered by that insurance for the purpose of eligibility for rehabilitation measures until the payment of an invalidity pension and throughout the period during which he benefits from these measures, provided that he has not taken up a new activity outside Switzerland."
- (2) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽¹⁾

For the purposes of this Agreement, Regulation (EC) No 987/2009 shall be adapted as follows:

The following shall be added to Annex 1:

"Arrangement between Switzerland and France of 26 October 2004 fixing the special procedures for the reimbursement of health care benefits

Arrangement between Switzerland and Italy of 20 December 2005 fixing the special procedures for the reimbursement of health care benefits".

- (3) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community ⁽²⁾, as last amended by Regulation (EC) No 592/2008 of the European Parliament and of the Council of 17 June 2008 ⁽³⁾, as applicable between Switzerland and the Member States before the entry into force of this Decision, and when referred to in Regulations (EC) No 883/2004 or No 987/2009 or when cases are concerned which occurred in the past.
- (4) Council Regulation (EEC) No 574/72 of 21 March 1972 laying down the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to the members of their families moving within the Community ⁽⁴⁾, as last amended by Commission Regulation (EC) No 120/2009 of 9 February 2009 ⁽⁵⁾, as applicable between Switzerland and the Member States before the entry into force of this Decision, and when referred to in Regulations (EC) No 883/2004 or No 987/2009 or when cases are concerned which occurred in the past.
- (5) Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community ⁽⁶⁾.

SECTION B: LEGAL ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE DUE ACCOUNT

- (1) Decision of the Administrative Commission for the Coordination of Social Security Systems No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁷⁾.
- (2) Decision of the Administrative Commission for the Coordination of Social Security Systems No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State ⁽⁸⁾.
- (3) Decision of the Administrative Commission for the Coordination of Social Security Systems No A3 of 17 December 2009 concerning the aggregation of uninterrupted posting periods completed under the Council Regulation (EEC) No 1408/71 and Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁹⁾.
- (4) Decision of the Administrative Commission for the Coordination of Social Security Systems No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽¹⁰⁾.
- (5) Decision of the Administrative Commission for the Coordination of Social Security Systems No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits ⁽¹¹⁾.

⁽¹⁾ OJ L 284, 30.10.2009, p. 1.

⁽²⁾ OJ L 149, 5.7.1971, p. 2.

⁽³⁾ OJ L 177, 4.7.2008, p. 1.

⁽⁴⁾ OJ L 74, 27.3.1972, p. 1.

⁽⁵⁾ OJ L 39, 10.2.2009, p. 29.

⁽⁶⁾ OJ L 209, 25.7.1998, p. 46.

⁽⁷⁾ OJ C 106, 24.4.2010, p. 1.

⁽⁸⁾ OJ C 106, 24.4.2010, p. 5.

⁽⁹⁾ OJ C 149, 8.6.2010, p. 3.

⁽¹⁰⁾ OJ C 106, 24.4.2010, p. 9.

⁽¹¹⁾ OJ C 106, 24.4.2010, p. 11.

- (6) Decision of the Administrative Commission for the Coordination of Social Security Systems No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems ⁽¹⁾.
- (7) Decision of the Administrative Commission for the Coordination of Social Security Systems No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems ⁽²⁾.
- (8) Decision of the Administrative Commission for the Coordination of Social Security Systems No H 3 of 15 October 2009 concerning the date to be taken into consideration for determining the rates of conversion referred to in Article 90 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽³⁾.
- (9) Decision of the Administrative Commission for the Coordination of Social Security Systems No H 4 of 22 December 2009 concerning the composition and working methods of the Audit Board of the Administrative Commission for the Coordination of Social Security Systems ⁽⁴⁾.
- (10) Decision of the Administrative Commission for the Coordination of Social Security Systems No H 5 of 18 March 2010 concerning cooperation on combating fraud and error within the framework of Council Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 of the European Parliament and of the Council on the coordination of social security systems ⁽⁵⁾.
- (11) Decision of the Administrative Commission for the Coordination of Social Security Systems No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivors' benefits ⁽⁶⁾.
- (12) Decision of the Administrative Commission for the Coordination of Social Security Systems No S1 of 12 June 2009 concerning the European Health Insurance Card ⁽⁷⁾.
- (13) Decision of the Administrative Commission for the Coordination of Social Security Systems No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card ⁽⁸⁾.
- (14) Decision of the Administrative Commission for the Coordination of Social Security Systems No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A) (3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽⁹⁾.
- (15) Decision of the Administrative Commission for the Coordination of Social Security Systems No S4 of 2 October 2009 concerning refund procedures for the implementation of Articles 35 and 41 of Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽¹⁰⁾.
- (16) Decision of the Administrative Commission for the Coordination of Social Security Systems No S5 of 2 October 2009 on interpretation of the concept of 'benefits in kind' as defined in Article 1 (va) of Regulation (EC) No 883/2004 of the European Parliament and of the Council in the event of sickness or maternity pursuant to Articles 17, 19, 20, 22, 24 (1), 25, 26, 27 (1, 3, 4 and 5), 28, 34 and 36 (1 and 2) of Regulation (EC) No 883/2004 and on calculation of the amounts to be refunded under Articles 62, 63 and 64 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽¹¹⁾.
- (17) Decision of the Administrative Commission for the Coordination of Social Security Systems No S6 of 22 December 2009 concerning the registration in the Member State of residence under Article 24 of Regulation (EC) No 987/2009 and the compilation of the inventories provided for in Article 64 (4) of Regulation (EC) No 987/2009 ⁽¹²⁾.
- (18) Decision of the Administrative Commission for the Coordination of Social Security Systems No S7 of 22 December 2009 concerning the transition from Regulations (EEC) Nos 1408/71 and 574/72 to Regulations (EC) Nos 883/2004 and 987/2009 and the application of reimbursement procedures ⁽¹³⁾.
- (19) Decision of the Administrative Commission for the Coordination of Social Security Systems No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family ⁽¹⁴⁾.

⁽¹⁾ OJ C 106, 24.4.2010, p. 13.

⁽²⁾ OJ C 106, 24.4.2010, p. 17.

⁽³⁾ OJ C 106, 24.4.2010, p. 56.

⁽⁴⁾ OJ C 107, 27.4.2010, p. 3.

⁽⁵⁾ OJ C 149, 8.6.2010, p. 5.

⁽⁶⁾ OJ C 106, 24.4.2010, p. 21.

⁽⁷⁾ OJ C 106, 24.4.2010, p. 23.

⁽⁸⁾ OJ C 106, 24.4.2010, p. 26.

⁽⁹⁾ OJ C 106, 24.4.2010, p. 40.

⁽¹⁰⁾ OJ C 106, 24.4.2010, p. 52.

⁽¹¹⁾ OJ C 106, 24.4.2010, p. 54.

⁽¹²⁾ OJ C 107, 27.4.2010, p. 6.

⁽¹³⁾ OJ C 107, 27.4.2010, p. 8.

⁽¹⁴⁾ OJ C 106, 24.4.2010, p. 42.

- (20) Decision of the Administrative Commission for the Coordination of Social Security Systems No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment ⁽¹⁾.
- (21) Decision of the Administrative Commission for the Coordination of Social Security Systems No U3 of 12 June 2009 concerning the scope of the concept of 'partial unemployment' applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽²⁾.

SECTION C: LEGAL ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

- (1) Recommendation of the Administrative Commission for the Coordination of Social Security Systems No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence ⁽³⁾.
- (2) Recommendation of the Administrative Commission for the Coordination of Social Security Systems No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State ⁽⁴⁾.
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⁽¹⁾ OJ C 106, 24.4.2010, p. 43.

⁽²⁾ OJ C 106, 24.4.2010, p. 45.

⁽³⁾ OJ C 106, 24.4.2010, p. 49.

⁽⁴⁾ OJ C 106, 24.4.2010, p. 51.

PROTOCOL
to Annex II to the Agreement

I. Unemployment insurance

The following arrangements shall apply to workers who are nationals of the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Poland, the Republic of Slovenia and the Slovak Republic until 30 April 2011 and to workers who are nationals of the Republic of Bulgaria and Romania until 31 May 2016.

1. The following rules shall apply with respect to unemployment insurance for workers holding a residence permit with a period of validity of less than one year:
 - 1.1 Only workers who have paid contributions in Switzerland for the minimum period required under the Federal Unemployment Insurance and Insolvency Allowances Act (*loi fédérale sur l'assurance-chômage obligatoire et l'indemnité en cas d'insolvabilité* - LACI) ⁽¹⁾ and who also satisfy the other conditions of eligibility for unemployment benefit shall be entitled to such benefit provided by the unemployment insurance under the conditions laid down by law.
 - 1.2 A portion of the contributions levied for workers whose period of contribution is too short to give entitlement to unemployment benefit in Switzerland under 1.1 shall be refunded to their States of origin in accordance with the provisions of 1.3. in order to contribute towards the cost of benefits provided to these workers in the event of full unemployment; these workers shall then have no entitlement to benefit in the event of their being fully unemployed in Switzerland. They shall, however, be entitled to allowances for bad weather and in the event of the employer becoming insolvent. Benefits in the event of full unemployment shall be paid by the State of origin, provided that the workers concerned make themselves available for work. Periods of insurance completed in Switzerland shall be taken into account in the same way as if they had been completed in the State of origin.
 - 1.3 The portion of the contributions levied for workers referred to in 1.2 shall be refunded on an annual basis in accordance with the following provisions:
 - (a) The total contributions of these workers shall be calculated, by country, on the basis of the annual number of workers employed and the average annual contributions paid for each worker (employer's and employee's contributions).
 - (b) Of the amount calculated in this way, a portion thereof corresponding to the relative share represented by unemployment benefit as a percentage of all the allowances referred to in 1.2 shall be refunded to the workers' States of origin, and a portion shall be retained by Switzerland as a reserve for subsequent benefits. ⁽²⁾
 - (c) Switzerland shall, on an annual basis, provide a statement showing the contributions refunded. If the States of origin so request, it shall indicate the bases for the calculation and the sums refunded. The States of origin shall each year notify Switzerland of the number of recipients of unemployment benefit as referred to in 1.2.
2. If a Member State concerned by this arrangement encounters difficulties with the ending of the arrangements for refunding of contributions, or Switzerland encounters difficulties with the aggregation arrangements, the matter may be referred to the Joint Committee by any of the contracting parties.

II. Allowances for helpless persons

Allowances for helpless persons granted under the Swiss Federal Act of 19 June 1959 on invalidity insurance (LAI) and under the Federal Act of 20 December 1946 on old-age and survivors' pensions (LAVS) as amended on 8 October 1999 shall be provided exclusively if the person concerned resides in Switzerland.

⁽¹⁾ Currently 12 months.

⁽²⁾ Refunded contributions for workers who will exercise their right to unemployment benefit in Switzerland after having paid contributions for at least 12 months - over several periods of residence - within the space of two years.

III. Occupational benefit plans concerning old-age, survivors' and invalidity pensions

Notwithstanding Article 10 (2) of Council Regulation (EEC) No 1408/71, the vested benefit provided for under the Federal Act on free movement among occupational benefit plans concerning old-age, survivors' and invalidity pensions (*Loi fédérale sur le libre passage dans la prévoyance professionnelle vieillesse, survivants et invalidité*) of 17 December 1993 shall be paid out on request to an employed or self-employed person who intends to leave Switzerland for good and who, under Title II of the Regulation, will no longer be subject to Swiss law, provided that that person leaves Switzerland within five years of this Agreement entering into effect.'

ANNEX II

DECLARATION

on the Declaration on Swiss attendance of committees

The Administrative Commission on Social Security for Migrant Workers referred to in the second indent of the Declaration on Swiss attendance of committees (OJ L 114, 30.4.2002, p. 72) has been renamed as Administrative Commission for the Coordination of Social Security Systems by Article 71 of Regulation (EC) No 883/2004 of the European Parliament and of the Council.

REGULATIONS

COUNCIL REGULATION (EU) No 1359/2011

of 19 December 2011

amending Regulation (EU) No 7/2010 opening and providing for the management of autonomous tariff quotas of the Union for certain agricultural and industrial products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) In order to ensure sufficient and uninterrupted supplies of certain goods insufficiently produced in the Union and to avoid any disturbances on the market for certain agricultural and industrial products, autonomous tariff quotas have been opened by Council Regulation (EU) No 7/2010⁽¹⁾. Products within those tariff quotas can be imported at reduced or zero duty rates. For the same reasons it is necessary to open, with effect from 1 January 2012, new tariff quotas at a zero duty rate for an appropriate volume for the products with order numbers 09.2928 and 09.2929, by inserting those products in the list in the Annex to Regulation (EU) No 7/2010.

(2) The quota volumes for autonomous tariff quotas with order numbers 09.2624 and 09.2640 are insufficient to meet the needs of the industry of the Union for the current quota period ending on 31 December 2011. Consequently, those quota volumes should be increased with effect from 1 July 2011.

(3) The quota volumes for autonomous tariff quotas with order numbers 09.2603, 09.2629, 09.2632, 09.2816 and 09.2977 should be replaced by the volumes set out in the Annex to this Regulation.

(4) It is no longer in the interest of the Union to continue to grant tariff quotas in 2012 for the products with order numbers 09.2815, 09.2841 and 09.2992, for which

such quotas were established for 2011. Those quotas should therefore be closed with effect from 1 January 2012 and the corresponding products should be deleted from the list in the Annex to Regulation (EU) No 7/2010.

(5) In view of the many changes to be made, the Annex to Regulation (EU) No 7/2010 should be replaced in its entirety in the interest of clarity.

(6) Regulation (EU) No 7/2010 should therefore be amended accordingly.

(7) Since the tariff quotas have to take effect from 1 January 2012, this Regulation should apply from the same date and enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EU) No 7/2010 is replaced by the text set out in the Annex to this Regulation.

Article 2

With effect from 1 July 2011, in the Annex to Regulation (EU) No 7/2010:

— the quota volume for the autonomous tariff quota with order number 09.2624 is fixed at 950 tonnes,

— the quota volume for the autonomous tariff quota with order number 09.2640 is fixed at 11 000 tonnes.

Article 3

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

⁽¹⁾ OJ L 3, 7.1.2010, p. 1.

It shall apply from 1 January 2012, except for Article 2 which shall apply from 1 July 2011.

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

Done at Brussels, 19 December 2011.

For the Council
The President
M. KOROLEC

ANNEX

'ANNEX

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2849	ex 0710 80 69	10	Mushrooms of the species <i>Auricularia polytricha</i> (uncooked or cooked by steaming or boiling), frozen, for the manufacture of prepared meals ⁽¹⁾ ⁽²⁾	1.1.-31.12.	700 tonnes	0 %
09.2913	ex 2401 10 35 ex 2401 10 70 ex 2401 10 95 ex 2401 10 95 ex 2401 10 95 ex 2401 20 35 ex 2401 20 70 ex 2401 20 95 ex 2401 20 95 ex 2401 20 95	91 10 11 21 91 91 10 11 21 91	Natural unmanufactured tobacco, whether or not cut in regular size, having a custom value of not less than Euro 450 per 100 kg net weight, for use as binder or wrapper for the manufacture of goods falling within subheading 2402 10 00 ⁽¹⁾	1.1.-31.12.	6 000 tonnes	0 %
09.2928	ex 2811 22 00	40	Silica filler in the form of granules, with a purity by weight of 97 % or more of silicon dioxide	1.1.-31.12.	1 700 tonnes	0 %
09.2703	ex 2825 30 00	10	Vanadium oxides and hydroxides exclusively for use in alloys ⁽¹⁾	1.1.-31.12.	13 000 tonnes	0 %
09.2806	ex 2825 90 40	30	Tungsten trioxide, including blue tungsten oxide (CAS RN 1314-35-8 + 39318-18-8)	1.1.-31.12.	12 000 tonnes	0 %
09.2929	2903 22 00		Trichloroethylene (CAS RN 79-01-6)	1.1.-31.12.	7 000 tonnes	0 %
09.2837	ex 2903 79 90	10	Bromochloromethane (CAS RN 74-97-5)	1.1.-31.12.	600 tonnes	0 %
09.2933	ex 2903 99 90	30	1,3-Dichlorobenzene (CAS RN 541-73-1)	1.1.-31.12.	2 600 tonnes	0 %
09.2950	ex 2905 59 98	10	2-Chloroethanol, for the manufacture of liquid thioplasts of subheading 4002 99 90, (CAS RN 107-07-3) ⁽¹⁾	1.1.-31.12.	15 000 tonnes	0 %
09.2851	ex 2907 12 00	10	O-Cresol having a purity of not less than 98,5 % by weight (CAS RN 95-48-7)	1.1.-31.12.	20 000 tonnes	0 %
09.2767	ex 2910 90 00	80	Allyl glycidyl ether (CAS RN 106-92-3)	1.1.-31.12.	4 300 tonnes	0 %
09.2624	2912 42 00		Ethylvanillin (3-ethoxy-4-hydroxy-benzaldehyde), (CAS RN 121-32-4)	1.1.-31.12.	950 tonnes	0 %
09.2638	ex 2915 21 00	10	Acetic acid of a purity by weight of 99 % or more (CAS RN 000064-19-7)	1.1.-31.12.	500 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2972	2915 24 00		Acetic anhydride (CAS RN 108-24-7)	1.1.-31.12.	20 000 tonnes	0 %
09.2769	ex 2917 13 90	10	Dimethyl sebacate (CAS RN 106-79-6)	1.1.-31.12.	1 300 tonnes	0 %
09.2634	ex 2917 19 90	40	Dodecanedioic acid, of a purity by weight of more than 98,5 % (CAS RN 000693-23-2)	1.1.-31.12.	4 600 tonnes	0 %
09.2808	ex 2918 22 00	10	o-Acetylsalicylic acid (CAS RN 50-78-2)	1.1.-31.12.	120 tonnes	0 %
09.2975	ex 2918 30 00	10	Benzophenone-3,3',4,4'-tetracarboxylic dianhydride (CAS RN 2421-28-5)	1.1.-31.12.	1 000 tonnes	0 %
09.2632	ex 2921 22 00	10	Hexamethylenediamine (CAS RN 124-09-4)	1.1.-31.12.	40 000 tonnes	0 %
09.2602	ex 2921 51 19	10	o-Phenylenediamine (CAS RN 95-54-5)	1.1.-31.12.	1 800 tonnes	0 %
09.2977	2926 10 00		Acrylonitrile (CAS RN 107-13-1)	1.1.-31.12.	75 000 tonnes	0 %
09.2917	ex 2930 90 13	90	Cystine (CAS RN 56-89-3)	1.1.-31.12.	600 tonnes	0 %
09.2603	ex 2930 90 99	79	Bis(3-triethoxysilylpropyl)tetra-sulphide (CAS RN 40372-72-3)	1.1.-31.12.	12 000 tonnes	0 %
09.2810	2932 11 00		Tetrahydrofuran (CAS RN 109-99-9)	1.1.-31.12.	20 000 tonnes	0 %
09.2955	ex 2932 19 00	60	Flutramone (ISO) (CAS RN 96525-23-4)	1.1.-31.12.	300 tonnes	0 %
09.2812	ex 2932 20 90	77	Hexan-6-olide (CAS RN 502-44-3)	1.1.-31.12.	4 000 tonnes	0 %
09.2615	ex 2934 99 90	70	Ribonucleic acid (CAS RN 63231-63-0)	1.1.-31.12.	110 tonnes	0 %
09.2945	ex 2940 00 00	20	D-Xylose (CAS RN 58-86-6)	1.1.-31.12.	400 tonnes	0 %
09.2908	ex 3804 00 00	10	Sodium lignosulphonate	1.1.-31.12.	40 000 tonnes	0 %
09.2889	3805 10 90		Sulphate turpentine	1.1.-31.12.	20 000 tonnes	0 %
09.2935	ex 3806 10 00	10	Rosin and resin acids obtained from fresh oleoresins	1.1.-31.12.	280 000 tonnes	0 %
09.2814	ex 3815 90 90	76	Catalyst consisting of titanium dioxide and tungsten trioxide	1.1.-31.12.	2 200 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2829	ex 3824 90 97	19	Solid extract of the residual, insoluble in aliphatic solvents, obtained during the extraction of rosin from wood, having the following characteristics: — a resin acid content not exceeding 30 % by weight, — an acid number not exceeding 110, and — a melting point of 100 °C or more,	1.1.-31.12.	1 600 tonnes	0 %
09.2986	ex 3824 90 97	76	Mixture of tertiary amines containing: — 60 % by weight of dodecyldimethylamine, or more, — 20 % by weight of dimethyl(tetradecyl)amine, or more, — 0,5 % by weight of hexadecyldimethylamine, or more, for use in the production of amine oxides ⁽¹⁾	1.1.-31.12.	14 315 tonnes	0 %
09.2907	ex 3824 90 97	86	Mixture of phytosterols, in the form of powder, containing by weight: — 75 % or more of sterols, — not more than 25 % of stanols, for use in the manufacture of stanols/sterols or stanol/sterol esters ⁽¹⁾	1.1.-31.12.	2 500 tonnes	0 %
09.2140	ex 3824 90 97	98	Mixture of tertiary amines containing by weight: — 2,0-4,0 % of N,N-dimethyl-1-octanamine, — 94 % minimum of N,N-dimethyl-1-decanamine, — 2 % maximum of N,N-dimethyl-1-dodecanamine,	1.1.-31.12.	4 500 tonnes	0 %
09.2639	3905 30 00		Poly(vinyl alcohol), whether or not containing unhydrolysed acetate groups	1.1.-31.12.	18 000 tonnes	0 %
09.2640	ex 3905 99 90	91	Polyvinyl butyral	1.1.-31.12.	11 000 tonnes	0 %
09.2616	ex 3910 00 00	30	Polydimethylsiloxane with a degree of polymerisation of 2 800 monomer units (± 100)	1.1.-31.12.	1 300 tonnes	0 %
09.2816	ex 3912 11 00	20	Cellulose acetate flakes	1.1.-31.12.	75 000 tonnes	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2641	ex 3913 90 00	87	Sodium hyaluronate, non sterile, with: — a weight average molecular weight (Mw) of not more than 900 000, — an endotoxin level of not more than 0,008 Endotoxin units (EU)/mg, — an ethanol content of not more than 1 % by weight, — an isopropanol content of not more than 0,5 % by weight,	1.1.-31.12.	200 kg	0 %
09.2813	ex 3920 91 00	94	Co-extruded trilayer poly(vinyl butyral) film without a graduated colour band containing by weight 29 % or more but not more than 31 % of 2,2'-ethylenedioxydiethyl bis(2-ethylhexanoate) as a plasticiser	1.1.-31.12.	3 000 000 m ²	0 %
09.2818	ex 6902 90 00	10	Refractory bricks with — an edge length of more than 300 mm and, — a TiO ₂ content of not more than 1 % by weight and, — a Al ₂ O ₃ content of not more than 0,4 % by weight and, — a change in volume of less than 9 % at 1 700 °C,	1.1.-31.12.	75 tonnes	0 %
09.2628	ex 7019 52 00	10	Glass web woven from glass fibre coated in plastic, of a weight of 120 g/m ² (± 10 g/m ²), of a type used in rolling insect screens with fixed frames	1.1.-31.12.	1 900 000 m ²	0 %
09.2799	ex 7202 49 90	10	Ferro-chromium containing 1,5 % or more but not more than 4 % by weight of carbon and not more than 70 % of chromium	1.1.-31.12.	50 000 tonnes	0 %
09.2629	ex 7616 99 90	85	Aluminium telescopic handle for use in the manufacture of luggage ⁽¹⁾	1.1.-31.12.	800 000 units	0 %
09.2636	ex 8411 82 80	20	64 MW industrial aero-derivative gas turbine engines for incorporation into industrial power generation sets for peaking/mid-merit duty operating less than 5 500 hours per year and with a simple-cycle efficiency of greater than 40 %	1.1.-31.12.	10 units	0 %

Order number	CN code	TARIC	Description	Quota period	Quota volume	Quota duty (%)
09.2763	ex 8501 40 80	30	Electric AC commutator motor, single-phase, with an output of more than 750 W, an input power of more than 1 600 W but not more than 2 700 W, an external diameter of more than 120 mm ($\pm 0,2$ mm) but not more than 135 mm ($\pm 0,2$ mm), a rated speed of more than 30 000 rpm but not more than 50 000 rpm, equipped with air-inducting ventilator, for use in the manufacture of vacuum cleaners ⁽¹⁾	1.1.-31.12.	2 000 000 units	0 %
09.2642	ex 8501 40 80	40	Assembly, consisting of — a single-phase electric AC commutator motor, with an output of 480 W or more, but not more than 1 400 W, an input power of more than 900 W but not more than 1 600 W, an external diameter of more than 119,8 mm but not more than 135,2 mm and a rated speed of more than 30 000 rpm but not more than 50 000 rpm, and — an air-inducting ventilator, for use in the manufacture of vacuum cleaners ⁽¹⁾	1.1.-31.12.	120 000 units	0 %
09.2633	ex 8504 40 82	20	Electric adapter, with a capacity of not more than 1 kVA, for use in the manufacture of hair removal apparatus ⁽¹⁾	1.1.-31.12.	4 500 000 units	0 %
09.2643	ex 8504 40 82	30	Power supply boards for use in the manufacture of goods falling under heading 8521 and 8528 ⁽¹⁾	1.1.-31.12.	1 038 000 units	0 %
09.2620	ex 8526 91 20	20	Assembly for GPS system having a position determination function	1.1.-31.12.	3 000 000 units	0 %
09.2003	ex 8543 70 90	63	Voltage controlled frequency generator, consisting of active and passive elements mounted on a printed circuit, contained in a housing with dimensions of not more than 30 × 30 mm	1.1.-31.12.	1 400 000 units	0 %
09.2635	ex 9001 10 90	20	Optical fibres for the manufacture of glass fibre cables under heading 8544 ⁽¹⁾	1.1.-31.12.	3 300 000 km	0 %
09.2631	ex 9001 90 00	80	Unmounted glass lenses, prisms and cemented elements for use in the manufacture of goods of CN codes 9002, 9005, 9013 10 and 9015 ⁽¹⁾	1.1.-31.12.	5 000 000 units	0 %

⁽¹⁾ Reduction of customs duty shall be subject to Articles 291 to 300 of Commission Regulation (EEC) No 2454/93 (OJ L 253, 11.10.1993, p. 1).

⁽²⁾ However, no reduced customs duty rate shall apply where processing is carried out by retail or catering undertakings.

COUNCIL REGULATION (EU) No 1360/2011**of 20 December 2011****amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2011/867/CFSP of 20 December 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya ⁽¹⁾,

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

- (1) On 2 March 2011, and further to Council Decision 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya ⁽²⁾, the Council adopted Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya ⁽³⁾. Regulation (EU) No 204/2011 provides in particular for the freezing of funds and economic resources of the Central Bank of Libya as well as those of the Libyan Arab Foreign Bank.
- (2) In light of UNSCR 2009 (2011), and further to Decision 2011/625/CFSP of 22 September 2011 amending Decision 2011/137/CFSP ⁽⁴⁾, Regulation (EU) No 965/2011 provides in particular for adjustments to the assets freeze of certain Libyan entities in order to support Libya's economic recovery.
- (3) On 16 December 2011, the Security Council Committee established pursuant to UNSCR 1970 (2011) decided that the measures concerning the Central Bank of Libya

and Libyan Arab Foreign Bank should be terminated. In line with Decision 2011/867/CFSP, Regulation (EU) No 204/2011 should therefore be amended.

- (4) These measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, in particular with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Article 5(4) of Regulation (EU) No 204/2011 is hereby replaced by the following:

‘4. All funds and economic resources belonging to, or owned, held or controlled by the following on 16 September 2011:

- (a) Libyan Investment Authority; and
- (b) Libyan Africa Investment Portfolio,

and located outside Libya on that date shall remain frozen.’.

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, 20 December 2011.

For the Council
The President
M. DOWGIELEWICZ

⁽¹⁾ See page 56 of this Official Journal.

⁽²⁾ OJ L 58, 3.3.2011, p. 53.

⁽³⁾ OJ L 58, 3.3.2011, p. 1.

⁽⁴⁾ OJ L 246, 23.9.2011, p. 30.

COMMISSION IMPLEMENTING REGULATION (EU) No 1361/2011**of 19 December 2011****entering a name in the register of protected designations of origin and protected geographical indications [Terre Aurunche (PDO)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Terre Aurunche' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 108, 7.4.2011, p. 14.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.5. Oils and fats (butter, margarine, oils, etc.)

ITALY

Terre Aurunche (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 1362/2011**of 19 December 2011****entering a name in the register of protected designations of origin and protected geographical indications [Ptujski luk (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Slovenia's application to register the name 'Ptujski luk' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 108, 7.4.2011, p. 23.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals fresh or processed

SLOVENIA

Ptujski luk (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1363/2011**of 19 December 2011****entering a name in the register of protected designations of origin and protected geographical indications [Ciliegia dell'Etna (PDO)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Italy's application to register the name 'Ciliegia dell'Etna' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

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

Dacian CIOLOȘ
Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 109, 8.4.2011, p. 2.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals fresh or processed

ITALY

Ciliegia dell'Etna (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 1364/2011**of 19 December 2011****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Speck Alto Adige/Südtiroler Markenspeck/Südtiroler Speck (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification for the protected geographical indication 'Speck Alto Adige'/'Südtiroler Markenspeck'/'Südtiroler Speck', registered under Commission Regulation (EC) No 1107/96 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment

application in the *Official Journal of the European Union* ⁽³⁾, as required by the first subparagraph of Article 6(2) of that Regulation. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 148, 21.6.1996, p. 1.

⁽³⁾ OJ C 119, 16.4.2011, p. 19.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.2. Meat products (cooked, salted, smoked, etc.)

ITALY

Speck Alto Adige/Südtiroler Markenspeck/Südtiroler Speck (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1365/2011**of 19 December 2011****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Carne De Vacuno Del País Vasco/Euskal Okela (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Spain's application for the approval of amendments to the specification for the protected designation of origin 'Carne De Vacuno Del País Vasco / Euskal Okela' registered under Commission Regulation (EC) No 2400/96 ⁽²⁾, as amended by Commission Regulation (EC) No 1483/2004 ⁽³⁾.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union*, as required by the first subparagraph of Article 6(2) of that Regulation ⁽⁴⁾. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 327, 18.12.1996, p. 11.

⁽³⁾ OJ L 273, 21.8.2004, p. 3.

⁽⁴⁾ OJ C 96, 29.3.2001, p. 13.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.1. Fresh meat (and offal)

SPAIN

Carne De Vacuno Del País Vasco/Euskal Okela (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1366/2011**of 19 December 2011****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Patata de Galicia / Patata de Galicia (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Spain's application for the approval of amendments to the specification for the protected geographical indication 'Patata de Galicia / Patata de Galicia' registered under Commission Regulation (EC) No 148/2007 ⁽²⁾.

- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union*, as required by the first subparagraph of Article 6(2) of that Regulation ⁽³⁾. As no statement of objection within the meaning of Article 7 of Regulation (EC) No 510/2006 has been sent to the Commission, the amendments should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name contained in the Annex to this Regulation are hereby approved.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOŞ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 46, 16.2.2007, p. 14.

⁽³⁾ OJ C 108, 7.4.2011, p. 19.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

SPAIN

Pataca de Galicia/Patata de Galicia (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1367/2011**of 19 December 2011****entering a name in the register of protected designations of origin and protected geographical indications [Figue de Solliès (PDO)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, France's application to register the name 'Figue de Solliès' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 19 December 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 119, 16.4.2011, p. 15.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.6. Fruit, vegetables and cereals, fresh or processed

FRANCE

Figue de Solliès (PDO)

COMMISSION IMPLEMENTING REGULATION (EU) No 1368/2011

of 21 December 2011

amending Regulation (EC) No 1121/2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof, and Regulation (EC) No 1122/2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular points (c), (l), and (n) of Article 142,

Whereas:

- (1) On the basis of the experience gained and in particular the improvements made in the supporting systems used by the national administrations when implementing Commission Regulation (EC) No 1121/2009 ⁽²⁾ and Commission Regulation (EC) No 1122/2009 ⁽³⁾ it is appropriate to improve and simplify these two Regulations as regards the administration of direct payments and the related controls.
- (2) In accordance with the second subparagraph of Article 16(3) of Regulation (EC) No 1122/2009, Member States may use information available in the computerised database of the identification and registration system of bovine animals for an aid application for bovine animals. It is appropriate to introduce a clarification on the start of the retention period applicable pursuant to Article 61 of Regulation (EC) No 1121/2009 where Member States have made use of this possibility. In addition, these Member States should, for the sake of simplification, be enabled to replace the submission of an application provided for in Article 62 of that Regulation by the submission of a statement of participation. Regulation (EC) No 1121/2009 should therefore be amended accordingly.
- (3) Certain definitions set out in Regulation (EC) No 1122/2009 should be updated. Furthermore, the separate soft fruit payment provided for in Article 129 of Regulation (EC) No 73/2009 will be introduced as from 2012. Hence, the definition of area-related aid schemes should be amended accordingly and provision should be made for an appropriate application procedure.
- (4) According to Article 11(2) of Regulation (EC) No 1122/2009, Member States have to determine a latest date for submitting the single application. After submission of the single application, farmers have the possibility to amend their application within the deadlines set in Article 14(2) of Regulation (EC) No 1122/2009. Administrative controls and on-the-spot checks depend on the receipt of final applications by Member States. Member States choosing to set the latest date for the submission of applications at an earlier date than the latest dates established in Article 11(2) of Regulation (EC) No 1122/2009 should also be able to start and finalise controls earlier. These Member States should therefore be allowed to establish a latest date for the amendments to the single application at an earlier date than the latest date established in Article 14(2). However, to give farmers sufficient time to notify possible changes, that date should not be earlier than 15 days after the latest date fixed by Member States for the submission of the single application.
- (5) Due to the introduction of area-related support decoupled from production, the on-the-spot checks are in many cases limited to the verification of the size and the eligibility status of the area concerned. Those checks are to a large extent performed by remote sensing. In parallel, Member States regularly update their identification system for agricultural parcels. The methodology used for such updates may be similar to the performance of on-the-spot checks by means of remote sensing. Therefore, in a spirit of simplification and with a view to reducing administrative costs, it is appropriate to allow Member States performing a systematic update of the identification systems for agricultural parcels to use the results thereof as a replacement of part of the traditional on-the-spot checks. To avoid creating any additional risk for irregular payments, criteria to be fulfilled by management and control systems in the Member States opting for this possibility should be defined. Those criteria should in particular address the intervals and the coverage of the update, any particulars on the ortho-images used, the required quality of the identification system for agricultural parcels and the maximum yearly error rate.
- (6) The requirement for bovine animals in a farm to comply with Regulation (EC) No 1760/2000 of the European Parliament and the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 316, 2.12.2009, p. 27.

⁽³⁾ OJ L 316, 2.12.2009, p. 65.

820/97⁽¹⁾ is controlled via the on-the-spot checks performed under cross compliance. Currently, there is also an obligation to check animals for which no aid is claimed in the context of eligibility controls of direct payments. This additional control is applied only in those Member States that have chosen to maintain any coupled direct payments for bovine animals. However, in order to have an equal control burden in all Member States and to simplify the on-the-spot checks for the farmers and the national authorities, it is appropriate to abolish the check of animals for which no aid is claimed in the context of eligibility controls unless Member States make use of the possibility provided for in the second subparagraph of Article 16(3) of Regulation (EC) No 1122/2009.

- (7) According to Article 16(1) of Regulation (EC) No 1122/2009, where an animal is moved to another location during the retention period, the farmer has to inform the competent authority. To avoid the risk of disproportionate reductions of the payment, rules on animals determined as eligible for payment should be established for the cases where the notification of movements of animals has been omitted but where the relevant animals can be immediately identified within the holding of the farmer concerned during the on-the-spot check.
- (8) Rules on the identification and registration system of animals should in particular ensure traceability of animals. A loss of both ear-tags of a bovine animal as well as the loss of any ear-tag of an ovine or caprine animal would render the animal ineligible for payments and also leads to reductions under Articles 65 and 66 of Regulation (EC) No 1122/2009. However, there are situations where those animals could be identified by other means and where traceability of the relevant animals is thus ensured.
- (9) According to Article 63(4)(a) of Regulation (EC) No 1122/2009, when a bovine animal declared for payment has lost one of the two ear tags and can be clearly and individually identified by other means of the identification and registration system for bovine animals, that animal is still included in the number of animals determined and thus eligible for payment. Moreover, the system for identification and registration of bovine animals is in general well established. Therefore, where one bovine animal has lost both ear tags and its identity can be established without any doubt it should also be included in the number of animals determined and thus eligible for payment. This should however only apply if the farmer has taken measures to remedy the situation before the announcement of the on-the-spot check and, in order to avoid any risk of irregular payments, the application of this rule should be limited to one single animal.
- (10) A new improved system for identification of ovine and caprine animals under Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC)

No 1782/2003 and Directives 92/102/EEC and 64/432/EEC⁽²⁾ has been implemented and it is therefore appropriate to introduce a similar provision for ovine and caprine animals declared for payment.

- (11) Member States making use of the possibility provided for in the second subparagraph of Article 16(3) of Regulation (EC) No 1122/2009 should be allowed to provide that the notifications to the computerised database for identification and registration of bovine animals replace the notification from that farmer in case of a replacement of an animal during the retention period. This possibility should be made available to all Member States.
- (12) Furthermore, certain provisions of Regulation (EC) No 1122/2009 have become obsolete and should be deleted.
- (13) Regulation (EC) No 1122/2009 should therefore be amended accordingly.
- (14) The Management Committee for the Common Organisation of Agricultural Markets and the Management Committee for Direct Payments have not delivered an opinion within the time limit set by their chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1121/2009 is amended as follows:

- (1) in Article 61, the following paragraph is added:

‘However, where a Member State makes use of the possibility provided for in the second subparagraph of Article 16(3) of Regulation (EC) No 1122/2009, it shall fix the date when the period referred to in the first paragraph of this Article starts.’;

- (2) in Article 62, the following paragraph 3 is added:

‘3. Where a Member State makes use of the possibility provided for in the second subparagraph of Article 16(3) of Regulation (EC) No 1122/2009, the application for the suckler cow premium may take the form of a statement of participation which shall also fulfil the requirements laid down in points (a) and (b) of the first subparagraph of paragraph 1 of this Article. The Member State may decide that a statement of participation submitted for a given year is valid for one or more subsequent years where the information provided in the statement of participation remains accurate.’.

Article 2

Regulation (EC) No 1122/2009 is amended as follows:

- (1) Article 2 is amended as follows:

(a) point (12) is replaced by the following:

⁽¹⁾ OJ L 204, 11.8.2000, p. 1

⁽²⁾ OJ L 5, 9.1.2004, p. 8.

‘(12) “area-related aid schemes” means the single payment scheme, area-related payments under specific support and all aid schemes established under Titles IV and V of Regulation (EC) No 73/2009, except those established under Sections 7, 10, and 11 of that Title IV, except the separate sugar payment established in Article 126 of that Regulation, except the separate fruit and vegetable payment established in Article 127 of that Regulation and except the separate soft fruit payment established in Article 129 of that Regulation.’;

(b) point (21) is replaced by the following:

‘(21) “retention period” means the period during which an animal for which aid has been claimed has to be kept on the holding, as provided for in Article 35(3) and Article 61 of Commission Regulation (EC) No 1121/2009 (*)

(*) OJ L 316, 2.12.2009, p. 27.’;

(2) Article 13 is amended as follows:

(a) paragraphs 2, 3 and 4 are deleted;

(b) in paragraph 6, the first subparagraph is replaced by the following:

‘6. In the case of an application for transitional fruit and vegetables payments provided for in Section 8 of Chapter 1 of Title IV of Regulation (EC) No 73/2009 the single application shall contain a copy of the contract for processing or the commitment to supply provided for in Article 32 of Regulation (EC) No 1121/2009.’;

(c) in paragraph 8, the first subparagraph is replaced by the following:

‘8. Uses of area referred to in Articles 6(2) of Regulation (EC) No 73/2009 and those listed in Annex VI to that Regulation or areas declared for the specific support provided for in Article 68 of Regulation (EC) No 73/2009, where those areas do not have to be declared in accordance with this Article, shall be declared under a separate heading in the single application form.’;

(3) in Article 14, paragraph 2, the following subparagraph is added:

‘By way of derogation from the first subparagraph Member States may fix an earlier latest date for the notification of amendments. That date shall however not be earlier than 15 calendar days after the latest date for submitting the single application fixed in accordance with Article 11(2).’;

(4) in Part II, Title II, the title of Chapter IV is replaced by the following:

‘Aid for sugar beet and cane producers, separate sugar payment, separate fruit and vegetables payment and separate soft fruit payment’;

(5) Article 17 is amended as follows:

(a) the title is replaced by the following:

‘Requirements pertaining to applications for the aid for sugar beet and cane producers, the separate sugar payment, the separate fruit and vegetables payment and the separate soft fruit payment’;

(b) in paragraph 1, the introductory phrase is replaced by the following:

‘1. Farmers applying for the aid for sugar beet and cane producers provided for in Section 7 of Chapter 1 of Title IV of Regulation (EC) No 73/2009, for the separate sugar payment provided for in Article 126 of that Regulation, for the separate fruit and vegetables payment provided for in Article 127 or for the separate soft fruit payment provided for in Article 129 of that Regulation shall submit an aid application containing all information necessary to establish eligibility for the aid, and in particular:’;

(6) in Article 28(1), point (f) is deleted;

(7) a new Article 31a is inserted:

‘Article 31a

Combined on-the-spot checks

1. By way of derogation from Article 31 and under the conditions set out in this Article, Member States may, as regards the single payment scheme and the single area payment scheme as referred to in Title III and Title V, Chapter 2 of Regulation (EC) No 73/2009, decide to replace the checks of the control sample to be established based on a risk analysis referred to in first subparagraph of Article 31(1) of this Regulation by checks based on the ortho images used for the update of the identification system for agricultural parcels referred to in Article 6.

The decision referred to in the first subparagraph may be taken at national level or regional level. A region shall be comprised of the whole area covered by one or more autonomous identification systems for agricultural parcels.

Member States shall systematically update the identification system for agricultural parcels and check all farmers in the entire area covered by it within a period of maximum three years, covering per year at least 25 % of the eligible hectares recorded in the identification system for agricultural parcels. However, a Member State with less than 150 000 eligible hectares recorded in the identification system for agricultural parcels may derogate from the requirement of a minimum coverage per year.

Before applying this Article, Member States shall have made a complete update of the identification system for agricultural parcels concerned within the previous three years.

The ortho images used for the update shall not be older than 15 months at the date of their use for the purpose of the update of the identification system for agricultural parcels as referred to in the first subparagraph.

2. The quality of the identification system for agricultural parcels as assessed in accordance with Article 6(2) during the two years preceding the application of this Article, shall be sufficient to ensure effective verification of the conditions under which aids are granted.

3. The rate of errors found in the random sample checked on-the-spot shall not exceed 2 % in the two years preceding the application of this Article. Moreover, the rate of errors shall not exceed 2 % during two consecutive years when applying this Article.

The rate of errors shall be certified by the Member State in accordance with the methodology drawn up at Union level.

4. Article 35(1) shall apply to the checks carried out in accordance with paragraphs 1, 2, and 3.;

(8) in Article 33, first paragraph, the first sentence is replaced by the following:

'On-the-spot checks shall cover all the agricultural parcels for which aid is requested under aid schemes listed in Annex I to Regulation (EC) No 73/2009.;

(9) Article 37 is deleted;

(10) Article 41 is replaced by the following:

'Article 41

Timing of on-the-spot checks

1. At least 60 % of the minimum rate of on-the-spot checks provided for in the second subparagraph of Article 30(2)(b) shall be spread throughout the entire retention period of the aid scheme concerned. The remaining percentage of on-the-spot checks shall be spread over the year.

However, where the retention period starts before an aid application has been lodged or where it cannot be fixed in advance, on-the-spot checks provided for in the second subparagraph of Article 30(2)(b) shall be spread over the year.

2. At least 50 % of the minimum rate of on-the-spot checks provided for in Article 30(2)(c) shall be spread throughout the entire retention period. However, the total minimum rate of on-the-spot checks shall be fully conducted and spread throughout the retention period in Member States where the system established by Regulation (EC) No 21/2004 as concerns ovines and caprines, in particular in relation to the identification of animals and the proper keeping of registers, is not fully implemented and applied.;

(11) Article 42 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. On-the-spot checks shall verify that all eligibility conditions are fulfilled and cover all livestock for which aid applications have been submitted, including animals replaced during the retention

period in accordance with Article 64 and which are still on the holding, under the aid schemes to be checked. In the case of checks of the bovine aid schemes and where the Member State makes use of the possibility provided for in Article 16(3), also the potentially eligible bovine animals shall be checked.

On-the-spot checks shall include in particular a check that the number of animals present on the holding for which aid applications have been submitted and, where applicable, the number of potentially eligible bovine animals corresponds to the number of animals entered in the registers and, in the case of bovine animals, to the number of animals notified to the computerised database for bovine animals.;

(b) paragraph 2 is amended as follows:

(a) point (c) is deleted;

(b) point (d) is replaced by the following:

'(d) that bovine animals are identified by ear tags, accompanied, where applicable, by animal passports and that they are recorded in the register and have been duly notified to the computerised database for bovine animals.

The checks referred to under point (d) may be made on the basis of a sample.;

(12) Articles 43 and 44 are deleted;

(13) in Article 45, paragraphs 2 and 3 are deleted;

(14) Article 57 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. In the case of applications for aid under area-related aid schemes if the area of a crop group determined is found to be greater than that declared in the aid application, the area declared shall be used for calculation of the aid.;

(b) in paragraph 3, the first subparagraph is replaced by the following:

'3. Without prejudice to reductions and exclusions in accordance with Articles 58 and 60, in the case of applications for aid under area-related aid schemes if the area declared in a single application exceeds the area determined for that crop group, the aid shall be calculated on the basis of the area determined for that crop group.;

(15) in Article 58, the first paragraph is replaced by the following:

'If, in respect of a crop group, the area declared for the purposes of any area-related aid schemes exceeds the area determined in accordance with Article 57, the aid shall be calculated on the basis of the area determined reduced by twice the difference found if that difference is more than either 3 % or two hectares, but no more than 20 % of the area determined.;

(16) Articles 59 and 61 are deleted;

(17) Article 63 is amended as follows:

(a) a new paragraph 3a is inserted:

‘3a. Where a farmer has failed to inform the competent authorities that animals have been moved to another location during the retention period, as required by the second subparagraph of Article 16(1), the animals concerned shall be regarded as determined if an immediate localisation of the animals within the holding was made at the on-the-spot check.’;

(b) in paragraph 4, the following point (aa) is inserted:

‘(aa) Where one single bovine animal of a holding has lost two ear tags it shall be regarded as determined provided that the animal can still be identified by register, animal passport, database or other means laid down in Regulation (EC) No 1760/2000 and provided that the keeper can provide evidence that he has already taken action to remedy the situation before the announcement of the on-the-spot check’;

(c) the following paragraph 5 is added:

‘5. An ovine or caprine animal which has lost one ear tag shall be regarded as determined provided that the animal can still be identified by a first means of identification in accordance with Article 4(2)(a) of Regulation (EC) No 21/2004 and provided that all other requirements of the system for the identification and registration of ovine and caprine animals are fulfilled.’;

(18) in Article 64(2), the second subparagraph is replaced by the following:

‘However, a Member State may provide that the notifications to the computerised database for bovine animals of an animal having left the holding and another animal having arrived on the holding within the time limits provided for in the first subparagraph may replace the information to be sent to the competent authority

pursuant to the first subparagraph. In that case, where the Member State does not make use of the possibility provided for in Article 16(3) it shall ensure by any means that there are no doubts as to which animals are covered by the farmers applications.’;

(19) in Article 65(3), the second subparagraph is replaced by the following:

‘In the case of application of the second subparagraph of Article 16(3), potentially eligible animals found not to be correctly identified or registered in the system for identification and registration for bovine animals shall count as animals found with irregularities.’;

(20) in Article 66, paragraph 1 is replaced by the following:

‘1. Where, in respect of applications for aid under the ovine/caprine aid scheme, a difference is found between the number of animals declared and that determined in accordance with Article 63(3), Article 63(3a) and Article 63(5), Article 65(2), Article 65(3) and Article 65(4) shall apply *mutatis mutandis* as from the first animal in respect of which irregularities are found.’;

(21) Article 68 is deleted;

(22) in the first subparagraph of Article 78(2), point (d) is replaced by the following:

‘(d) with regard to those support schemes for which a budgetary ceiling is fixed in accordance with Article 51(2), Article 69(3), Article 123(1) and Article 128(2) of Regulation (EC) No 73/2009 or applied in accordance with Article 126(2), Article 127(2) and Article 129(2) of that Regulation, Member State shall add the amounts resulting from the application of points (a), (b) and (c) of this paragraph.’

Article 3

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

It shall apply to aid applications relating to marketing years or premium periods starting from 1 January 2012.

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

Done at Brussels, 21 December 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1369/2011**of 21 December 2011****amending Regulation (EC) No 952/2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system**

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 192(2), in conjunction with Article 4 thereof,

Whereas:

(1) After the introduction of the computerised system for transmitting sugar price information for the price recording system pursuant to Article 14 of Commission Regulation (EC) No 952/2006 ⁽²⁾, it is appropriate to increase the frequency at which the Commission submits such information to the Management Committee for the Common Organisation of Agricultural Markets.

(2) Regulation (EC) No 952/2006 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

The first paragraph of Article 14 of Regulation (EC) No 952/2006 is replaced by the following:

‘Each month, the Commission shall inform the Management Committee for the Common Organisation of Agricultural Markets of the average price for white sugar communicated during the month preceding the date of the information.’

Article 2

This Regulation shall enter into force on the third 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, 21 December 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 39.

COMMISSION IMPLEMENTING REGULATION (EU) No 1370/2011**of 21 December 2011****entering a name in the register of protected designations of origin and protected geographical indications [Горнооряховски суджук (Gornooryahovski sudzhuk) (PGI)]**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Bulgaria's application to register the name 'Горнооряховски суджук' (Gornooryahovski sudzhuk) was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) A statement of objection was lodged by Cyprus under Article 7(3)(c) of Regulation (EC) No 510/2006.

- (3) By letter dated 31 January 2011, the Commission asked the Parties concerned to seek agreement among them. An agreement was reached within six months and Cyprus withdrew its objection on 22 July 2011.

- (4) The name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the twentieth day following that 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, 21 December 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 77, 26.3.2010, p. 10.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.2. Meat products (cooked, salted, smoked, etc.)

BULGARIA

Горнооряховски суджук (Gornooryahovski sudzhuk) (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1371/2011**of 21 December 2011****amending Implementing Regulation (EU) No 961/2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station****(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 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Union emergency measures for food and feed imported from a third country in order to protect public health, animal health or the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States individually.
- (2) Following the accident at the Fukushima nuclear power station on 11 March 2011, the Commission was informed that radionuclide levels in certain food products originating in Japan such as milk and spinach exceeded the action levels in food applicable in Japan. Such contamination may constitute a threat to public and animal health in the Union and therefore Commission Implementing Regulation (EU) No 961/2011⁽²⁾ was adopted.
- (3) The Japanese authorities monitor the presence of radioactivity in feed and food and it can be observed from the reported analytical results that certain feed and food in prefectures close to the Fukushima nuclear power station continue to contain levels of radioactivity above the maximum levels. It is therefore appropriate to extend the date of applicability of the measures by three additional months.
- (4) A significant number of samples taken by the Japanese authorities from feed and food produced in the Nagano prefecture show that the production of feed and food in that prefecture is only to a very limited extent affected by the accident at the Fukushima nuclear power station as only one sample of mushrooms of more than 1 800 samples of feed and food from Nagano had non-compliant levels of radioactivity. In particular, nearly all samples had non-detectable levels of radioactivity and only in few samples significant levels of radioactivity were detected. Therefore, it is appropriate to remove

that prefecture from the zone, where a testing of all feed and food originating from those prefectures is required before export to the Union.

- (5) The analytical results of import controls performed by the competent authorities of the Member States are so far very favourable and indicate that the control measures imposed on feed and food for export to the EU are correctly and efficiently applied by the Japanese authorities. Therefore, it is appropriate to consider at the next review of the measures a reduction of the frequency of import controls.
- (6) Given that the half-life of iodine-131 is short (about 8 days) and that no new releases of iodine-131 to the environment have been recently reported, the presence of iodine-131 is no longer observed in feed and food or the environment. As the possibility of new releases of iodine-131 are very minimal, it is appropriate to no longer require the analysis for the presence of iodine-131.
- (7) To facilitate the issuance of attestations, it is appropriate to authorise the competent authority to appoint an instance which is authorised to sign in certain cases the attestations under the authority and supervision of the competent authority of Japan.
- (8) It is therefore appropriate to amend Implementing Regulation (EU) No 961/2011 accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

*Article 1***Amending provisions**

Regulation (EU) No 961/2011 is amended as follows:

- (1) in Article 2, paragraph 3 is replaced by the following:
 - ‘3. Each consignment of products referred to in Article 1 shall be accompanied by a declaration, attesting that:
 - (a) the product has been harvested and/or processed before 11 March 2011; or
 - (b) the product originates in and is consigned from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka; or

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 252, 28.9.2011, p. 10.

(c) the product is consigned from Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka prefectures, but does not originate in one of those prefectures and has not been exposed to radioactivity during transiting; or

(d) where a product originates in Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka prefectures, the product does not contain levels of radionuclides caesium-134 and caesium-137 above the maximum levels provided for in Annex II to this Regulation.;

(2) in Article 2, paragraph 5 is replaced by the following:

‘5. The declaration referred to in paragraph 3 shall be drawn up in accordance with the model set out in Annex I. For the products referred to in points (a), (b) or (c) of paragraph 3, the declaration shall be signed by an authorised representative of the competent authority of Japan or by an authorised representative of an instance authorised by the competent authority of Japan under the authority and supervision of the competent authority. For the products referred to in point (d) of paragraph 3, the declaration shall be signed by an authorised representative of the competent authority of Japan and shall be accompanied by an analytical report containing the results of sampling and analysis.’;

(3) in Article 5, paragraph 1 is replaced by the following:

‘1. The competent authorities of the border inspection post or designated point of entry shall carry out:

(a) documentary checks on all consignments of products referred to in Article 1; and

(b) identity and physical checks, including laboratory analysis on the presence of caesium-134 and caesium-137, on at least:

— 10 % of the consignments of products referred to in Article 2(3)(d), and

— 20 % of the consignments of products referred to in Article 2(3)(b) and (c).’;

(4) in Article 10, the second paragraph, the date of ‘31 December 2011’ is replaced by ‘31 March 2012’.

(5) Annex I is replaced by the text set out in the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the third 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, 21 December 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

‘ANNEX I

Declaration for the import into the European Union of

..... (*)

Batch identification code Declaration number

According to the provisions of the Commission Implementing Regulation (EU) No 961/2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station the

.....
 (authorised representative referred to in Article 2(5))

DECLARES that the

..... (products referred to in Article 1)

of this consignment composed of:

.....

..... (description of consignment, product, number and type of packages, gross or net weight)

embarked at (embarkation place)

on (date of embarkation)

by (identification of transporter)

going to (place and country of destination)

which comes from the establishment

..... (name and address of establishment)

☐ has been harvested and/or processed before 11 March 2011.

☐ is originating in and consigned from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka.

☐ is consigned from the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka, but not originating in one of these prefectures and has not been exposed to radioactivity during transiting.

☐ is originating in the prefectures Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Yamanashi, Saitama, Tokyo, Chiba, Kanagawa and Shizuoka and has been sampled on (date), subjected to laboratory analysis on

(date) in the

(name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137, and the analytical results are in compliance with the maximum levels referred to in Article 2(3). The analytical report is attached.

Done at on

Stamp and signature of
authorised representative referred to in Article 2(5)

(*) Product and country of origin.

Part to be completed by the competent authority at the BIP or DPE

- ☐ The consignment has been accepted to be presented to the custom authorities for release for free circulation in the European Union
- ☐ The consignment has NOT been accepted to be presented to the custom authorities for release for free circulation in the European Union

.....
(Competent authority, Member State)

.....
Date

.....
Stamp

.....
Signature'

COMMISSION IMPLEMENTING REGULATION (EU) No 1372/2011**of 21 December 2011****concerning the non-approval of the active substance acetochlor, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC****(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2) and Article 78(2) thereof,

Whereas:

- (1) In accordance with Article 80(1)(c) of Regulation (EC) No 1107/2009, Council Directive 91/414/EEC ⁽²⁾ is to apply, with respect to the procedure and the conditions for approval, to active substances for which completeness has been established in accordance with Article 16 of Commission Regulation (EC) No 33/2008 of 17 January 2008 laying down detailed rules for the application of Council Directive 91/414/EEC as regards a regular and an accelerated procedure for the assessment of active substances which were part of the programme of work referred to in Article 8(2) of that Directive but have not been included into its Annex I ⁽³⁾. Acetochlor is an active substance for which completeness has been established in accordance with that Regulation.
- (2) Commission Regulations (EC) No 451/2000 ⁽⁴⁾ and (EC) No 1490/2002 ⁽⁵⁾ lay down detailed rules for the implementation of the second and third stages of the programme of work referred to in Article 8(2) of Directive 91/414/EEC and establish lists of active substances to be assessed, with a view to their possible inclusion in Annex I to Directive 91/414/EEC. One of these lists included acetochlor.
- (3) In accordance with Article 3(2) of Commission Regulation (EC) No 1095/2007 of 20 September 2007 amending Regulation (EC) No 1490/2002 laying down further detailed rules for the implementation of the third stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC and Regulation (EC) No 2229/2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC ⁽⁶⁾ the notifier withdrew

its support for the inclusion of that active substance in Annex I to Directive 91/414/EEC within two months from entry into force of Regulation (EC) No 1095/2007. Consequently, Commission Decision 2008/934/EC of 5 December 2008 concerning the non-inclusion of certain active substances in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing these substances ⁽⁷⁾ was adopted on the non-inclusion of acetochlor.

- (4) Pursuant to Article 6(2) of Directive 91/414/EEC the original notifier (hereinafter 'the applicant') submitted a new application requesting the accelerated procedure to be applied, as provided for in Articles 14 to 19 of Regulation (EC) No 33/2008.
- (5) The application was submitted to Spain which had been designated rapporteur Member State by Regulation (EC) No 1490/2002. The time period for the accelerated procedure was respected. The specification of the active substance and the supported uses are the same as were the subject of Decision 2008/934/EC. That application also complies with the remaining substantive and procedural requirements of Article 15 of Regulation (EC) No 33/2008.
- (6) Spain evaluated the additional data submitted by the applicant and prepared an additional report. It communicated that report to the European Food Safety Authority (hereinafter 'the Authority') and to the Commission on 22 April 2010. The Authority communicated the additional report to the other Member States and the applicant for comments and forwarded the comments it had received to the Commission. In accordance with Article 20(1) of Regulation (EC) No 33/2008 and at the request of the Commission, the Authority presented its conclusion on the risk assessment of acetochlor to the Commission on 18 April 2011 ⁽⁸⁾. The draft assessment report, the additional report and the conclusion of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and finalised on 11 October 2011 in the format of the Commission review report for acetochlor.
- (7) During the evaluation of this active substance, concerns were identified. Those concerns were, in particular, the following. A potential human exposure above the

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ OJ L 230, 19.8.1991, p. 1.

⁽³⁾ OJ L 15, 18.1.2008, p. 5.

⁽⁴⁾ OJ L 55, 29.2.2000, p. 25.

⁽⁵⁾ OJ L 224, 21.8.2002, p. 23.

⁽⁶⁾ OJ L 246, 21.9.2007, p. 19.

⁽⁷⁾ OJ L 333, 11.12.2008, p. 11.

⁽⁸⁾ European Food Safety Authority: 'Conclusion on the peer review of the pesticide risk assessment of the active substance acetochlor'. *EFSA Journal* 2011; 9(5):2143. [109 pp.]. doi:10.2903/j.efsa.2011.2143. Available online: www.efsa.europa.eu/efsajournal.htm

acceptable daily intake has been identified. In addition, there is a potential for human exposure to the surface water metabolite t-norchloro acetochlor, the genotoxicity of which cannot be excluded. There is a high risk of groundwater contamination for several metabolites, a high risk for aquatic organisms and a high long term risk for herbivorous birds. Finally, the information available was not sufficient to conclude on the risk assessment for the groundwater contamination for metabolites t-norchloroacetochlor and t-hydroxyacetochlor.

- (8) The Commission invited the applicant to submit its comments on the conclusion of the Authority. Furthermore, in accordance with Article 21(1) to Regulation (EC) No 33/2008, the Commission invited the applicant to submit comments on the draft review report. The applicant submitted its comments, which have been carefully examined.
- (9) However, despite the arguments put forward by the applicant, the concerns referred to in recital 7 could not be eliminated. Consequently, it has not been demonstrated that it may be expected that, under the proposed conditions of use, plant protection products containing acetochlor satisfy in general the requirements laid down in Article 5(1)(a) and (b) of Directive 91/414/EEC.
- (10) Acetochlor should therefore not be approved pursuant to Article 13(2) of Regulation (EC) No 1107/2009.
- (11) To provide Member States with time to withdraw authorisations for plant protection products containing acetochlor, Regulation (EC) No 1490/2002 should be derogated from.
- (12) For plant protection products containing acetochlor, where Member States grant any period of grace in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest one year after the withdrawal of the respective authorisation.
- (13) This Regulation does not prejudice the submission of a further application for acetochlor pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (14) In the interest of clarity, the entry for acetochlor in the Annex to Decision 2008/934/EC should be deleted.

(15) It is therefore appropriate to amend Decision 2008/934/EC accordingly.

(16) The Standing Committee on the Food chain and Animal Health did not deliver an opinion. An implementing act was deemed to be necessary and the chair submitted the draft implementing act to the appeal committee for further deliberation. The measures provided for in this Regulation are in accordance with the opinion of the appeal committee,

HAS ADOPTED THIS REGULATION:

Article 1

Non-approval of active substance

The active substance acetochlor is not approved.

Article 2

Transitional measures

By way of derogation from Article 12(3) of Regulation (EC) No 1490/2002, Member States shall ensure that authorisations for plant protection products containing acetochlor are withdrawn by 23 June 2012.

Article 3

Period of grace

Any period of grace granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 12 months after withdrawal of the respective authorisation at the latest.

Article 4

Amendments to Decision 2008/934/EC

In the Annex to Decision 2008/934/EC, the entry for 'acetochlor' is deleted.

Article 5

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, 21 December 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1373/2011**of 21 December 2011****excluding ICES Subdivisions 27 and 28.2 from certain fishing effort limitations for 2012, pursuant to Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 ⁽¹⁾, and in particular Article 29(2) thereof,

Whereas:

(1) Provisions for setting fishing effort limitations for the cod stocks in the Baltic Sea are set out in Regulation (EC) No 1098/2007.

(2) On the basis of Regulation (EC) No 1098/2007, Annex II to Council Regulation (EU) No 1256/2011 of 30 November 2011 fixing for 2012 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) No 1124/2010 ⁽²⁾ has established fishing effort limitations for 2012 in the Baltic Sea.

(3) According to Article 29(2) of Regulation (EC) No 1098/2007 the Commission may exclude Subdivisions 27 and 28.2 from the scope of certain fishing effort limitations when the catches of cod were below a certain threshold in the last reporting period.

(4) Taking into account the reports submitted by Member States and the advice from the Scientific, Technical and Economic Committee for Fisheries, subdivisions 27 and 28.2 should be excluded in 2012 from the scope of those fishing effort limitations.

(5) Regulation (EU) No 1256/2011 will apply from 1 January 2012. In order to ensure coherence with that Regulation, this Regulation should also apply from 1 January 2012.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of Article 8(1)(b), (3), (4) and (5) of Regulation (EC) No 1098/2007 shall not apply to ICES subdivisions 27 and 28.2 in the year 2012.

*Article 2*This Regulation shall enter into force on the seventh day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2012.

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

Done at Brussels, 21 December 2011.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 248, 22.9.2007, p. 1.⁽²⁾ OJ L 320, 3.12.2011, p. 3.

COMMISSION IMPLEMENTING REGULATION (EU) No 1374/2011**of 21 December 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 22 December 2011.

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

Done at Brussels, 21 December 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	64,0
	MA	68,2
	TN	86,6
	TR	116,2
	ZZ	83,8
0707 00 05	JO	182,1
	TR	112,0
	ZZ	147,1
0709 90 70	MA	37,0
	TR	140,5
	ZZ	88,8
0805 10 20	AR	39,6
	BR	41,5
	CL	30,5
	MA	48,5
	TR	72,8
	ZA	50,5
	ZZ	47,2
0805 20 10	MA	69,0
	TR	79,7
	ZZ	74,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	76,3
	MA	59,0
	TR	79,7
	ZZ	71,7
0805 50 10	AR	52,9
	MA	50,0
	TR	52,3
	ZZ	51,7
0808 10 80	CA	112,8
	CN	99,1
	US	104,4
	ZA	121,8
	ZZ	109,5
0808 20 50	CN	104,4
	ZZ	104,4

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

DIRECTIVES

COMMISSION DIRECTIVE 2011/100/EU

of 20 December 2011

amending Directive 98/79/EC of the European Parliament and of the Council on in-vitro diagnostic medical devices

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on in-vitro diagnostic medical devices ⁽¹⁾, and in particular Article 14 thereof,

Whereas:

- (1) In accordance with Article 14(1)(a) of Directive 98/79/EC, the United Kingdom has requested that the Commission take the necessary measures to add 'Variant Creutzfeldt-Jakob disease' (vCJD) assays to List A of Annex II to that Directive.
- (2) In order to ensure the highest level of health protection and ensure that the conformity of vCJD assays with the essential requirements set out in Annex I to Directive 98/79/EC is verified by notified bodies, vCJD assays for blood screening, diagnosis and confirmation should be added to List A of Annex II to Directive 98/79/EC.
- (3) The measures provided for in this Directive are in accordance with the opinion of the Committee set up by Article 6(2) of Council Directive 90/385/EEC ⁽²⁾ and referred to in Article 7(1) of Directive 98/79/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 98/79/EC is amended in accordance with the Annex to this Directive.

Article 2

1. Member States shall adopt and publish the laws, regulations and administrative provisions necessary to comply with this Directive by 30 June 2012 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Member States shall apply those provisions from 1 July 2012.

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

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 20 December 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 331, 7.12.1998, p. 1.

⁽²⁾ OJ L 189, 20.7.1990, p. 17.

ANNEX

The following indent is added at the end of List A of Annex II to Directive 98/79/EC:

‘— Variant Creutzfeldt-Jakob disease (vCJD) assays for blood screening, diagnosis and confirmation.’

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION EUPM/1/2011

of 16 December 2011

extending the mandate of the Head of Mission of the European Union Police Mission in Bosnia and Herzegovina (EUPM BiH)

(2011/864/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2011/781/CFSP of 1 December 2011 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) ⁽¹⁾, and in particular Article 10(1) thereof,

Whereas:

(1) Pursuant to Decision 2011/781/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising the political control and strategic direction of EUPM BiH, including, in particular, the decision to appoint a Head of Mission.

(2) On 24 October 2008, the PSC, by Decision 2008/835/CFSP ⁽²⁾, appointed Mr Stefan FELLER as Head of Mission of EUPM BiH. His mandate was extended by Decision 2009/958/CFSP ⁽³⁾ until 31 December 2010 and subsequently by Decision 2010/754/CFSP ⁽⁴⁾ until 31 December 2011.

(3) By Decision 2011/781/CFSP, the Council, *inter alia*, extended the duration of EUPM BiH until 30 June 2012.

(4) On 7 December 2011, the High Representative of the Union for Foreign Affairs and Security Policy proposed to the PSC to extend the mandate of Mr Stefan FELLER as Head of Mission of EUPM BiH for an additional 6 months, until 30 June 2012,

HAS ADOPTED THIS DECISION:

Article 1

The mandate of Mr Stefan FELLER as Head of Mission of the European Union Police Mission in Bosnia and Herzegovina (EUPM BiH) is hereby extended from 1 January 2012 until 30 June 2012.

Article 2

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

Done at Brussels, 16 December 2011.

For the Political and Security Committee
The Chairperson
O. SKOOG

⁽¹⁾ OJ L 319, 2.12.2011, p. 51.

⁽²⁾ OJ L 298, 7.11.2008, p. 30.

⁽³⁾ OJ L 330, 16.12.2009, p. 79.

⁽⁴⁾ OJ L 320, 7.12.2010, p. 9.

COUNCIL DECISION
of 19 December 2011
appointing a member of the Scientific and Technical Committee
(2011/865/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 134 thereof,

Having regard to the opinion of the European Commission,

Whereas:

(1) By its Decision of 22 January 2008 ⁽¹⁾, the Council appointed the members of the Scientific and Technical Committee ('the Committee') for the period 22 January 2008 to 22 January 2013.

(2) Following the death of Mr Juan Antonio RUBIO RODRÍGUEZ, a seat on the Committee has become vacant. A new member should therefore be appointed,

Article 1

Mr Cayetano LÓPEZ is hereby appointed member of the Scientific and Technical Committee to replace Mr Juan Antonio RUBIO RODRÍGUEZ for the remainder of his term of office, which runs until 22 January 2013.

Article 2

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

Done at Brussels, 19 December 2011.

For the Council
The President
M. KOROLEC

⁽¹⁾ OJ C 21, 26.1.2008, p. 2.

COUNCIL DECISION

of 19 December 2011

concerning the Commission's proposal for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the European Union and the correction coefficients applied thereto

(2011/866/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down by Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Article 65 of the Staff Regulations and Annexes VII, XI and XIII thereto, and Article 20 of the Conditions of Employment of Other Servants,

Having regard to the proposal from the Commission for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the Union and the correction coefficients applied thereto,

Whereas:

- (1) In light of a serious and sudden deterioration in the economic and social situation within the Union, on 17 December 2010, the Council requested the Commission to implement Article 10 of Annex XI to the Staff Regulations by presenting an appropriate proposal for the annual adjustment 2011. The Commission, on 13 July 2011, submitted to the Council the report on the exception clause (Article 10 of Annex XI to the Staff Regulations) — ('the report') covering the period from 1 July 2010 to mid-May 2011. On the basis of the report, the Commission concluded that the conditions for applying the exception clause were not met.
- (2) The Council did not share the Commission's conclusions as they, in the Council's view, did not reflect the economic and social situation within the Union.
- (3) Consequently and in view of the financial and economic crisis currently taking place within the Union and resulting in substantial fiscal adjustments in a great number of Member States, on 4 November 2011, the Council repeated its request to the Commission to implement Article 10 of Annex XI to the Staff Regulations on the basis of data reflecting the economic and social situation in autumn 2011 and to submit an appropriate remuneration adjustment proposal in good time to allow the European Parliament and the Council to examine and adopt it before the end of 2011.
- (4) The Commission, on 25 November 2011, presented to the Council supplementary information on the Commission report on the exception clause of 13 July 2011 ('the supplementary information'). The conclusions drawn by the Commission remained that the conditions for triggering the exception clause were not met.
- (5) In effect, the Commission's proposal for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the Union and the correction coefficients applied thereto follows the method set out in Annex XI to the Staff Regulations. The figure for the annual adjustment 2011 proposed by the Commission is 1,7 %.
- (6) The Council considers that neither of the documents submitted by the Commission, namely, the 'report' and the 'supplementary information', provides for an accurate and comprehensive reflection of the current economic and social situation within the Union.
- (7) Moreover, in the view of the Council, the Commission made an error in defining the time span to be covered by its analysis too narrowly. That error prevented the Commission from making a proper assessment of the situation and therefore has significantly distorted the conclusions derived from both documents, namely that there was no sudden and serious deterioration of an economic and social situation within the Union.
- (8) The Council does not share these conclusions. The Council is convinced that the financial and economic crisis currently taking place within the Union and resulting in substantial fiscal adjustments, inter alia, national officials' salary adjustments, in a great number of Member States constitutes a serious and sudden deterioration of the economic and social situation within the Union.
- (9) Moreover, in the Council's opinion, this serious and sudden deterioration of the economic and social situation could not be reflected quickly enough in the officials' remunerations through the application of the method.
- (10) With respect to the economic situation, the forecast for growth in the Union has been substantially reduced for the year 2012 from + 1,9 % to + 0,6 %. EU quarterly growth is down from + 0,7 % in the first quarter of 2011 to + 0,2 % in the second and in the third quarters of that year. As for the fourth quarter of 2011 and first quarter of 2012, no growth of GDP is foreseen.

- (11) While assessing the current economic and social situation, more focus should have been put on the situation on the financial markets, in particular on distortions to credit supply and declines in asset prices, which are major determinants for the economic development.
- (12) With respect to the social situation, job creation has been insufficient to remedy a major reduction in the unemployment rate. The EU unemployment rate in 2010 and 2011 fluctuated to reach 9,8 % in October 2011 and should remain constantly high.
- (13) In the light of the above, the Council considers that the Commission's position as regards the existence of a serious and sudden deterioration in the economic and social situation and its refusal to submit a proposal under Article 10 of Annex XI to the Staff Regulations is based on manifestly insufficient and erroneous grounds.
- (14) Since the European Court of Justice held in Case C-40/10 that, for the period of application of Annex XI to the Staff Regulations, the procedure laid down in Article 10 thereof, constitutes the only means of taking account of an economic crisis in the adjustment of remuneration, the Council was dependent on a proposal from the Commission to apply that Article in times of crisis.
- (15) The Council is convinced that, in light of the wording of Article 10 of Annex XI to the Staff Regulations and

under the duty of sincere cooperation between the institutions as enshrined in the second sentence of Article 13(2) of the Treaty on European Union, the Commission was obliged to submit an appropriate proposal to the Council. The Commission's conclusions and its failure to submit such a proposal are therefore in breach of that obligation.

- (16) As the Council may act only on a proposal from the Commission, the Commission's failure to draw the correct conclusions from the evidence and to present a proposal under Article 10 of Annex XI to the Staff Regulations has prevented the Council from reacting correctly to the serious and sudden deterioration in the economic and social situation through the adoption of an act under Article 10 of Annex XI to the Staff Regulations,

DECIDES NOT TO ADOPT THE COMMISSION'S PROPOSAL for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the Union and the correction coefficients applied thereto.

Done at Brussels, 19 December 2011.

For the Council

The President

M. KOROLEC

COUNCIL DECISION 2011/867/CFSP**of 20 December 2011****amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

(6) Decision 2011/137/CFSP should be amended accordingly,

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

HAS ADOPTED THIS DECISION:

Whereas:

Article 1

Article 6(1a) of Decision 2011/137/CFSP is hereby replaced by the following:

(1) On 28 February 2011, the Council adopted Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya ⁽¹⁾, in order, inter alia, to implement United Nations Security Council Resolution (UNSCR) 1970 (2011).

‘1a. All funds, other financial assets and economic resources, owned or controlled, directly or indirectly by the:

(2) On 23 March 2011, the Council adopted Decision 2011/178/CFSP ⁽²⁾ amending Decision 2011/137/CFSP in order to implement UNSCR 1973 (2011).

(a) Libyan Investment Authority; and

(3) On 22 September 2011, the Council adopted Decision 2011/625/CFSP ⁽³⁾ amending Decision 2011/137/CFSP in order to implement UNSCR 2009 (2011).

(b) Libyan Africa Investment Portfolio,

that are frozen as of 16 September 2011 shall remain frozen.’.

(4) On 10 November 2011, the Council adopted Decision 2011/729/CFSP ⁽⁴⁾ amending Decision 2011/137/CFSP in order to implement UNSCR 2016 (2011).

Article 2

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

(5) On 16 December 2011, the Security Council Committee established pursuant to UNSCR 1970 (2011), acting in accordance with paragraph 19 of UNSCR 2009(2011), decided to lift the designation relating to two entities.

Done at Brussels, 20 December 2011.

For the Council
The President
M. DOWGIELEWICZ

⁽¹⁾ OJ L 58, 3.3.2011, p. 53.

⁽²⁾ OJ L 78, 24.3.2011, p. 24.

⁽³⁾ OJ L 246, 23.9.2011, p. 30.

⁽⁴⁾ OJ L 293, 11.11.2011, p. 35.

COMMISSION IMPLEMENTING DECISION

of 19 December 2011

on a Union financial contribution for 2011 to cover expenditure incurred by Germany, Spain, Italy, Cyprus, Malta, the Netherlands and Portugal for the purpose of combating organisms harmful to plants or plant products

*(notified under document C(2011) 9243)***(Only the Dutch, German, Greek, Italian, Maltese, Portuguese and Spanish texts are authentic)**

(2011/868/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular Article 23(5) thereof,

Whereas:

- (1) Pursuant to Article 22 of Directive 2000/29/EC, Member States may receive a 'plant health control' financial contribution from the Union to cover expenditure relating directly to the necessary measures which have been taken or are planned to be taken for the purpose of combating harmful organisms introduced from third countries or from other areas in the Union, in order to eradicate or, if that is not possible, to contain them.
- (2) Germany introduced two requests for financial contribution. The first one was introduced on 20 December 2010 and relates to measures taken in 2009 and 2010 to control *Anoplophora glabripennis* in Nordrhein-Westfalen. The outbreak of that harmful organism was detected there in 2009.
- (3) The second request of Germany was introduced on 15 April 2011 and relates to measures taken in 2010 to eradicate or contain *Diabrotica virgifera* in Baden-Württemberg. The outbreaks of that harmful organism were detected in different districts of that State (Breisgau-Hochschwarzwald, Emmendingen, Freiburg city, Konstanz, Loerrach, Ortenaukreis and Ravensburg) in different years, i.e. 2008, 2009 and 2010. The measures taken in 2008 and 2009 have also been the subject to co-financing in 2009 and 2010.
- (4) Italy introduced three requests for financial contribution on 29 April 2011. The first request relates to measures taken in 2011 in Lombardia, province of Brescia, commune of Gussago, to control *Anoplophora chinensis*. The outbreak of that harmful organism was detected in 2008. The measures taken in 2008, 2009 and 2010 have also been the subject of co-financing in 2009 and 2010.
- (5) The second request of Italy relates to the measures taken in 2011 in Veneto, province of Treviso, commune of Cornuda, to control *Anoplophora glabripennis*. The outbreak of that harmful organism was detected in 2009. The measures taken in 2009 and 2010 have also been the subject of co-financing in 2010.
- (6) The third request of Italy relates to measures taken in 2010 in Emilia-Romagna, provinces of Bologna, Ferrara, Ravenna and Forlì-Cesena, to control *Pseudomonas syringae* pv. *actinidiae*. The outbreak of that harmful organism was confirmed in 2010.
- (7) Moreover, Italy introduced a fourth request for financial contribution on 20 April 2011. That request relates to measures taken in 2011 in Lazio, commune of Rome, to control *Anoplophora chinensis*. The outbreak of that harmful organism was detected in 2008. Measures taken in 2008, 2009 and 2010 have also been the subject of co-financing in 2009 and 2010.
- (8) Cyprus introduced a request for financial contribution on 29 April 2011 relating to measures taken or planned for 2011 to control *Rhynchophorus ferrugineus*. The outbreaks of that harmful organism were detected in 2009, 2010 and 2011. Measures taken in 2010 have also been the subject of co-financing in 2010.
- (9) Malta introduced a request for financial contribution on 29 April 2011 relating to measures taken in 2010 and 2011 to control *Rhynchophorus ferrugineus*. The outbreaks of that harmful organism were detected in 2008, 2009 and 2010. Measures taken in 2008 and 2009 have also been the subject of co-financing in 2009.
- (10) The Netherlands introduced three requests for financial contribution on 13 December 2010. The first request relates to measures taken in 2009 and 2010 in the area of Boskoop to control *Anoplophora chinensis*. The appearance of that harmful organism was detected in December 2009.
- (11) The second request of the Netherlands relates to measures taken in 2009 to control Potato Spindle Tuber Viroid (PSTVd). The suspected appearance of that harmful organism was detected in 2009.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

- (12) The third request of the Netherlands relates to measures taken in 2009 to control *Tuta absoluta*. The outbreak of that harmful organism was detected in 2009.
- (13) Moreover, the Netherlands introduced additionally a fourth and a fifth request for financial contribution on 13 December 2010. The fourth request relates to measures taken in 2009 and 2010 in the area of Westland to control *Anoplophora chinensis*. The outbreak of that harmful organism was detected in 2007. Measures taken in 2008 have also been the subject of co-financing in 2009.
- (14) The fifth request of the Netherlands relates to measures taken in 2009 to control *Clavibacter michiganensis* spp. *michiganensis*. The outbreak of that harmful organism was detected in 2007. Measures taken in 2007 have also been the subject of co-financing in 2009. No co-financing was requested for the measures in 2008.
- (15) Portugal introduced three requests for financial contribution on 30 April 2011 relating to measures taken to control *Bursaphelenchus xylophilus*. The first request relates to measures taken in 2011 concerning continental Portugal, with the exception of the originally infested zone of Setubal of 1999, to control the outbreaks detected in 2008. The measures taken in 2008, 2009 and 2010 have also been the subject of co-financing in 2009 and 2010.
- (16) The two other requests of Portugal concern exclusively measures of heat treatment of wood or wood packaging material in the area of Setubal, in 2010 and 2011.
- (17) Spain introduced three requests for financial contribution. The first one was introduced on 15 April 2011 and relates to measures taken in 2011 in Extremadura to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2008. The measures taken in 2008, 2009 and 2010 have also been the subject of co-financing in 2009 and 2010.
- (18) The second request of Spain was introduced on 28 April 2011. It relates to measures taken in 2011 and planned for 2011 in Galicia to control *Bursaphelenchus xylophilus*. The outbreak of that harmful organism was detected in 2010.
- (19) The third request of Spain was introduced on 27 April 2011. It relates to measures taken in 2010 and 2011, and also planned for 2011, in Catalonia to control *Pomacea insularum*. The outbreak of that harmful organism was detected in 2010.
- (20) Germany, Spain, Italy, Cyprus, Malta, The Netherlands and Portugal have each established a programme of actions to eradicate or contain the above harmful organisms introduced in their territories. These programmes specify the objectives to be achieved, the measures carried out, their duration and their cost.
- (21) All the above measures consist of a variety of plant health measures, including destruction of contaminated trees or crops, application of plant protection products, sanitation techniques, inspections and testings carried out officially or upon official request to monitor the presence or extent of contamination by the respective harmful organisms, and replacement of destroyed plants, within the meaning of Article 23(2)(a), (b) and (c) of Directive 2000/29/EC.
- (22) Germany, Spain, Italy, Cyprus, Malta, The Netherlands and Portugal have applied for the allocation of a Union financial contribution to these programmes in accordance with the requirements laid down in Article 23 of Directive 2000/29/EC, in particular paragraph 1 and 4 thereof, and in accordance with Commission Regulation (EC) No 1040/2002 of 14 June 2002 establishing detailed rules for the implementation of the provisions relating to the allocation of a financial contribution from the Community for plant-health control and repealing Regulation (EC) No 2051/97 ⁽¹⁾.
- (23) The technical information provided by Germany, Spain, Italy, Cyprus, Malta, The Netherlands and Portugal has enabled the Commission to analyse the situation accurately and comprehensively. The Commission has concluded that the conditions for the granting of a Union financial contribution, as laid down in particular in Article 23 of Directive 2000/29/EC, have been met. Accordingly, it is appropriate to provide a Union financial contribution to cover the expenditure on those programmes.
- (24) In accordance with the second subparagraph of Article 23(5) of Directive 2000/29/EC, the Union financial contribution may cover up to 50 % of eligible expenditure for measures that have been taken within a period of not more than 2 years after the date of detection of the appearance or that are planned for that period. However, in accordance with the third subparagraph of that Article, that period may be extended if it has been established that the objective of the measures will be achieved within a reasonable additional period, in which case the rate of the Union financial contribution shall be digressive over the years concerned. Having regard to the conclusions of the Working Group on evaluation of the respective requests, it is appropriate to extend the two-year period for the programmes concerned, while reducing the rate of the Union financial contributions for these measures to 45 % of eligible expenditure for the third year and to 40 % for the fourth year of these programmes.
- (25) The Union financial contribution up to 50 % of eligible expenditure should therefore apply to Germany, Nordrhein-Westfalen, *Anoplophora glabripennis* (2009, 2010), Germany, Baden-Württemberg, *Diabrotica virgifera*, rural districts of Breisgau-Hochschwarzwald and Freiburg city (2010), rural districts of Emmendingen, Lörrach, and Konstanz (2009), Italy, Emilia-Romagna, *Pseudomonas syringae* pv. *actinidiae* provinces of Bologna, Ferrara,

⁽¹⁾ OJ L 157, 15.6.2002, p. 38.

Ravenna and Forlì-Cesena (2010), Cyprus, *Rhynchophorus ferrugineus* (2011), The Netherlands, *Anoplophora chinensis*, Boskoop area (2009, 2010), The Netherlands, PSTVd (2009), The Netherlands, *Tuta absoluta* (2009), The Netherlands, *Anoplophora chinensis*, Westland (2009), Portugal, *Bursaphelenchus xylophilus*, Setubal area (2010, 2011), Spain, Galicia, *Bursaphelenchus xylophilus* (2010, 2011) and to Spain, Catalonia, *Pomacea insularum* (2010, 2011).

- (26) The Union financial contribution up to 45 % of eligible expenditure should therefore apply to the following programmes: Italy, Veneto, *Anoplophora glabripennis* (2011), Malta, *Rhynchophorus ferrugineus* (2010), The Netherlands, *Clavibacter michiganensis* ssp. *michiganensis* (2009), as the measures concerned have already been the subject of a Union financial contribution under Commission Decisions 2009/996/EU⁽¹⁾ (Malta, The Netherlands) or 2010/772/EU⁽²⁾ (Italy) for the first 2 years of their implementation. This also applies to the programme of The Netherlands, *Anoplophora chinensis*, Westland (2010), where measures for 2009 (year 2 of the programme) are co-financed in the present Decision.
- (27) The same level of contribution should apply to the third year (2010) of the programme presented by Germany in Baden-Württemberg for *Diabrotica virgifera* in the rural district of Ravensburg, which measures have been the subject of a Union financial contribution under Decision 2009/996/EU and Decision 2010/772/EU.
- (28) Moreover, a Union contribution up to 40 % should apply to the fourth year of the following programmes: Spain, Extremadura, *Bursaphelenchus xylophilus* (2011), Italy, Lombardia, *Anoplophora chinensis* (2011), Italy, Lazio, *Anoplophora chinensis* (2011), Malta, *Rhynchophorus ferrugineus* (2011), Portugal, *Bursaphelenchus xylophilus* (2011), continental Portugal with the exception of the originally infested zone of Setubal of 1999, as the measures have been the subject of a Union financial contribution under Decision 2009/996/EU (Spain, Italy, Portugal) and 2010/772/EU (Spain, Italy, Portugal) for the first 3 years of their implementation.
- (29) The same level of contribution should apply to the fourth year (2010) of the programme presented by Germany in Baden-Württemberg for *Diabrotica virgifera* in the rural district of Ortenaukreis, which measures have been the subject of a Union financial contribution under Commission Decision 2009/147/EC⁽³⁾, Decision 2009/996/EU and Decision 2010/772/EU.
- (30) In accordance with the conclusions of the audit mission in Portugal from 29 March 2011 to 11 April 2011 of the Food and Veterinary Office of the Commission, only 25 % of the number of coniferous host trees infested by pinewood nematode, or showing any symptoms of poor health, had been felled and destroyed at the date of 1 April 2011. This failure of the Portuguese authorities

is not in compliance with the provisions of point 2(a)(iii) of the Annex to Commission Decision 2006/133/EC⁽⁴⁾. In this view, the level of eligible expenditure in the request relating to measures in continental Portugal, with exception of the originally infested zone of Setubal, should be reduced as regards the cost of felling coniferous trees, and therefore only 25 % of this category of expenditure should be deemed eligible.

- (31) In accordance with Article 3(2)(a) of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy⁽⁵⁾, plant-health measures are financed from the European Agricultural Guarantee Fund. For the purpose of financial control of these measures, Articles 9, 36 and 37 of the above Regulation should apply.
- (32) In accordance with Article 75 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁶⁾ and Article 90(1) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁽⁷⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision adopted by the institution to which powers have been delegated, setting out the essential elements of the action involving the expenditure.
- (33) The present decision constitutes a financing decision for the expenditure provided in the co-financing requests presented by Member States.
- (34) The measures provided in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

On the basis of the dossiers submitted by the Member States and analysed by the Commission, the allocation of a Union financial contribution for 2011 to cover expenditure incurred by Germany, Spain, Italy, Cyprus, Malta, The Netherlands and Portugal relating to necessary measures as specified in Article 23(2)(a), (b) and (c) of Directive 2000/29/EC and taken for the purpose of combating the organisms concerned by the eradication or containment programmes listed in the Annex, is hereby approved.

Article 2

The total amount of the Union financial contribution referred to in Article 1 is EUR 15 006 869,89. The maximum amounts of the Union financial contribution for each of the programmes shall be as indicated in the Annex.

⁽¹⁾ OJ L 339, 22.12.2009, p. 49.

⁽²⁾ OJ L 330, 15.12.2010, p. 9.

⁽³⁾ OJ L 49, 20.2.2009, p. 43.

⁽⁴⁾ OJ L 52, 23.2.2006, p. 34.

⁽⁵⁾ OJ L 209, 11.8.2005, p. 1.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ OJ L 357, 31.12.2002, p. 1.

Article 3

The Union financial contribution as set out in the Annex shall be paid on the following conditions:

- (a) evidence of the measures taken has been submitted by the Member State concerned in accordance with the provisions laid down in Regulation (EC) No 1040/2002;
- (b) a request for payment has been submitted by the Member State concerned to the Commission, in accordance with Article 5 of Regulation (EC) No 1040/2002.

The payment of the financial contribution is without prejudice to the verifications by the Commission under Article 23(8) the second paragraph, Article 23(10) and Article 24 of Directive 2000/29/EC.

Article 4

This Decision is addressed to the Federal Republic of Germany, the Kingdom of Spain, the Italian Republic, the Republic of Cyprus, the Republic of Malta, the Kingdom of the Netherlands and the Portuguese Republic.

Done at Brussels, 19 December 2011.

For the Commission
John DALLI
Member of the Commission

ANNEX

ERADICATION/CONTAINMENT PROGRAMMES

Section I

Programmes whose Union financial contribution corresponds to 50 % of eligible expenditure

(in EUR)

Member State	Harmful organisms combated	Affected plants or plant products	Year	a	Eligible expenditure	Maximum Union contribution per programme
Germany, Nordrhein-Westfalen	<i>Anoplophora glabripennis</i>	Various tree species	2009 and 2010	1 and 2	194 369,65	97 184,82
Germany, Baden-Württemberg, rural district of Breisgau-Hochschwarzwald and Freiburg city (year 1 of the measures) Emmendingen, Lörrach, Konstanz (year 2 of the measures)	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2009 or 2010	1 or 2	84 846,51	42 423,25
Spain, Galicia	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2010 and 2011	1 and 2	6 178 612	3 089 306
Spain, Catalonia	<i>Pomacea insularum</i>	<i>Oryza sativa</i>	2010 and 2011	1 and 2	2 218 507	1 109 253,50
Italy, Emilia-Romagna (Provinces of Bologna, Ferrara, Ravenna and Forlì-Cesena)	<i>Pseudomonas syringae</i> pv. <i>actinidiae</i>	<i>Actinidia sinensis</i>	2010	1	89 100	44 550
Cyprus	<i>Rhynchophorus ferrugineus</i>	<i>Palmaceae</i>	2011	2	134 750	67 375
The Netherlands, Boskoop area	<i>Anoplophora chinensis</i>	Various tree species	2009 and 2010	1 and 2	2 160 037	1 080 018,50
The Netherlands	PSTVd	<i>Petunia</i> sp.	2009	1	102 269	51 134,50
The Netherlands	<i>Tuta absoluta</i>	<i>Solanum lycopersicum</i>	2009	1	170 778	85 389
The Netherlands, Westland area	<i>Anoplophora chinensis</i>	Various tree species	2009	2	285 671	142 835,50
Portugal, Setubal area, heat treatment	<i>Bursaphelenchus xylophilus</i>	Wood and wood packaging material	2010 and 2011	1 and 2	3 791 500	1 895 750

Section II

**Programmes whose Union financial contribution rates differ, in application of the principle of
degressivity**

(in EUR)

Member State	Harmful organisms combated	Affected plants	Year	a	Eligible expenditure	Rate (%)	Maximum Union contribution
Germany, Baden- Württemberg, rural district of Ravensburg	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2010	3	9 480,99	45	4 266,44
Germany, Baden- Württemberg, rural district of Ortenaukreis	<i>Diabrotica virgifera</i>	<i>Zea mays</i>	2010	4	46 118,53	40	18 447,41
Spain, Extremadura	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2011	4	419 941	40	167 976,40
Italy, Veneto (Cornuda area)	<i>Anoplophora glabripennis</i>	Various tree species	2011	3	287 500	45	129 375
Italy, Lombardia (Gussago area)	<i>Anoplophora chinensis</i>	Various tree species	2011	4	280 150	40	112 060
Italy, Lazio (Roma area)	<i>Anoplophora chinensis</i>	Various tree species	2011	4	410 694	40	164 277,60
Malta	<i>Rhynchophorus ferrugineus</i>	Palmaeae	2010	3	606 347	45	272 856,29
			2011	4	865 834	40	346 333,76
The Netherlands	<i>Clavibacter michiganensis</i> spp. <i>michiganensis</i>	<i>Solanum lycopersicum</i>	2009	3	40 866	45	18 389,70
The Netherlands, Westland area	<i>Anoplophora chinensis</i>	Various tree species	2010	3	212 152	45	95 468,40
Portugal, Continental Portugal, area outside the area of Setubal	<i>Bursaphelenchus xylophilus</i>	Coniferous trees	2011	4	14 930 497,02	40	5 972 198,81

Total Union contribution (EUR) 15 006 869,89

Legend:

a = Year of implementation of the eradication programme.

COMMISSION DECISION
of 20 December 2011
amending Decision 2002/364/EC on common technical specifications for in vitro diagnostic medical devices

(notified under document C(2011) 9398)

(Text with EEA relevance)

(2011/869/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on *in vitro* diagnostic medical devices ⁽¹⁾, and in particular the second subparagraph of Article 5(3) thereof,

Whereas:

- (1) The common technical specifications for *in vitro* diagnostic medical devices are laid down in Commission Decision 2002/364/EC ⁽²⁾.
- (2) In the interest of public health it is appropriate, where possible, to draw up common technical specifications for the devices listed in List A of Annex II to Directive 98/79/EC.
- (3) Variant Creutzfeldt-Jakob disease (vCJD) assays for blood screening, diagnosis and confirmation have been added to List A of Annex II to Directive 98/79/EC by Commission Directive 2011/100/EU ⁽³⁾.
- (4) Taking into account the state of the art and the current scientific knowledge on Variant Creutzfeldt-Jakob disease, common technical specifications can be drawn up for vCJD blood screening assays.

- (5) The measures provided for in this Decision are in accordance with the opinion of the committee set up by Article 6(2) of Council Directive 90/385/EEC ⁽⁴⁾ and referred to in Article 7(1) of Directive 98/79/EC,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2002/364/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall apply from 1st of July 2012.

However, Member States shall allow manufacturers to apply the requirements set out in the Annex before the date set out in the first paragraph of this Article.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 December 2011.

For the Commission

John DALLI

Member of the Commission

⁽¹⁾ OJ L 331, 7.12.1998, p. 1.

⁽²⁾ OJ L 131, 16.5.2002, p. 17.

⁽³⁾ See page 50 of this Official Journal.

⁽⁴⁾ OJ L 189, 20.7.1990, p. 17.

1. The following section is added at the end of Section 3 of the Annex to Decision 2002/364/EC:

'3.7. CTS for Variant Creutzfeldt-Jakob disease (vCJD) assays for blood screening

CTS for Variant Creutzfeldt-Jakob disease (vCJD) assays for blood screening are set out in Table 11'

2. The following table is added at the end of the Annex to Decision 2002/364/EC:

Table 11

Variant Creutzfeldt-Jakob disease (vCJD) assays for blood screening

	Material	Number of specimens	Acceptance Criteria
Analytical sensitivity	vCJD brain spikes in human plasma (WHO reference number NHBV0/0003)	24 replicates of each of three dilutions of the material WHO number NHBV0/0003 (1×10^4 , 1×10^5 , 1×10^6)	23 of the 24 replicates detected at 1×10^4
	vCJD spleen spikes in human plasma (10 % spleen homogenate — NIBSC reference number NHSY0/0009)	24 replicates of each of three dilutions of the material NIBSC number NHSY0/0009 (1×10 , 1×10^2 , 1×10^3)	23 of the 24 replicates detected at 1×10
Diagnostic sensitivity	A) Specimen from appropriate animal models	As many specimen as reasonably possible and available, and at least 10 specimens	90 %
	B) Specimen from humans with known clinical vCJD	As many specimen as reasonably possible and available, and at least 10 specimens	90 %
		Only in case where 10 specimens are not available: — the number of specimens tested shall be comprised between 6 and 9 — all available specimens shall be tested	no more than one false negative result
Analytical specificity	Potentially cross-reacting blood-specimens	100	
Diagnostic specificity	Normal human plasma samples from area of low BSE exposure	5 000	At least 99,5 %'

DECISION OF THE EUROPEAN CENTRAL BANK**of 14 December 2011****on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral****(ECB/2011/25)****(2011/870/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1 and Article 18.2 thereof,

Whereas:

(1) Pursuant to Article 18.1 of the Statute of the European System of Central Banks and of the European Central Bank, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro (hereinafter the 'NCBs') may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral. The general conditions under which the ECB and the NCBs stand ready to enter into credit operations, including the criteria determining the eligibility of collateral for the purposes of Eurosystem credit operations, are laid down in Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾ (hereinafter the 'General Documentation').

(2) On 8 December 2011 the Governing Council decided on additional enhanced credit support measures to support bank lending and liquidity in the euro area money market. In accordance with that decision and in order to enhance the provision of liquidity to counterparties to Eurosystem monetary policy operations, an option to terminate or modify certain longer-term refinancing operations before maturity should be provided for, and the criteria for determining the eligibility of assets to be used as collateral in Eurosystem monetary policy operations should be widened.

(3) Such measures need to apply temporarily, until the Governing Council considers that the stability of the financial system allows the application of the general Eurosystem framework for monetary policy operations,

*Article 1***Additional measures relating to refinancing operations and eligible collateral**

1. The rules for the conduct of Eurosystem monetary policy operations and the eligibility criteria for collateral laid down in this Decision shall apply in conjunction with the General Documentation.

2. In the event of any discrepancy between this Decision and the General Documentation, as implemented at national level by the NCBs, the former shall prevail. The NCBs shall continue to apply all provisions of the General Documentation unaltered unless otherwise provided for in this Decision.

*Article 2***Option to terminate or modify longer-term refinancing operations**

The Eurosystem may decide that, under certain conditions, counterparties may reduce the amount of, or terminate, certain longer-term refinancing operations before maturity.

*Article 3***Admission of certain additional asset-backed securities**

1. In addition to asset-backed securities (ABS) eligible under Chapter 6 of the General Documentation, ABS whose underlying assets include either only residential mortgages or only loans to small and medium-sized enterprises (SMEs) shall be eligible as collateral for Eurosystem monetary policy operations even if those ABS do not fulfil the credit assessment requirements under Section 6.3.2 of the General Documentation but otherwise comply with all eligibility criteria applicable to ABS pursuant to the General Documentation, provided that they have a second-best rating of at least the Eurosystem's minimum threshold of credit quality step 2 of the Eurosystem's harmonised rating scale, as referred to in Section 6.3.1 of the General Documentation, at issuance and at any time subsequently. They shall also satisfy all the following requirements:

(a) the cash-flow generating assets backing the ABS shall belong to the same asset class, i.e. the asset pool shall consist of either only residential mortgages or only loans to SMEs, and there shall be no mix of assets of different asset classes;

⁽¹⁾ OJ L 310, 11.12.2000, p. 1. From 1 January 2012, Guideline ECB/2000/7 is replaced by Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem (OJ L 331, 14.12.2011, p. 1).

(b) the cash-flow generating assets backing the ABS shall not contain loans which are:

(i) at the time of the issuance of the ABS, non-performing;
or

(ii) at any time, structured, syndicated or leveraged;

(c) the counterparty submitting an ABS as collateral, or any third party with which it has close links, shall not act as an interest rate hedge provider in relation to the ABS;

(d) the ABS transaction documents shall contain servicing continuity provisions.

2. For the purposes of paragraph 1 the terms 'small enterprise' and 'medium-sized enterprise' shall have the meaning given to them in Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises ⁽¹⁾.

Article 4

Admission of certain additional credit claims

1. An NCB may accept as collateral for Eurosystem monetary policy operations credit claims that do not satisfy the Eurosystem eligibility criteria.

2. The NCBs shall establish eligibility criteria and risk control measures for accepting credit claims pursuant to paragraph 1. Such eligibility criteria and risk control measures shall be subject to prior approval by the Governing Council.

Article 5

Final provisions

This Decision shall enter into force on 19 December 2011.

Done at Frankfurt am Main, 14 December 2011.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

⁽¹⁾ OJ L 124, 20.5.2003, p. 36.

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE STANDING COMMITTEE OF THE EFTA STATES

No 1/2011/SC

of 29 September 2011

regarding the audit of programmes and projects under the Financial Mechanism (2009–2014)

THE STANDING COMMITTEE OF THE EFTA STATES,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Agreement on the European Economic Area, hereinafter referred to as the EEA Agreement,

Having regard to the Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009–2014,

Having regard to Protocol 38b on the EEA Financial Mechanism, inserted into the EEA Agreement by the aforementioned Agreement between the European Union, Iceland, the Principality of Liechtenstein and the Kingdom of Norway on an EEA Financial Mechanism 2009–2014,

Having regard to the Agreement between the Kingdom of Norway and the European Union on a Norwegian Financial Mechanism for the period 2009–2014,

Having regard to the Decision of the Standing Committee of the EFTA States No 5/2010/SC of 9 December 2010 amending Decision of the Standing Committee No 4/2004/SC establishing a Financial Mechanism Committee ⁽¹⁾,

Having regard to the Decision of the Standing Committee of the EFTA States No 6/2010/SC of 9 December 2010 extending the tasks of the Office for the EEA Financial Mechanism and the Norwegian Financial Mechanism ⁽²⁾,

Having regard to the Decision of the ESA/Court Committee No 5/2002 of 23 October 2002 on the Mandate of the EFTA Board of Auditors ('at three'),

The Board of Auditors shall act as supreme authority for the auditing of programmes and projects under the EEA Financial Mechanism 2009–2014 (hereinafter referred to as 'EEA Financial Mechanism'). This includes the audit of programmes and projects in the Beneficiary States, the Beneficiary States' management of the programmes and projects and implementation of the EEA Financial Mechanism. The Board of Auditors may also audit the Financial Mechanism Office in respect of the EEA Financial Mechanism.

Article 2

The Board of Auditors shall consist of nationals from the EFTA States party to the EEA Agreement and preferably being members of the supreme audit institutions of the EFTA States. Their independence must be beyond doubt. An official of EFTA may not be appointed auditor until an interval of three years has elapsed since the end of his appointment with any of the EFTA institutions.

Article 3

The members of the Board of Auditors that perform audits according to Article 1 shall be the same persons as those appointed in and for the same term as set out in the Decision of the ESA/Court Committee No 1 of 26 May 2010 on the Appointment of the Members of the EFTA Board of Auditors ('at three'). Upon expiry of their term the members of the Board of Auditors that perform audits according to Article 1 shall be the persons appointed by decision of the ESA/Court Committee.

Article 4

The members of the Board of Auditors shall be completely independent in the performance of their duties.

Article 5

The members of the Board of Auditors shall closely cooperate with the person or persons entrusted with the corresponding audits under the Norwegian Financial Mechanism for the period 2009–2014 in audits of activities relating to both Financial Mechanisms.

⁽¹⁾ OJ L 78, 24.3.2011, p. 57.

⁽²⁾ OJ L 78, 24.3.2011, p. 58.

Article 6

The cost of appropriate and proportional audits as referred to in Article 1 shall be financed from the administrative budget of the EEA Financial Mechanism. Based on an according budget proposal from the Board of Auditors and a recommendation from the Financial Mechanism Committee, the Standing Committee shall agree on the amount to be granted for this purpose.

Article 7

The Board of Auditors may engage external experts to assist it. The external experts must fulfil the same requirements of independence and comply with the same duty of cooperation provided for in Article 6 as the members of the Board of Auditors.

Article 8

The Board of Auditors shall inform the FMC and report to the Standing Committee of the EFTA States regarding the audit referred to in Article 1. It may submit proposals for action.

Article 9

The Board of Auditors shall propose its own terms of references concerning the audit referred to in Article 1 and submit them,

after consultation with the FMC, to the Standing Committee of the EFTA States for adoption.

Article 10

This Decision shall take immediate effect.

Article 11

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 29 September 2011.

For the Standing Committee

The Chair

Kurt JÄGER

The Secretary-General

Kåre BRYN

DECISION OF THE EEA JOINT COMMITTEE

No 111/2011

of 21 October 2011

amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 47/2011 of 20 May 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 514/2010 of 15 June 2010 concerning the authorisation of *Pediococcus pentosaceus* (DSM 16244) as a feed additive for all animal species ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 515/2010 of 15 June 2010 amending Regulation (EC) No 1137/2007 as regards the use of the feed additive *Bacillus subtilis* (O35) in feed containing lasalocid sodium, maduramycin ammonium, monensin sodium, narasin, salinomycin sodium and semduramycin sodium ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 516/2010 of 15 June 2010 concerning the permanent authorisation of an additive in feedingstuffs ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 568/2010 of 29 June 2010 amending Annex III to Regulation (EC) No 767/2009 of the European Parliament and of the Council as regards the prohibition to place on the market or use for animal nutritional purposes protein products obtained from yeasts of the *Candida* variety cultivated on n-alkanes ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 874/2010 of 5 October 2010 concerning the authorisation of lasalocid A sodium as a feed additive for turkeys up to 16 weeks (holder of

authorisation Alpharma (Belgium) BVBA) and amending Regulation (EC) No 2430/1999 ⁽⁶⁾, as corrected by OJ L 264, 7.10.2010, p. 19, is to be incorporated into the Agreement.

- (7) Commission Regulation (EU) No 875/2010 of 5 October 2010 concerning the authorisation for 10 years of an additive in feedingstuffs ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Regulation (EU) No 879/2010 of 6 October 2010 amending Regulation (EC) No 554/2008 as regards the minimum content of 6-phytase (Quantum Phytase) as a feed additive in feed for laying hens ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Regulation (EU) No 883/2010 of 7 October 2010 concerning the authorisation of a new use of *Saccharomyces cerevisiae* NCYC Sc 47 as a feed additive for calves for rearing (holder of the authorisation Société industrielle Lesaffre) ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Regulation (EU) No 884/2010 of 7 October 2010 amending Regulation (EC) No 1464/2004 as regards the withdrawal time of the additive 'Monteban', belonging to the group of coccidiostats and other medicinal substances ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Commission Regulation (EU) No 885/2010 of 7 October 2010 concerning the authorisation of the preparation of narasin and nicarbazine as a feed additive for chickens for fattening (holder of authorisation Eli Lilly and Company Ltd) and amending Regulation (EC) No 2430/1999 ⁽¹¹⁾ is to be incorporated into the Agreement.
- (12) Commission Regulation (EU) No 891/2010 of 8 October 2010 concerning the authorisation of a new use of 6-phytase as a feed additive for turkeys (holder of authorisation Roal Oy) ⁽¹²⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 196, 28.7.2011, p. 25.

⁽²⁾ OJ L 150, 16.6.2010, p. 42.

⁽³⁾ OJ L 150, 16.6.2010, p. 44.

⁽⁴⁾ OJ L 150, 16.6.2010, p. 46.

⁽⁵⁾ OJ L 163, 30.6.2010, p. 30.

⁽⁶⁾ OJ L 263, 6.10.2010, p. 1.

⁽⁷⁾ OJ L 263, 6.10.2010, p. 4.

⁽⁸⁾ OJ L 264, 7.10.2010, p. 7.

⁽⁹⁾ OJ L 265, 8.10.2010, p. 1.

⁽¹⁰⁾ OJ L 265, 8.10.2010, p. 4.

⁽¹¹⁾ OJ L 265, 8.10.2010, p. 5.

⁽¹²⁾ OJ L 266, 9.10.2010, p. 4.

(13) Commission Regulation (EU) No 892/2010 of 8 October 2010 on the status of certain products with regard to feed additives within the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council ⁽¹⁾ is to be incorporated into the Agreement.

(14) Commission Regulation (EU) No 939/2010 of 20 October 2010 amending Annex IV to Regulation (EC) No 767/2009 on permitted tolerances for the compositional labelling of feed materials or compound feed as referred to in Article 11(5) ⁽²⁾ is to be incorporated into the Agreement.

(15) Regulation (EU) No 568/2010 repeals Commission Decision 85/382/EEC ⁽³⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

(16) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Chapter II of Annex I to the Agreement shall be amended as follows:

(1) the following indents shall be added in point 1k (Commission Regulation (EC) No 2430/1999):

— **32010 R 0874:** Commission Regulation (EU) No 874/2010 of 5 October 2010 (OJ L 263, 6.10.2010, p. 1), as corrected by OJ L 264, 7.10.2010, p. 19,

— **32010 R 0885:** Commission Regulation (EU) No 885/2010 of 7 October 2010 (OJ L 265, 8.10.2010, p. 5).;

(2) the following indent shall be added in point 1zzc (Commission Regulation (EC) No 1464/2004):

— **32010 R 0884:** Commission Regulation (EU) No 884/2010 of 7 October 2010 (OJ L 265, 8.10.2010, p. 4).;

(3) the following indent shall be added in point 1zzzy (Commission Regulation (EC) No 1137/2007):

— **32010 R 0515:** Commission Regulation (EU) No 515/2010 of 15 June 2010 (OJ L 150, 16.6.2010, p. 44).;

(4) the following shall be added in point 1zzzzq (Commission Regulation (EC) No 554/2008):

‘, as amended by:

— **32010 R 0879:** Commission Regulation (EU) No 879/2010 of 6 October 2010 (OJ L 264, 7.10.2010, p. 7).;

(5) the following points shall be inserted after point 2e (Commission Regulation (EU) No 350/2010):

2f. **32010 R 0514:** Commission Regulation (EU) No 514/2010 of 15 June 2010 concerning the authorisation of *Pediococcus pentosaceus* (DSM 16244) as a feed additive for all animal species (OJ L 150, 16.6.2010, p. 42),

2g. **32010 R 0516:** Commission Regulation (EU) No 516/2010 of 15 June 2010 concerning the permanent authorisation of an additive in feedingstuffs (OJ L 150, 16.6.2010, p. 46),

2h. **32010 R 0874:** Commission Regulation (EU) No 874/2010 of 5 October 2010 concerning the authorisation of lasalocid A sodium as a feed additive for turkeys up to 16 weeks (holder of authorisation Alpharma (Belgium) BVBA) and amending Regulation (EC) No 2430/1999 (OJ L 263, 6.10.2010, p. 1), as corrected by OJ L 264, 7.10.2010, p. 19,

2i. **32010 R 0875:** Commission Regulation (EU) No 875/2010 of 5 October 2010 concerning the authorisation for 10 years of an additive in feedingstuffs (OJ L 263, 6.10.2010, p. 4),

2j. **32010 R 0883:** Commission Regulation (EU) No 883/2010 of 7 October 2010 concerning the authorisation of a new use of *Saccharomyces cerevisiae* NCYC Sc 47 as a feed additive for calves for rearing (holder of the authorisation Société industrielle Lesaffre) (OJ L 265, 8.10.2010, p. 1),

2k. **32010 R 0885:** Commission Regulation (EU) No 885/2010 of 7 October 2010 concerning the authorisation of the preparation of narasin and nicarbazin as a feed additive for chickens for fattening (holder of authorisation Eli Lilly and Company Ltd) and amending Regulation (EC) No 2430/1999 (OJ L 265, 8.10.2010, p. 5),

2l. **32010 R 0891:** Commission Regulation (EU) No 891/2010 of 8 October 2010 concerning the authorisation of a new use of 6-phytase as a feed additive for turkeys (holder of authorisation Roal Oy) (OJ L 266, 9.10.2010, p. 4),

⁽¹⁾ OJ L 266, 9.10.2010, p. 6.

⁽²⁾ OJ L 277, 21.10.2010, p. 4.

⁽³⁾ OJ L 217, 14.8.1985, p. 27.

2m. **32010 R 0892**: Commission Regulation (EU) No 892/2010 of 8 October 2010 on the status of certain products with regard to feed additives within the scope of Regulation (EC) No 1831/2003 of the European Parliament and of the Council (OJ L 266, 9.10.2010, p. 6).;

(6) the text of point 17 (Commission Decision 85/382/EEC) shall be deleted;

(7) the following shall be added in point 48 (Regulation (EC) No 767/2009 of the European Parliament and of the Council):

‘, as amended by:

— **32010 R 0568**: Commission Regulation (EU) No 568/2010 of 29 June 2010 (OJ L 163, 30.6.2010, p. 30),

— **32010 R 0939**: Commission Regulation (EU) No 939/2010 of 20 October 2010 (OJ L 277, 21.10.2010, p. 4).’

Article 2

The texts of Regulations (EU) No 514/2010, (EU) No 515/2010, (EU) No 516/2010, (EU) No 568/2010, (EU) No 874/2010, as corrected by OJ L 264, 7.10.2010, p. 19, (EU) No 875/2010,

(EU) No 879/2010, (EU) No 883/2010, (EU) No 884/2010, (EU) No 885/2010, (EU) No 891/2010, (EU) No 892/2010 and (EU) No 939/2010 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 112/2011

of 21 October 2011

amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 95/2011 of 30 September 2011 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 95/2011 of 30 September 2011 ⁽²⁾.
- (3) Commission Regulation (EU) No 365/2010 of 28 April 2010 amending Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs as regards Enterobacteriaceae in pasteurised milk and other pasteurised liquid dairy products and *Listeria monocytogenes* in food grade salt ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 956/2010 of 22 October 2010 amending Annex X to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the list of rapid tests ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 1034/2010 of 15 November 2010 amending Regulation (EC) No 1082/2003 as regards checks concerning the requirements for the identification and registration of bovine animals ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 1053/2010 of 18 November 2010 amending Regulation (EC) No 494/98 as regards administrative sanctions in cases of failure to prove the identification of an animal ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) Commission Regulation (EU) No 15/2011 of 10 January 2011 amending Regulation (EC) No 2074/2005 as regards recognised testing methods for detecting marine biotoxins in live bivalve molluscs ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Decision 2010/692/EU of 15 November 2010 recognising the fully operational character of the Latvian database for bovine animals ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) This Decision shall apply to Iceland with the transitional period specified in paragraph 2 of the Introductory Part of Chapter I of Annex I for the areas which did not apply to Iceland prior to the review of this Chapter by Decision of the EEA Joint Committee No 133/2007 of 26 October 2007 ⁽⁹⁾.
- (10) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Chapter I of Annex I to the Agreement shall be amended as follows:

- (1) the following shall be added in point 76 (Commission Regulation (EC) No 494/98) in Part 1.2:

‘, as amended by:

— **32010 R 1053**: Commission Regulation (EU) No 1053/2010 of 18 November 2010 (OJ L 303, 19.11.2010, p. 1).’;

- (2) the following indent shall be added in point 134 (Commission Regulation (EC) No 2074/2005) in Part 1.2 and point 53 (Commission Regulation (EC) No 2074/2005) in Part 6.2:

— **32011 R 0015**: Commission Regulation (EU) No 15/2011 of 10 January 2011 (OJ L 6, 11.1.2011, p. 3).’;

⁽¹⁾ OJ L 318, 1.12.2011, p. 32.

⁽²⁾ OJ L 318, 1.12.2011, p. 32.

⁽³⁾ OJ L 107, 29.4.2010, p. 9.

⁽⁴⁾ OJ L 279, 23.10.2010, p. 10.

⁽⁵⁾ OJ L 298, 16.11.2010, p. 7.

⁽⁶⁾ OJ L 303, 19.11.2010, p. 1.

⁽⁷⁾ OJ L 6, 11.1.2011, p. 3.

⁽⁸⁾ OJ L 299, 17.11.2010, p. 45.

⁽⁹⁾ OJ L 100, 10.4.2008, p. 27.

- (3) the following indent shall be added in point 140 (Commission Regulation (EC) No 1082/2003) in Part 1.2:

‘— **32010 R 1034**: Commission Regulation (EU) No 1034/2010 of 15 November 2010 (OJ L 298, 16.11.2010, p. 7).’;

- (4) under the heading ‘ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT’ the following point shall be inserted after point 25 (Commission Decision 2006/132/EC) in Part 1.2:

‘26. **32010 D 0692**: Commission Decision 2010/692/EU of 15 November 2010 recognising the fully operational character of the Latvian database for bovine animals (OJ L 299, 17.11.2010, p. 45).’;

- (5) the following indent shall be added in point 52 (Commission Regulation (EC) No 2073/2005) in Part 6.2:

‘— **32010 R 0365**: Commission Regulation (EU) No 365/2010 of 28 April 2010 (OJ L 107, 29.4.2010, p. 9).’;

- (6) the following indent shall be added in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1:

‘— **32010 R 0956**: Commission Regulation (EU) No 956/2010 of 22 October 2010 (OJ L 279, 23.10.2010, p. 10).’

Article 2

The following indent shall be added in point 54zzzzj (Commission Regulation (EC) No 2073/2005) of Chapter XII of Annex II to the Agreement:

‘— **32010 R 0365**: Commission Regulation (EC) No 365/2010 of 28 April 2010 (OJ L 107, 29.4.2010, p. 9).’

Article 3

The texts of Regulations (EU) No 365/2010, (EU) No 956/2010, (EU) No 1034/2010, (EU) No 1053/2010 and (EU) No 15/2011 and Decision 2010/692/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 113/2011

of 21 October 2011

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 66/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Directive 2008/74/EC of 18 July 2008 amending, as regards the type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and access to vehicle repair and maintenance information, Directive 2005/55/EC of the European Parliament and of the Council and Directive 2005/78/EC ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Directive 2009/1/EC of 7 January 2009 amending, for the purposes of its adaptation to technical progress, Directive 2005/64/EC of the European Parliament and of the Council on the type-approval of motor vehicles with regard to their reusability, recyclability and recoverability ⁽³⁾ is to be incorporated into the Agreement.
- (4) Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Directive 2009/78/EC of the European Parliament and of the Council of 13 July 2009 on stands for two-wheel motor vehicles ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Directive 2009/67/EC repeals Council Directive 93/92/EEC ⁽⁶⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement.

- (7) Directive 2009/78/EC repeals Council Directive 93/31/EEC ⁽⁷⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Chapter I of Annex II to the Agreement shall be amended as follows:

- (1) the text of points 45k (Council Directive 93/31/EEC) and 45o (Council Directive 93/92/EEC) shall be deleted;
- (2) the following shall be added in point 45zn (Directive 2005/64/EC of the European Parliament and of the Council):

'as amended by:

— **32009 L 0001**: Commission Directive 2009/1/EC of 7 January 2009 (OJ L 9, 14.1.2009, p. 31).';

- (3) the following indent shall be added in points 45zl (Directive 2005/55/EC of the European Parliament and of the Council) and 45zo (Commission Directive 2005/78/EC):

— **32008 L 0074**: Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).';

- (4) the following points shall be inserted after point 45zu (Commission Regulation (EC) No 692/2008):

'45zv. **32009 L 0067**: Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles (OJ L 222, 25.8.2009, p. 1).

45zw. **32009 L 0078**: Directive 2009/78/EC of the European Parliament and of the Council of 13 July 2009 on stands for two-wheel motor vehicles (OJ L 231, 3.9.2009, p. 8).'

⁽¹⁾ OJ L 262, 6.10.2011, p. 20.

⁽²⁾ OJ L 192, 19.7.2008, p. 51.

⁽³⁾ OJ L 9, 14.1.2009, p. 31.

⁽⁴⁾ OJ L 222, 25.8.2009, p. 1.

⁽⁵⁾ OJ L 231, 3.9.2009, p. 8.

⁽⁶⁾ OJ L 311, 14.12.1993, p. 1.

⁽⁷⁾ OJ L 188, 29.7.1993, p. 19.

Article 2

The texts of Directives 2008/74/EC, 2009/1/EC, 2009/67/EC and 2009/78/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 114/2011

of 21 October 2011

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 95/2011 of 30 September 2011 ⁽¹⁾.
- (2) Commission Regulation (EC) No 353/2008 of 18 April 2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 983/2009 of 21 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 984/2009 of 21 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 1024/2009 of 29 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EC) No 1025/2009 of 29 October 2009 refusing to authorise certain health

claims made on food, other than those referring to the reduction of disease risk and to children's development and health ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) Commission Regulation (EC) No 1167/2009 of 30 November 2009 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 1168/2009 of 30 November 2009 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Regulation (EC) No 1170/2009 of 30 November 2009 amending Directive 2002/46/EC of the European Parliament and of Council and Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards the lists of vitamin and minerals and their forms that can be added to foods, including food supplements ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

Chapter XII of Annex II to the Agreement shall be amended as follows:

- (1) the following indent shall be added in point 54zzi (Directive 2002/46/EC of the European Parliament and of the Council):

— **32009 R 1170:** Commission Regulation (EC) No 1170/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 36).;

⁽¹⁾ OJ L 318, 1.12.2011, p. 32.

⁽²⁾ OJ L 109, 19.4.2008, p. 11.

⁽³⁾ OJ L 277, 22.10.2009, p. 3.

⁽⁴⁾ OJ L 277, 22.10.2009, p. 13.

⁽⁵⁾ OJ L 283, 30.10.2009, p. 22.

⁽⁶⁾ OJ L 283, 30.10.2009, p. 30.

⁽⁷⁾ OJ L 314, 1.12.2009, p. 29.

⁽⁸⁾ OJ L 314, 1.12.2009, p. 32.

⁽⁹⁾ OJ L 314, 1.12.2009, p. 36.

- (2) the following shall be added in point 54zzzu (Regulation (EC) No 1925/2006 of the European Parliament and of the Council):

‘, as amended by:

— **32009 R 1170**: Commission Regulation (EC) No 1170/2009 of 30 November 2009 (OJ L 314, 1.12.2009, p. 36).’;

- (3) the following points shall be inserted after point 54zzzzz (Commission Regulation (EU) No 958/2010):

‘54zzzzza. **32008 R 0353**: Commission Regulation (EC) No 353/2008 of 18 April 2008 establishing implementing rules for applications for authorisation of health claims as provided for in Article 15 of Regulation (EC) No 1924/2006 of the European Parliament and of the Council (OJ L 109, 19.4.2008, p. 11).

54zzzzzb. **32009 R 0983**: Commission Regulation (EC) No 983/2009 of 21 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children’s development and health (OJ L 277, 22.10.2009, p. 3).

54zzzzzc. **32009 R 0984**: Commission Regulation (EC) No 984/2009 of 21 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 277, 22.10.2009, p. 13).

54zzzzzd. **32009 R 1024**: Commission Regulation (EC) No 1024/2009 of 29 October 2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children’s development and health (OJ L 283, 30.10.2009, p. 22).

54zzzzze. **32009 R 1025**: Commission Regulation (EC) No 1025/2009 of 29 October 2009 refusing

to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 283, 30.10.2009, p. 30).

54zzzzzf. **32009 R 1167**: Commission Regulation (EC) No 1167/2009 of 30 November 2009 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children’s development and health (OJ L 314, 1.12.2009, p. 29).

54zzzzzg. **32009 R 1168**: Commission Regulation (EC) No 1168/2009 of 30 November 2009 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 314, 1.12.2009, p. 32).’

Article 2

The texts of Regulations (EC) No 353/2008, (EC) No 983/2009, (EC) No 984/2009, (EC) No 1024/2009, (EC) No 1025/2009, (EC) No 1167/2009, (EC) No 1168/2009 and (EC) No 1170/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 115/2011

of 21 October 2011

amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 9/2011 of 1 April 2011 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 95/2011 of 30 September 2011 ⁽²⁾.
- (3) Commission Regulation (EU) No 304/2010 of 9 April 2010 amending Annex II to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for 2-phenylphenol in or on certain products ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EU) No 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EU) No 376/2010 of 3 May 2010 amending Regulation (EC) No 983/2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Regulation (EU) No 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Regulation (EU) No 383/2010 of 5 May 2010 refusing to authorise a health claim made on

foods, other than those referring to the reduction of disease risk and to children's development and health ⁽⁷⁾ is to be incorporated into the Agreement.

- (8) Commission Regulation (EU) No 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children's development and health ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Decision 2010/169/EU of 19 March 2010 concerning the non-inclusion of 2,4,4'-trichloro-2'-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC ⁽⁹⁾ is to be incorporated into the Agreement.
- (10) Commission Decision 2010/172/EU of 22 March 2010 amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods ⁽¹⁰⁾ is to be incorporated into the Agreement.
- (11) Commission Recommendation 2010/161/EU of 17 March 2010 on the monitoring of perfluoroalkylated substances in food ⁽¹¹⁾ is to be incorporated into the Agreement.
- (12) This Decision is not to apply to Liechtenstein,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 40 (Regulation (EC) No 396/2005 of the European Parliament and of the Council) of Chapter II of Annex I to the Agreement:

— **32010 R 0304:** Commission Regulation (EU) No 304/2010 of 9 April 2010 (OJ L 94, 15.4.2010, p. 1).'

⁽¹⁾ OJ L 171, 30.6.2011, p. 5.

⁽²⁾ OJ L 318, 1.12.2011, p. 32.

⁽³⁾ OJ L 94, 15.4.2010, p. 1.

⁽⁴⁾ OJ L 111, 4.5.2010, p. 1.

⁽⁵⁾ OJ L 111, 4.5.2010, p. 3.

⁽⁶⁾ OJ L 113, 6.5.2010, p. 1.

⁽⁷⁾ OJ L 113, 6.5.2010, p. 4.

⁽⁸⁾ OJ L 113, 6.5.2010, p. 6.

⁽⁹⁾ OJ L 75, 23.3.2010, p. 25.

⁽¹⁰⁾ OJ L 75, 23.3.2010, p. 33.

⁽¹¹⁾ OJ L 68, 18.3.2010, p. 22.

Article 2

Chapter XII of Annex II to the Agreement shall be amended as follows:

- (1) the following indent shall be added in point 54zze (Commission Decision 2002/840/EC):

‘— **32010 D 0172**: Commission Decision 2010/172/EU of 22 March 2010 (OJ L 75, 23.3.2010, p. 33).’;

- (2) the following indent shall be added in point 54zzy (Regulation (EC) No 396/2005 of the European Parliament and of the Council):

‘— **32010 R 0304**: Commission Regulation (EU) No 304/2010 of 9 April 2010 (OJ L 94, 15.4.2010, p. 1).’;

- (3) the following shall be added in point 54zzzzzb (Commission Regulation (EC) No 983/2009):

‘, as amended by:

— **32010 R 0376**: Commission Regulation (EU) No 376/2010 of 3 May 2010 (OJ L 111, 4.5.2010, p. 3).’;

- (4) the following points shall be inserted after point 54zzzzzg (Commission Regulation (EC) No 1168/2009):

‘54zzzzzh. **32010 R 0375**: Commission Regulation (EU) No 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 111, 4.5.2010, p. 1).

54zzzzzi. **32010 R 0382**: Commission Regulation (EU) No 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 113, 6.5.2010, p. 1).

54zzzzzj. **32010 R 0383**: Commission Regulation (EU) No 383/2010 of 5 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children’s development and health (OJ L 113, 6.5.2010, p. 4).

54zzzzzk. **32010 R 0384**: Commission Regulation (EU) No 384/2010 of 5 May 2010 on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk and to children’s development and health (OJ L 113, 6.5.2010, p. 6).

54zzzzzl. **32010 D 0169**: Commission Decision 2010/169/EU of 19 March 2010 concerning the non-inclusion of 2,4,4’-trichloro-2’-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC (OJ L 75, 23.3.2010, p. 25).’;

- (5) the following point shall be inserted after point 66 (Commission Recommendation 2010/307/EU):

‘67. **32010 H 0161**: Commission Recommendation 2010/161/EU of 17 March 2010 on the monitoring of perfluoroalkylated substances in food (OJ L 68, 18.3.2010, p. 22).’

Article 3

The texts of Regulations (EU) No 304/2010, (EU) No 375/2010, (EU) No 376/2010, (EU) No 382/2010, (EU) No 383/2010 and (EU) No 384/2010, Decisions 2010/169/EU and 2010/172/EU and Recommendation 2010/161/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 5

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 116/2011

of 21 October 2011

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 96/2011 of 30 September 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 143/2011 of 17 February 2011 amending Annex XIV to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals ('REACH') ⁽²⁾, as corrected by OJ L 49, 24.2.2011, p. 52, is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 207/2011 of 2 March 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Diphenylether, pentabromo derivative and PFOS) ⁽³⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indents shall be added in point 12zc (Regulation (EC) No 1907/2006 of the European Parliament and of the Council) of Chapter XV of Annex II to the Agreement:

— **32011 R 0143**: Commission Regulation (EU) No 143/2011 of 17 February 2011 (OJ L 44, 18.2.2011, p. 2), as corrected by OJ L 49, 24.2.2011, p. 52,

— **32011 R 0207**: Commission Regulation (EU) No 207/2011 of 2 March 2011 (OJ L 58, 3.3.2011, p. 27).'

Article 2

The texts of Regulations (EU) No 143/2011, as corrected by OJ L 49, 24.2.2011, p. 52, and (EU) No 207/2011 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 318, 1.12.2011, p. 34.

⁽²⁾ OJ L 44, 18.2.2011, p. 2.

⁽³⁾ OJ L 58, 3.3.2011, p. 27.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 117/2011

of 21 October 2011

amending Annex IX (Financial services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex IX to the Agreement was amended by Decision of the EEA Joint Committee No 78/2011 of 1 July 2011 ⁽¹⁾.
- (2) Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2009/103/EC repeals Council Directives 72/166/EEC ⁽³⁾, 84/5/EEC ⁽⁴⁾, 90/232/EEC ⁽⁵⁾ and Directives 2000/26/EC ⁽⁶⁾ and 2005/14/EC ⁽⁷⁾ of the European Parliament and of the Council, which are incorporated into the Agreement and are consequently to be repealed under the Agreement, except for those provisions of Directives 2000/26/EC and 2005/14/EC which amend Council Directives 73/239/EEC ⁽⁸⁾ and 88/357/EEC ⁽⁹⁾, which will be repealed under the Agreement by the Decision of the EEA Joint Committee incorporating Directive 2009/103/EC of the European Parliament and of the Council ⁽¹⁰⁾ into the Agreement.
- (4) The current EEA adaptation to Directive 2000/26/EC should be maintained with regard to Directive 2009/103/EC,

⁽¹⁾ OJ L 262, 6.10.2011, p. 45.

⁽²⁾ OJ L 263, 7.10.2009, p. 11.

⁽³⁾ OJ L 103, 2.5.1972, p. 1.

⁽⁴⁾ OJ L 8, 11.1.1984, p. 17.

⁽⁵⁾ OJ L 129, 19.5.1990, p. 33.

⁽⁶⁾ OJ L 181, 20.7.2000, p. 65.

⁽⁷⁾ OJ L 149, 11.6.2005, p. 14.

⁽⁸⁾ OJ L 228, 16.8.1973, p. 3.

⁽⁹⁾ OJ L 172, 4.7.1988, p. 1.

⁽¹⁰⁾ OJ L 335, 17.12.2009, p. 1.

Article 1

Annex IX to the Agreement shall be amended as follows:

- (1) the text of point 8 (Council Directive 72/166/EEC) shall be replaced by the following:

'32009 L 0103: Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability (OJ L 263, 7.10.2009, p. 11).

The provisions of the Directive, shall for the purposes of this Agreement, be read with the following adaptation:

Article 21(6) shall read as follows:

"The appointment of a claims representative shall not in itself constitute the opening of a branch within the meaning of Article 1(b) of Directive 92/49/EEC and the claims representative shall not be regarded as an establishment within the meaning of Article 2(c) of Directive 88/357/EEC.";

- (2) the text of points 9 (Second Council Directive 84/5/EEC), 10 (Third Council Directive 90/232/EEC) and 10a (Directive 2000/26/EC of the European Parliament and of the Council) shall be deleted.

Article 2

The text of Directive 2009/103/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

(*) No constitutional requirements indicated.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

DECISION OF THE EEA JOINT COMMITTEE

No 118/2011

of 21 October 2011

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 104/2011 of 30 September 2011 ⁽¹⁾.
- (2) Commission Decision 2010/17/EC of 29 October 2009 on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 42g (Directive 2007/59/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

'42ga. **32010 D 0017**: Commission Decision 2010/17/EC of 29 October 2009 on the adoption of basic parameters for registers of train driving licences and comple-

mentary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council (OJ L 8, 13.1.2010, p. 17).'

Article 2

The text of Decision 2010/17/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 318, 1.12.2011, p. 42.

⁽²⁾ OJ L 8, 13.1.2010, p. 17.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 119/2011
of 21 October 2011
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 104/2011 of 30 September 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance ⁽³⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following points shall be inserted after point 56bc (Commission Regulation (EU) No 428/2010) of Annex XIII to the Agreement:

'56bd. **32010 R 0801**: Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the

European Parliament and of the Council as regards the flag State criteria (OJ L 241, 14.9.2010, p. 1).

56be **32010 R 0802**: Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance (OJ L 241, 14.9.2010, p. 4).'

Article 2

The texts of Regulations (EU) No 801/2010 and (EU) No 802/2010 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 318, 1.12.2011, p. 42.

⁽²⁾ OJ L 241, 14.9.2010, p. 1.

⁽³⁾ OJ L 241, 14.9.2010, p. 4.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 120/2011

of 21 October 2011

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

(1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 104/2011 of 30 September 2011 ⁽¹⁾.

(2) Commission Implementing Regulation (EU) No 390/2011 of 19 April 2011 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 66zab (Commission Regulation (EC) No 474/2006) of Annex XIII to the Agreement:

— **32011 R 0390:** Commission Implementing Regulation (EU) No 390/2011 of 19 April 2011 (OJ L 104, 20.4.2011, p. 10).'

Article 2

The text of Implementing Regulation (EU) No 390/2011 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

*For the EEA Joint Committee**The President*

Kurt JÄGER

⁽¹⁾ OJ L 318, 1.12.2011, p. 42.

⁽²⁾ OJ L 104, 20.4.2011, p. 10.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 121/2011

of 21 October 2011

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 93/2011 of 20 July 2011 ⁽¹⁾.
- (2) Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2008/50/EC repeals Council Directive 96/62/EC ⁽³⁾, Council Directive 1999/30/EC ⁽⁴⁾, Directive 2000/69/EC of the European Parliament and of the Council ⁽⁵⁾, Directive 2002/3/EC of the European Parliament and of the Council ⁽⁶⁾ and Council Decision 97/101/EC ⁽⁷⁾, which are incorporated into the Agreement and which are consequently to be deleted from the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

Annex XX to the Agreement shall be amended as follows:

- (1) the following point shall be inserted after point 14b (Council Decision 97/101/EC):
'14c. **32008 L 0050**: Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1).';

- (2) the texts of points 13d (Directive 2000/69/EC of the European Parliament and of the Council), 13e (Council Directive 1999/30/EC), 14a (Council Directive 96/62/EC), 14b (Council Decision 97/101/EC) and 21ag (Directive 2002/3/EC of the European Parliament and of the Council) shall be deleted.

Article 2

The text of Directive 2008/50/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 November 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 65.

⁽²⁾ OJ L 152, 11.6.2008, p. 1.

⁽³⁾ OJ L 296, 21.11.1996, p. 55.

⁽⁴⁾ OJ L 163, 29.6.1999, p. 41.

⁽⁵⁾ OJ L 313, 13.12.2000, p. 12.

⁽⁶⁾ OJ L 67, 9.3.2002, p. 14.

⁽⁷⁾ OJ L 35, 5.2.1997, p. 14.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 122/2011

of 21 October 2011

amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 93/2011 of 20 July 2011 ⁽¹⁾.
- (2) Commission Decision 2011/638/EU of 26 September 2011 on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 21apc (Commission Decision 2011/389/EU) of Annex XX to the Agreement:

'21apd. **32011 D 0638:** Commission Decision 2011/638/EU of 26 September 2011 on benchmarks to allocate greenhouse gas emission

allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 252, 28.9.2011, p. 20).'

Article 2

The text of Decision 2011/638/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 22 October 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 21 October 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 65.

⁽²⁾ OJ L 252, 28.9.2011, p. 20.

(*) No constitutional requirements indicated.

CORRIGENDA

Corrigendum to Commission Regulation (EU) No 1192/2010 of 16 December 2010 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Ricotta Romana (PDO))

(Official Journal of the European Union L 333 of 17 December 2010)

On page 22, in the second line of the Annex,

for: **'Class 1.3. Cheeses'**

read: **'Class 1.4. Other products of animal origin (eggs, honey, various dairy products except butter, etc.)'**

★ Commission Implementing Regulation (EU) No 1371/2011 of 21 December 2011 amending Implementing Regulation (EU) No 961/2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station ⁽¹⁾	41
★ Commission Implementing Regulation (EU) No 1372/2011 of 21 December 2011 concerning the non-approval of the active substance acetochlor, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending Commission Decision 2008/934/EC ⁽¹⁾	45
★ Commission Implementing Regulation (EU) No 1373/2011 of 21 December 2011 excluding ICES Subdivisions 27 and 28.2 from certain fishing effort limitations for 2012, pursuant to Council Regulation (EC) No 1098/2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks	47
Commission Implementing Regulation (EU) No 1374/2011 of 21 December 2011 establishing the standard import values for determining the entry price of certain fruit and vegetables	48

DIRECTIVES

★ Commission Directive 2011/100/EU of 20 December 2011 amending Directive 98/79/EC of the European Parliament and of the Council on in-vitro diagnostic medical devices ⁽¹⁾	50
--	----

DECISIONS

2011/864/CFSP:

★ Political and Security Committee Decision EUPM/1/2011 of 16 December 2011 extending the mandate of the Head of Mission of the European Union Police Mission in Bosnia and Herzegovina (EUPM BiH)	52
--	----

2011/865/EU:

★ Council Decision of 19 December 2011 appointing a member of the Scientific and Technical Committee	53
--	----

2011/866/EU:

★ Council Decision of 19 December 2011 concerning the Commission's proposal for a Council Regulation adjusting with the effect from 1 July 2011 the remuneration and pension of the officials and other servants of the European Union and the correction coefficients applied thereto	54
--	----

★ Council Decision 2011/867/CFSP of 20 December 2011 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya	56
--	----



⁽¹⁾ Text with EEA relevance

2011/868/EU:

- ★ **Commission Implementing Decision of 19 December 2011 on a Union financial contribution for 2011 to cover expenditure incurred by Germany, Spain, Italy, Cyprus, Malta, the Netherlands and Portugal for the purpose of combating organisms harmful to plants or plant products** (notified under document C(2011) 9243) 57

2011/869/EU:

- ★ **Commission Decision of 20 December 2011 amending Decision 2002/364/EC on common technical specifications for in vitro diagnostic medical devices** (notified under document C(2011) 9398) ⁽¹⁾..... 63

2011/870/EU:

- ★ **Decision of the European Central Bank of 14 December 2011 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral** (ECB/2011/25) 65

III Other acts

EUROPEAN ECONOMIC AREA

- ★ **Decision of the Standing Committee of the EFTA States No 1/2011/SC of 29 September 2011 regarding the audit of programmes and projects under the Financial Mechanism (2009–2014)** 67
- ★ **Decision of the EEA Joint Committee No 111/2011 of 21 October 2011 amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement** 69
- ★ **Decision of the EEA Joint Committee No 112/2011 of 21 October 2011 amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 72
- ★ **Decision of the EEA Joint Committee No 113/2011 of 21 October 2011 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 74
- ★ **Decision of the EEA Joint Committee No 114/2011 of 21 October 2011 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 76
- ★ **Decision of the EEA Joint Committee No 115/2011 of 21 October 2011 amending Annex I (Veterinary and phytosanitary matters) and Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement** 78



⁽¹⁾ Text with EEA relevance

★ Decision of the EEA Joint Committee No 116/2011 of 21 October 2011 amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement	80
★ Decision of the EEA Joint Committee No 117/2011 of 21 October 2011 amending Annex IX (Financial services) to the EEA Agreement	81
★ Decision of the EEA Joint Committee No 118/2011 of 21 October 2011 amending Annex XIII (Transport) to the EEA Agreement	83
★ Decision of the EEA Joint Committee No 119/2011 of 21 October 2011 amending Annex XIII (Transport) to the EEA Agreement	84
★ Decision of the EEA Joint Committee No 120/2011 of 21 October 2011 amending Annex XIII (Transport) to the EEA Agreement	85
★ Decision of the EEA Joint Committee No 121/2011 of 21 October 2011 amending Annex XX (Environment) to the EEA Agreement	86
★ Decision of the EEA Joint Committee No 122/2011 of 21 October 2011 amending Annex XX (Environment) to the EEA Agreement	87

Corrigenda

★ Corrigendum to Commission Regulation (EU) No 1192/2010 of 16 December 2010 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Ricotta Romana (PDO)) (OJ L 333, 17.12.2010)	88
--	----

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