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Legislation

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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 585/2010

of 2 July 2010

amending Regulation (EC) No 2535/2001 laying down detailed rules for applying Council Regulation (EC) No 1255/1999 as regards the import arrangements for milk and milk products and opening tariff quotas

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 144(1) and Article 148, in conjunction with Article 4 thereof,

Whereas:

(1) Article 19a of Commission Regulation (EC) No 2535/2001 ⁽²⁾ refers to the tariff quotas managed in accordance with Articles 308a, 308b and 308c(1) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾. Those quotas include also the quotas provided for in Council Regulation (EC) No 747/2001 of 9 April 2001 providing for the management of Community tariff quotas and of reference quantities for products eligible for preferences by virtue of agreements with certain Mediterranean countries ⁽⁴⁾.

(2) An Agreement in the form of an Exchange of Letters between the European Community and the State of Israel concerning reciprocal liberalisation measures on agricultural products, processed agricultural products

and fish and fishery products, the replacement of Protocols 1 and 2 and their annexes and amendments to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, was concluded in 2008. This Agreement, hereinafter referred to as 'the Agreement', was approved by Council Decision 2009/855/EC ⁽⁵⁾.

(3) The Agreement provides for new tariff quotas for agricultural and processed agricultural products originating in Israel.

(4) Therefore, Regulation (EC) No 747/2001 as amended by Commission Regulation (EC) No 1154/2009 ⁽⁶⁾ provided for an increase of the quota for the milk product falling under CN code 0404 10 as from 1 January 2010.

(5) Regulation (EC) No 2535/2001 should therefore be amended accordingly.

(6) The amendment proposed should apply as from 1 January 2010, date on which the Agreement entered into force and became applicable the corresponding amendment of Regulation (EC) No 747/2001.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 341, 22.12.2001, p. 29.

⁽³⁾ OJ L 253, 11.10.1993, p. 1.

⁽⁴⁾ OJ L 109, 19.4.2001, p. 2.

⁽⁵⁾ OJ L 313, 28.11.2009, p. 81.

⁽⁶⁾ OJ L 313, 28.11.2009, p. 52.

HAS ADOPTED THIS REGULATION:

Article 1

In Annex VIIa to Regulation (EC) No 2535/2001, point 2 is replaced by the following:

'2. Tariff quota under Annex VII to Regulation (EC) No 747/2001 as regards certain agricultural products originating in Israel:

Quota No	CN code	Description ⁽¹⁾	Applicable rate of duty	Yearly quantity in tonnes Base = calendar year
09.1302	0404 10	Whey and modified whey	Exemption	1 300

⁽¹⁾ Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording for the description of the products is to be considered as having no more than an indicative value, the preferential arrangements being determined, within the context of this Annex, by the coverage of the CN codes. Where ex CN codes are referred to, the applicability of the preferential arrangements is determined to the basis of the CN code and the corresponding description taken jointly.'

Article 2

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

It shall apply from 1 January 2010.

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

Done at Brussels, 2 July 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 586/2010**of 2 July 2010****amending for the 130th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan ⁽¹⁾, and in particular Articles 7(1)(a) and 7a(5) ⁽²⁾ thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

- (2) On 25 June 2010 the Sanctions Committee of the United Nations Security Council decided to remove one entity from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 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, 2 July 2010.

For the Commission

For the President

Karel KOVANDA

Acting Director General for External Relations

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

⁽²⁾ Article 7a was inserted by Regulation (EU) No 1286/2009 (OJ L 346, 23.12.2009, p. 42).

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

The following entry under the heading 'Legal persons, groups and entities' is deleted:

'Asat Trust Reg., Altenbach 8, FL-9490 Vaduz, Liechtenstein.'

COMMISSION REGULATION (EU) No 587/2010**of 2 July 2010****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 3 July 2010.

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

Done at Brussels, 2 July 2010.

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

Jean-Luc DEMARTY
*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	56,2
	MK	36,4
	TR	50,2
	ZZ	47,6
0707 00 05	MK	45,6
	TR	122,3
	ZZ	84,0
0709 90 70	TR	104,7
	ZZ	104,7
0805 50 10	AR	87,9
	TR	97,3
	UY	91,0
	ZA	90,4
	ZZ	91,7
0808 10 80	AR	98,7
	BR	71,8
	CA	118,4
	CL	98,7
	CN	80,0
	NZ	103,9
	US	84,5
	ZA	102,2
	ZZ	94,8
0808 20 50	AR	91,0
	CL	115,8
	NZ	149,5
	ZA	114,6
	ZZ	117,7
0809 10 00	TR	233,8
	ZZ	233,8
0809 20 95	TR	288,1
	ZZ	288,1
0809 30	AR	133,5
	TR	158,2
	ZZ	145,9
0809 40 05	IL	164,8
	US	110,3
	ZZ	137,6

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

DIRECTIVES

COMMISSION DIRECTIVE 2010/46/EU

of 2 July 2010

amending Directives 2003/90/EC and 2003/91/EC setting out implementing measures for the purposes of Article 7 of Council Directives 2002/53/EC and 2002/55/EC respectively, as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species and vegetable species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS DIRECTIVE:

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

Article 1

Annexes I and II to Directive 2003/90/EC are replaced by the text in part A of the Annex to this Directive.

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the common catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 7(2)(a) and (b) thereof,

Article 2

Having regard to Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed ⁽²⁾, and in particular Article 7(2)(a) and (b) thereof,

The Annexes to Directive 2003/91/EC are replaced by the text in part B of the Annex to this Directive.

Whereas:

Article 3

(1) Commission Directives 2003/90/EC ⁽³⁾ and 2003/91/EC ⁽⁴⁾ were adopted to ensure that the varieties the Member States include in their national catalogues comply with the guidelines established by the Community Plant Variety Office (CPVO) as regards the characteristics to be covered as a minimum by the examination of the various species and the minimum conditions for examining the varieties, as far as such guidelines had been established. For other varieties those Directives provide that guidelines of the International Union for Protection of new Varieties of Plants (UPOV) are to apply.

For examinations started before 1 January 2011 Member States may apply Directives 2003/90/EC and 2003/91/EC in the version applying before their amendment by this Directive.

Article 4

(2) The CPVO and UPOV have since established further guidelines for a number of other species, and have updated existing ones.

Member States shall adopt and publish, by 31 December 2010 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

(3) Directives 2003/90/EC and 2003/91/EC should therefore be amended accordingly.

They shall apply those provisions from 1 January 2011.

(4) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

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.

Article 5

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

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ OJ L 193, 20.7.2002, p. 33.

⁽³⁾ OJ L 254, 8.10.2003, p. 7.

⁽⁴⁾ OJ L 254, 8.10.2003, p. 11.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 2 July 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX

PART A

‘ANNEX I

List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
<i>Pisum sativum</i> L.	Field pea	TP 7/2 of 11.3.2010
<i>Brassica napus</i> L.	Swede rape	TP 36/1 of 25.3.2004
<i>Helianthus annuus</i> L.	Sunflower	TP 81/1 of 31.10.2002
<i>Linum usitatissimum</i> L.	Flax/Linseed	TP 57/1 of 21.3.2007
<i>Avena nuda</i> L.	Small naked oat, Hulless oat	TP 20/1 of 6.11.2003
<i>Avena sativa</i> L. (includes <i>A. byzantina</i> K. Koch)	Oats and Red oat	TP 20/1 of 6.11.2003
<i>Hordeum vulgare</i> L.	Barley	TP 19/2rev. of 11.3.2010
<i>Oryza sativa</i> L.	Rice	TP 16/1 of 18.11.2004
<i>Secale cereale</i> L.	Rye	TP 58/1 of 31.10.2002
<i>Triticosecale</i> Wittm. ex A. Camus	Hybrids resulting from the crossing of a species of the genus <i>Triticum</i> and a species of the genus <i>Secale</i>	TP 121/2 of 22.1.2007
<i>Triticum aestivum</i> L.	Wheat	TP 3/4rev. of 28.10.2009
<i>Triticum durum</i> Desf.	Durum wheat	TP 120/2 of 6.11.2003
<i>Zea mays</i> L.	Maize	TP 2/3 of 11.3.2010
<i>Solanum tuberosum</i> L.	Potato	TP 23/2 of 1.12.2005

The text of these protocols can be found on the CPVO website (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Fodder beet	TG/150/3 of 4.11.1994
<i>Agrostis canina</i> L.	Velvet bent	TG/30/6 of 12.10.1990
<i>Agrostis gigantea</i> Roth.	Red top	TG/30/6 of 12.10.1990
<i>Agrostis stolonifera</i> L.	Creeping bent	TG/30/6 of 12.10.1990
<i>Agrostis capillaris</i> L.	Brown top	TG/30/6 of 12.10.1990
<i>Bromus catharticus</i> Vahl	Rescue grass	TG/180/3 of 4.4.2001
<i>Bromus sitchensis</i> Trin.	Alaska brome grass	TG/180/3 of 4.4.2001
<i>Dactylis glomerata</i> L.	Cocksfoot	TG/31/8 of 17.4.2002

Scientific name	Common name	UPOV guideline
<i>Festuca arundinacea</i> Schreber	Tall fescue	TG/39/8 of 17.4.2002
<i>Festuca filiformis</i> Pourr.	Fine-leaved sheep's fescue	TG/67/5 of 5.4.2006
<i>Festuca ovina</i> L.	Sheep's fescue	TG/67/5 of 5.4.2006
<i>Festuca pratensis</i> Huds.	Meadow fescue	TG/39/8 of 17.4.2002
<i>Festuca rubra</i> L.	Red fescue	TG/67/5 of 5.4.2006
<i>Festuca trachyphylla</i> (Hack.) Krajina	Hard fescue	TG/67/5 of 5.4.2006
<i>Lolium multiflorum</i> Lam.	Italian ryegrass	TG/4/8 of 5.4.2006
<i>Lolium perenne</i> L.	Perennial ryegrass	TG/4/8 of 5.4.2006
<i>Lolium x boucheanum</i> Kunth	Hybrid ryegrass	TG/4/8 of 5.4.2006
<i>Phleum nodosum</i> L.	Small timothy	TG/34/6 of 7.11.1984
<i>Phleum pratense</i> L.	Timothy	TG/34/6 of 7.11.1984
<i>Poa pratensis</i> L.	Smooth-stalked meadow grass	TG/33/6 of 12.10.1990
<i>Lupinus albus</i> L.	White lupin	TG/66/4 of 31.3.2004
<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin	TG/66/4 of 31.3.2004
<i>Lupinus luteus</i> L.	Yellow lupin	TG/66/4 of 31.3.2004
<i>Medicago sativa</i> L.	Lucerne	TG/6/5 of 6.4.2005
<i>Medicago x varia</i> T. Martyn	Sand lucerne	TG/6/5 of 6.4.2005
<i>Trifolium pratense</i> L.	Red clover	TG/5/7 of 4.4.2001
<i>Trifolium repens</i> L.	White clover	TG/38/7 of 9.4.2003
<i>Vicia faba</i> L.	Field bean	TG/8/6 of 17.4.2002
<i>Vicia sativa</i> L.	Common vetch	TG/32/6 of 21.10.1988
<i>Brassica napus</i> L. var. <i>napo-</i> <i>brassica</i> (L.) Rchb.	Swede	TG/89/6rev. of 4.4.2001 + 1.4.2009
<i>Raphanus sativus</i> L. var. <i>olei-</i> <i>formis</i> Pers.	Fodder radish	TG/178/3 of 4.4.2001
<i>Arachis hypogea</i> L.	Groundnut/Peanut	TG/93/3 of 13.11.1985
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Turnip rape	TG/185/3 of 17.4.2002
<i>Carthamus tinctorius</i> L.	Safflower	TG/134/3 of 12.10.1990
<i>Gossypium</i> spp.	Cotton	TG/88/6 of 4.4.2001
<i>Papaver somniferum</i> L.	Poppy	TG/166/3 of 24.3.1999
<i>Sinapis alba</i> L.	White mustard	TG/179/3 of 4.4.2001

Scientific name	Common name	UPOV guideline
<i>Glycine max</i> (L.) Merrill	Soya bean	TG/80/6 of 1.4.1998
<i>Sorghum bicolor</i> (L.) Moench	Sorghum	TG/122/3 of 6.10.1989

The text of these guidelines can be found on the UPOV website (www.upov.int).

PART B

'ANNEX I

List of species referred to in Article 1(2)(a) which are to comply with CPVO test protocols

Scientific name	Common name	CPVO protocol
<i>Allium cepa</i> L. (Cepa group)	Onion and Echalion	TP 46/2 of 1.4.2009
<i>Allium cepa</i> L. (Aggregatum group)	Shallot	TP 46/2 of 1.4.2009
<i>Allium fistulosum</i> L.	Japanese bunching onion or Welsh onion	TP 161/1 of 11.3.2010
<i>Allium porrum</i> L.	Leek	TP 85/2 of 1.4.2009
<i>Allium sativum</i> L.	Garlic	TP 162/1 of 25.3.2004
<i>Allium schoenoprasum</i> L.	Chives	TP 198/1 of 1.4.2009
<i>Apium graveolens</i> L.	Celery	TP 82/1 of 13.3.2008
<i>Apium graveolens</i> L.	Celeriac	TP 74/1 of 13.3.2008
<i>Asparagus officinalis</i> L.	Asparagus	TP 130/1 of 27.3.2002
<i>Beta vulgaris</i> L.	Beetroot including Cheltenham beet	TP 60/1 of 1.4.2009
<i>Brassica oleracea</i> L.	Cauliflower	TP 45/2 of 11.3.2010
<i>Brassica oleracea</i> L.	Sprouting broccoli or Calabrese	TP 151/2 of 21.3.2007
<i>Brassica oleracea</i> L.	Brussels sprouts	TP 54/2 of 1.12.2005
<i>Brassica oleracea</i> L.	Kohlrabi	TP 65/1 of 25.3.2004
<i>Brassica oleracea</i> L.	Savoy cabbage, White cabbage and Red cabbage	TP 48/2 of 1.12.2005
<i>Brassica rapa</i> L.	Chinese cabbage	TP 105/1 of 13.3.2008
<i>Capsicum annuum</i> L.	Chilli or Pepper	TP 76/2 of 21.3.2007
<i>Cichorium endivia</i> L.	Curled-leaved endive and Plain-leaved endive	TP 118/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Industrial chicory	TP 172/2 of 1.12.2005
<i>Cichorium intybus</i> L.	Witloof chicory	TP 173/1 of 25.3.2004
<i>Citrullus lanatus</i> (Thumb.) Matsum. et Nakai	Watermelon	TP 142/1 of 21.3.2007
<i>Cucumis melo</i> L.	Melon	TP 104/2 of 21.3.2007
<i>Cucumis sativus</i> L.	Cucumber and Gherkin	TP 61/2 of 13.3.2008
<i>Cucurbita pepo</i> L.	Marrow or Courgette	TP 119/1 of 25.3.2004

Scientific name	Common name	CPVO protocol
<i>Cynara cardunculus</i> L.	Globe artichoke and Cardoon	TP 184/1 of 25.3.2004
<i>Daucus carota</i> L.	Carrot and Fodder carrot	TP 49/3 of 13.3.2008
<i>Foeniculum vulgare</i> Mill.	Fennel	TP 183/1 of 25.3.2004
<i>Lactuca sativa</i> L.	Lettuce	TP 13/4 of 1.4.2009
<i>Lycopersicon esculentum</i> Mill.	Tomato	TP 44/3 of 21.3.2007
<i>Petroselinum crispum</i> (Mill.) Nyman ex A. W. Hill	Parsley	TP 136/1 of 21.3.2007
<i>Phaseolus coccineus</i> L.	Runner bean	TP 9/1 of 21.3.2007
<i>Phaseolus vulgaris</i> L.	Dwarf French bean and Climbing French bean	TP 12/3 of 1.4.2009
<i>Pisum sativum</i> L. (partim)	Wrinkled pea, Round pea and Sugar pea	TP 7/2 of 11.3.2010
<i>Raphanus sativus</i> L.	Radish	TP 64/1 of 27.3.2002
<i>Solanum melongena</i> L.	Aubergine or Egg plant	TP 117/1 of 13.3.2008
<i>Spinacia oleracea</i> L.	Spinach	TP 55/3 of 11.3.2010
<i>Valerianella locusta</i> (L.) Laterr.	Corn salad or Lamb's lettuce	TP 75/2 of 21.3.2007
<i>Vicia faba</i> L. (partim)	Broad bean	TP Broadbean/1 of 25.3.2004
<i>Zea mays</i> L. (partim)	Sweet corn and Pop corn	TP 2/3 of 11.3.2010

The text of these protocols can be found on the CPVO website (www.cpvo.europa.eu).

ANNEX II

List of species referred to in Article 1(2)(b) which are to comply with UPOV test guidelines

Scientific name	Common name	UPOV guideline
<i>Beta vulgaris</i> L.	Spinach beet or Chard	TG/106/4 of 31.3.2004
<i>Brassica oleracea</i> L.	Curly kale	TG/90/6 of 31.3.2004
<i>Brassica rapa</i> L.	Turnip	TG/37/10 of 4.4.2001
<i>Cichorium intybus</i> L.	Large-leaved chicory or Italian chicory	TG/154/3 of 18.10.1996
<i>Cucurbita maxima</i> Duchesne	Gourd	TG/155/4rev. of 28.3.2007 + 1.4.2009
<i>Raphanus sativus</i> L.	Black radish	TG/63/6 of 24.3.1999
<i>Rheum rhubarbarum</i> L.	Rhubarb	TG/62/6 of 24.3.1999
<i>Scorzonera hispanica</i> L.	Scorzonera or Black salsify	TG/116/4 of 24.3.2010

The text of these guidelines can be found on the UPOV website (www.upov.int).

DECISIONS

COUNCIL DECISION

of 6 June 2010

concerning the conclusion of consultations with the Republic of Madagascar under Article 96 of the ACP-EU Partnership Agreement

(2010/371/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 thereof,

Having regard to the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, as revised in Luxembourg on 25 June 2005 ⁽²⁾ (hereinafter referred to as the 'ACP-EU Partnership Agreement'), and in particular Article 96 thereof,

Having regard to the Internal Agreement between representatives of the governments of the Member States, meeting within the Council, on measures to be taken and procedures to be followed for the implementation of the ACP-EC Partnership Agreement ⁽³⁾, and in particular Article 3 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The essential elements referred to in Article 9 of the ACP-EU Partnership Agreement have been violated.

(2) On 6 July 2009, under Article 96 of the ACP-EU Partnership Agreement, consultations were opened with Madagascar in the presence of representatives of the African, Caribbean and Pacific (ACP) Group of States, during which representatives of the High Transitional Authority failed to present satisfactory proposals or undertakings.

(3) The European Union proposed that consultations remain open in order to encourage Madagascar's High Transitional Authority to continue negotiations with the country's political factions under the aegis of the joint mediation team in order to arrive at a consensual agreement.

(4) Under the aegis of the joint mediation team headed by Mr Chissano, on 9 August 2009, Madagascar's four political factions signed, in Maputo, agreements including provisions for the establishment of transition institutions to manage the transition process and organise presidential and legislative elections within fifteen months. These agreements were supplemented by the 'Additional Act to the Malagasy Charter of the Transition', which was signed in Addis Ababa on 6 November 2009.

(5) Since then, no compromise has been reached between the four political factions on the practical implementation of these agreements. The High Transitional Authority, which currently holds the reins of power, has, however, committed itself to a unilateral transition process, including the appointment of a Prime Minister and a government and the organisation of elections for 2010, which runs counter to the spirit and the letter of the Maputo agreements and the Addis Ababa Charter.

(6) Consequently, the consultations opened under Article 96 of the ACP-EU Partnership Agreement should be closed and appropriate measures adopted,

HAS ADOPTED THIS DECISION:

Article 1

Consultations with the Republic of Madagascar under Article 96 of the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000, as revised in Luxembourg on 25 June 2005, (hereinafter referred to as the 'ACP-EU Partnership Agreement') are hereby concluded.

Article 2

The measures set out in the annexed letter are hereby adopted as appropriate measures under Article 96(2)(c) of the ACP-EU Partnership Agreement.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 1.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

Article 3

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

It shall remain in force for a period of 12 months and shall be re-examined regularly.

Done at Luxembourg, 6 June 2010.

For the Council
The President
C. CORBACHO

ANNEX

Draft letter

H. E. Mr Andry Nirina RAJOELINA

President of the High Transitional Authority

of the Republic of Madagascar

Antananarivo

Madagascar

Sir,

The European Union ('EU') attaches great importance to the essential elements set out in Article 9 of the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 and revised in Luxembourg on 25 June 2005, hereinafter 'the ACP-EU Partnership Agreement', concerning respect for human rights, democratic principles and the rule of law, which underpin the ACP-EU Partnership.

The EU therefore reacted immediately to the forcible transfer of power that occurred in Madagascar on 17 March 2009 and took the view that it constituted a flagrant violation of the essential elements set out in Article 9 of the ACP-EU Partnership Agreement.

Acting under Article 96 of the ACP-EU Partnership Agreement, the EU entered into a political dialogue with the ruling regime, which led to the opening of consultations with a view to assessing the situation and possible solutions for a rapid return to constitutional order. At the opening meeting of these consultations, which were held in Brussels on 6 July 2009, the EU did not consider that any satisfactory proposals had been made by the Malagasy side.

In a spirit of openness to dialogue and taking full account of the complexity of the political situation in Madagascar, the EU proposed that the consultations remain open in order to encourage Madagascar's High Transitional Authority to continue negotiations with Madagascar's political factions under the aegis of the joint mediation team made up of the African Union ('AU'), the Southern African Development Community ('SADC'), the *Organisation Internationale de la Francophonie* and the United Nations, in order to arrive at a consensus that would permit a return to constitutional order.

Under the aegis of this joint mediation team for Madagascar, and particularly after the appointment of Mr Chissano at the SADC Summit in June 2009, on 9 August 2009, the leaders of the four political factions signed, in Maputo, the Maputo Political Agreement and the Charter of the Transition, plus other agreements providing, in particular, for the creation of the institutions to manage the transition process and organise presidential and legislative elections over the next fifteen months. These agreements, which were to be implemented over the ensuing thirty days with appointments to key posts in the transition institutions made by consensus, have been supplemented by the Additional Act to the Malagasy Charter of the Transition, which was signed by the leaders of the four political factions on 6 November 2009 in Addis Ababa.

Despite the many efforts of the joint mediation team with the support of the international community over the last few months, and despite the most recent ad hoc initiative of the President of the AU Commission, the political factions have not been able to reach agreement on the implementation of the transition process to which they agreed in Maputo and in Addis Ababa. Rather, Mr Rajoelina has embarked upon a unilateral transition process, including the appointment of a Prime Minister and a government and the organisation of elections for 2010, which runs counter to both the spirit and the letter of the Maputo Agreements and the Addis Ababa Charter.

In light of the foregoing, the EU has decided to close the consultation period and has decided under Article 96(2)(c) of the ACP-EU Partnership Agreement to adopt the appropriate measures described below:

- Humanitarian and emergency aid is not affected.
- Budgetary aid provided for in the National Indicative Programmes ('NIP') of the 9th European Development Fund ('EDF') and 10th EDF shall be suspended.
- Projects and programmes already under way under the 9th EDF shall continue to be implemented except for activities and payments directly involving the government and its agencies. Modifications and addenda to current contracts shall be examined on a case-by-case basis. New contracts shall be suspended.
- The implementation of the NIP – 10th EDF shall be suspended.
- The European Commission may implement certain projects and programmes that directly benefit the population,
- Regional projects shall be evaluated on a case-by-case basis.

- The European Commission reserves the right to assume immediately, wholly or partially, the functions of National Authorising Officer for the EDF.
- The political dialogue provided for in Article 8 of the ACP-EU Partnership Agreement shall be maintained and conducted, as far as possible, in coordination with the International Contact Group on Madagascar. It may be stepped up if a consensus-based solution for a return to constitutional order is reached, which includes 1) a consensual arrangement for a transitional government; 2) the setting-up of a clear roadmap towards election, which is acceptable to the involved parties and which allows for a free and fair election campaign; 3) fair elections, recognised as such by the international community and which can provide democratic legitimacy to a new Government. The EU will continue to monitor closely developments in Madagascar and may give its support to, if applicable, the implementation of a consensual political solution to the crisis.

These appropriate measures shall be adopted for an initial period of twelve months.

The EU reserves the right to examine and revise the measures mentioned above in order to take into consideration any developments, positive or negative, in the situation in Madagascar.

We wish to assure you, Mr President, of our highest consideration.

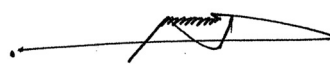
For the European Union

The Commission



J.M. BARROSO

The Council



C. CORBACHO

COMMISSION DECISION

of 18 June 2010

on the use of controlled substances as process agents under Article 8(4) of Regulation (EC) No 1005/2009 of the European Parliament and of the Council

*(notified under document C(2010) 3847)***(Only the Dutch, French, German, Italian, Polish and Portuguese texts are authentic)**

(2010/372/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer⁽¹⁾, and in particular Article 8(4) thereof,

Whereas:

- (1) The use of ozone depleting substances as process agents is one of the few remaining emissive uses still allowed under Regulation (EC) No 1005/2009. The emission of ozone depleting substances causes potentially significant damage to the ozone layer. It is therefore necessary to ensure that the emissions resulting from process agent uses of ozone depleting substances remain insignificant.
- (2) Furthermore, in view of the responsibilities of the Union under Decision X/14 of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer, Article 8(4) of Regulation (EC) No 1005/2009 limits the use of controlled substances as process agents to 1 083 metric tonnes per year and limits the emissions from process agent uses to 17 metric tonnes per year.
- (3) An unexpected increase in the use of controlled substances as process agents in recent years has threatened the compliance of the Union with Decision X/14 and has made a stricter management of the uses necessary.
- (4) Pursuant to Article 8 of Regulation (EC) No 1005/2009 a list of undertakings for which the use of controlled substances as process agents shall be permitted should be established, laying down maximum quantities that may be used for make-up and emitted for each of the undertakings concerned.

- (5) The list of undertakings and associated quantities of substances should be based upon reports submitted by Member States and adjusted to ensure that the Union stays within the limits laid down in Article 8(4). The allocation of the make-up quota should be based on the average needs in the years 2005 to 2008. The calculation of the individual average demand should not consider years during which the respective undertaking did not use controlled substances as process agent. The thresholds are fixed at 124 % of the individual average in order to accommodate fluctuations of the yearly demand, whilst ensuring that the overall limit for the Union is respected.

- (6) It is appropriate to allow for the transfer of quota between undertakings listed in the Annex to increase the flexibility for undertakings to respond to changing market needs. The quota should, however, cease with the decommissioning of the installation for which it was granted. The undertaking should therefore notify the decommissioning of installations concerned to the Commission and the Member State concerned.

- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

HAS ADOPTED THIS DECISION:

*Article 1***Definitions**

1. 'Make-up' means the total quantity of a controlled substance in metric tonnes, whether virgin, recovered or reclaimed, that has not been used in the process cycle before and that is fed newly into the process cycle.

2. 'Emission' means the total quantity of a controlled substance in metric tonnes released into the atmosphere, water or soil during the process agent use and related storage and handling on the site of the installation.

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

*Article 2***Permitted process agent uses and threshold for emissions and quantities**

1. The Annex to this Decision establishes the list of undertakings for which the use of controlled substance as process agents shall be permitted as of 1 January 2010.
2. Each undertaking shall only use the substance and the process set out in the Annex.
3. The quantities, set out in the Annex, that may be used annually as make-up and that may be emitted annually by each undertaking shall not be exceeded. The allocated quota shall lose its validity at the end of the year in which the installation for which the quota was granted is definitely decommissioned.

*Article 3***Transfer of allocated quota**

An undertaking may fully or partially transfer its make-up quota allocated for an existing installation outlined in the Annex, regardless of the substance or use the quantity was allocated for, to another undertaking listed in the Annex. The beneficiary may use the quantity transferred for the substance and use allocated to the beneficiary in the Annex. The transfer shall only take effect after its notification to the Commission and the competent authorities of the Member States concerned and confirmation from the Commission of its receipt.

*Article 4***Notification of decommissioning**

In case of decommissioning of the installations concerned, undertakings listed in the Annex shall, within three months, notify the Commission and the competent authority of the Member State in which the installation was located thereof.

*Article 5***Date of application**

This Decision shall apply from 1 January 2010.

Article 6

This Decision is addressed to the following undertakings:

Anwil SA Ul. Torunska 222 87-805 Wloclawek POLAND	Arkema France SA 420 rue d'Estienne D'Orves 92705 Colombes Cedex FRANCE
Bayer Material Science AG CAS-PR-CKD, Gebäude B669 41538 Dormhagen GERMANY	CUF Quimicos Industriais SA Quinta da Industria Beduidu 3860-680 Estarreja PORTUGAL
Potasse et Produits Chimiques SA 95 rue du General de Gaulle 68802 Thann Cedex FRANCE	Perstorp France SAS Rue Lavoisier BP 21 38801 Le Pont de Claix FRANCE
Solvay Solexis SPA Viale Lombardia 20 20021 Bollate (MI) ITALY	Teijin Twaron BV Oosterhorn 6 9936 AD Farmsum NETHERLANDS

Done at Brussels, 18 June 2010.

For the Commission

Connie HEDEGAARD

Member of the Commission

ANNEX

(This Annex is not published because it contains confidential commercial information.)

COMMISSION DECISION

of 1 July 2010

amending Decision 2004/452/EC laying down a list of bodies whose researchers may access confidential data for scientific purposes*(notified under document C(2010) 4385)***(Text with EEA relevance)**

(2010/373/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics ⁽¹⁾ and in particular Article 23 thereof,

Whereas:

- (1) Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes ⁽²⁾ establishes, for the purpose of enabling statistical conclusions to be drawn for scientific purposes, the conditions under which access to confidential data transmitted to the Community authority may be granted and the rules of cooperation between the Community and national authorities in order to facilitate such access.
- (2) Commission Decision 2004/452/EC ⁽³⁾ has laid down a list of bodies whose researchers may access confidential data for scientific purposes.
- (3) Sabanci University, Tuzla/Istanbul, Turkey, McGill University, Montreal, Canada and Directorate Economic Service and Structural Reforms, Directorate General for

Economic and Financial Affairs of the European Commission have to be regarded as bodies fulfilling the required conditions and should therefore be added to the list of agencies, organisations and institutions referred to in Article 3(1)(e) of Regulation (EC) No 831/2002.

- (4) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee (ESS Committee),

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2004/452/EC is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 July 2010.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 87, 31.3.2009, p. 164.

⁽²⁾ OJ L 133, 18.5.2002, p. 7.

⁽³⁾ OJ L 156, 30.4.2004, p. 1.

ANNEX

‘ANNEX

Bodies whose researchers may access confidential data for scientific purposes

European Central Bank

Spanish Central Bank

Italian Central Bank

University of Cornell (New York State, United States of America)

Department of Political Science, Baruch College, New York City University (New York State, United States of America)

German Central Bank

Employment Analysis Unit, Directorate General for Employment, Social Affairs and Equal Opportunities of the European Commission

Tel Aviv University (Israel)

World Bank

Center of Health and Wellbeing (CHW) of the Woodrow Wilson School of Public and International Affairs at Princeton University, New Jersey, United States of America

The University of Chicago (UofC), Illinois, United States of America

Organisation for Economic Cooperation and Development (OECD)

Family and Labour Studies Division of Statistics Canada, Ottawa, Ontario, Canada

Econometrics and Statistical Support to Antifraud (ESAF) Unit, Joint Research Centre of the European Commission

Support to the European Research Area (SERA) Unit, Joint Research Centre of the European Commission

Canada Research Chair of the School of Social Science in the Atkinson Faculty of Liberal and Professional Studies at York University, Ontario, Canada

University of Illinois at Chicago (UIC), Chicago, USA

Rady School of Management at the University of California, San Diego, USA

Directorate for Research, Studies and Statistics (*Direction de l'Animation de la Recherche, des Études et des Statistiques – DARES*) in the Ministry of Labour, Labour Relations and Solidarity, Paris, France

The Research Foundation of State University of New York (RFSUNY), Albany, USA

Finnish Centre for Pensions, (*Eläketurvakeskus – ETK*), Finland

Directorate for Research, Studies, Assessment, and Statistics (*Direction de la Recherche, des Études, de l'Évaluation et des Statistiques – DREES*) in the Ministry of Labour, social dialogue and solidarity, the Ministry of Health, youth and sports and the Ministry of Budget, public accounts and state reform, Paris, France

Duke University (DUKE), North Carolina, USA

Social Insurance Institution of Finland (*Kansaneläkelaitos – KELA*), Finland

Hebrew University of Jerusalem (HUJI), Israel

Federal Public Service Social Security, Belgium

Sabanci University, Tuzla/Istanbul, Turkey

McGill University, Montreal, Canada

Directorate Economic Service and Structural Reforms, Directorate General for Economic and Financial Affairs of the European Commission'

IV

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

COUNCIL DECISION

of 30 November 2009

on the signing, on behalf of the European Community, and provisional application of the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013

(2010/374/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2), in conjunction with the first sentence of the first subparagraph of Article 300(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) According to Article 11 of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the general programme 'Solidarity and Management of Migration Flows' ⁽¹⁾ the third countries associated with the implementation, application and development of the Schengen *acquis* shall participate in the Fund in accordance with its provisions. Arrangements are to be concluded to specify supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the power of audit of the Court of Auditors.

(2) Following the authorisation given to the Commission on 20 December 2007, negotiations with the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein have been concluded and the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 (hereinafter referred to as the Agreement) initialled on 30 June 2009.

(3) Subject to its conclusion at a later date, the Agreement should be signed and should be applied on a provisional basis.

(4) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of that Protocol, decide within a period of six months after the date of adoption of this Decision whether it will implement it in its national law.

(5) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽²⁾ and the subsequent Council Decision 2004/926/EC of 22 December 2004 on the putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland ⁽³⁾. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

(6) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽⁴⁾. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application,

⁽¹⁾ OJ L 144, 6.6.2007, p. 22.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 395, 31.12.2004, p. 70.

⁽⁴⁾ OJ L 64, 7.3.2002, p. 20.

HAS DECIDED AS FOLLOWS:

Article 1

The signing of the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013 (hereinafter referred to as the Agreement) and the Declarations thereto are hereby approved on behalf of the Community, subject to the conclusion of the Agreement.

The text of the Agreement and the Declarations thereto are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the European Community, subject to its conclusion.

Article 3

Pending the completion of the procedures for its formal conclusion, the Agreement shall be applied on a provisional basis in accordance with Article 13(5) thereof.

Done at Brussels, 30 November 2009.

For the Council

The President

B. ASK

AGREEMENT

between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013

THE EUROPEAN COMMUNITY,

hereinafter referred to as the 'Community'

and

THE REPUBLIC OF ICELAND,

hereinafter referred to as 'Iceland',

THE KINGDOM OF NORWAY,

hereinafter referred to as 'Norway',

THE SWISS CONFEDERATION,

hereinafter referred to as 'Switzerland'

and

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'Liechtenstein',

hereinafter referred to as the 'associated States'

Hereinafter referred to as the 'Parties'

HAVING REGARD to the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* (hereinafter referred to as the 'Association Agreement with Norway and Iceland'),

HAVING REGARD to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (hereinafter referred to as the 'Association Agreement with Switzerland'),

HAVING REGARD to the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (hereinafter referred to as the 'Association Protocol with Liechtenstein'),

Whereas:

- (1) The Community established by Decision No 574/2007/EC of the European Parliament and of the Council the External Borders Fund for the period 2007 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows' (hereinafter referred to as the 'Fund').
- (2) That Decision constitutes a development of the Schengen *acquis* within the meaning of the Association Agreement with Norway and Iceland, the Association Agreement with Switzerland and the Association Protocol with Liechtenstein.
- (3) Article 11 of that Decision provides that the third states associated with the implementation, application and development of the Schengen *acquis* participate in the Fund in accordance with its provisions and that arrangements are to be concluded to specify supplementary rules necessary for such participation, including provisions ensuring the protection of the Community's financial interests and the power of audit of the Court of Auditors.

- (4) The Fund constitutes a specific instrument in the context of the Schengen *acquis* designed to provide for burden sharing and support financially the implementation of the Schengen *acquis* in the field of external borders and visa policy in Member States.
- (5) To facilitate the calculation of the annual allocations to the States participating in the Fund and the multiannual programming exercise for the associated States, this Agreement defines the annual financial contributions from the associated States in fixed amounts which are subject to a correction mechanism to be applied in the last year of the multiannual programme,

HAVE AGREED AS FOLLOWS:

Article 1

Scope

This Agreement sets out the supplementary rules necessary for the participation in the Fund of the associated States in accordance with Decision No 574/2007/EC of the European Parliament and of the Council establishing the External Borders Fund for the period 2007 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows' (hereinafter referred to as the 'Decision').

Article 2

Financial management and control

1. The associated States shall take the necessary measures to ensure the compliance with the provisions relevant for the financial management and control which are laid down in the Treaty establishing the European Community (hereinafter referred to as 'the EC Treaty') and in secondary Community law.

2. The provisions referred to in paragraph 1 are the following ones:

— Articles 248, paragraphs 1 to 3, 256, 274 and 280, paragraphs 1 to 3 of the EC Treaty,

— Articles 27, 28a, 52, 53, point b, 72(2) and 95(2) 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⁽¹⁾ (hereinafter referred to as the 'Financial Regulation'),

— The corresponding provisions 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⁽²⁾,

— Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and

inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁽³⁾, and

— Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)⁽⁴⁾.

The Parties may decide to amend this list by mutual agreement.

3. The associated States shall apply the provisions referred to in paragraph 2 in their territory in accordance with this Agreement.

Article 3

Respect for the principle of sound financial management

The appropriations under the Fund spent in the territory of the associated States shall be used in accordance with the principle of sound financial management.

Article 4

Respect for the principle on conflict of interest

All financial actors and any other person involved in budget implementation, management, audit or control acting in the territory of the associated States shall be prohibited from taking any action which may bring their own interests into conflict with those of the Communities.

Article 5

Obligations resulting from the delegation of the implementation

The associated States shall take all the legislative, regulatory and administrative or other measures necessary for protecting the Communities' interests in accordance with the obligations laid down in Article 53, point b, and 95(2) of the Financial Regulation.

⁽¹⁾ OJ L 248, 16.9.2002, p. 1. Regulation as last amended by Council Regulation (EC) No 1525/2007 (OJ L 343, 27.12.2007, p. 9).

⁽²⁾ OJ L 357, 31.12.2002, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 478/2007 (OJ L 111, 28.4.2007, p. 13).

⁽³⁾ OJ L 292, 15.11.1996, p. 2.

⁽⁴⁾ OJ L 136, 31.5.1999, p. 1.

*Article 6***Enforcement**

Decisions taken by the Commission which impose a pecuniary obligation on persons other than States shall be enforceable in the territory of the associated States.

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the national authority which the governments of the associated States shall respectively designate for this purpose and shall make known to the Commission.

When these formalities have been completed on application by the Commission, the latter may proceed to enforcement in accordance with the national law, by bringing the matter directly before the competent authority.

Enforcement may be suspended only by a decision of the Court of Justice of the European Communities. However, the courts of the State concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

*Article 7***Protection of the financial interests of the Communities against fraud**

1. As set out in Article 280 of the EC Treaty, the associated States shall:

- (a) counter fraud and any other illegal activities affecting the financial interests of the Community through measures which shall act as a deterrent and be such as to afford effective protection;
- (b) take the same measures to counter fraud affecting the financial interests of the Community as they take to counter fraud affecting their own financial interests; and
- (c) coordinate their action aimed at protecting the financial interests of the Community with the Member States and the Commission.

2. To that end, the associated States shall adopt equivalent measures to those adopted by the Community in accordance with Article 280(4) of the EC Treaty which are in force at the time of signing this Agreement.

The Parties may decide by mutual agreement to adopt equivalent measures to any subsequent measures adopted by the Community in accordance with this Article.

*Article 8***On-the-spot checks and inspections by the Commission**

Without prejudice to its rights under Articles 35 and 47 of the Decision, the Commission (OLAF) shall be authorised to carry

out on-the-spot checks and inspections in the territory of the associated States in accordance with the terms and conditions laid down in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities as regards the Fund.

The authorities of the associated States shall facilitate the on-the-spot checks and inspections which may, if the authorities so wish, be carried out jointly with them.

*Article 9***Court of Auditors**

As set out in Article 248(3) of the EC Treaty and Part One, Title VIII, chapter 1 of the Financial Regulation, the Court of Auditors as established by the EC Treaty shall notably have the possibility to perform audits on the spot on the premises of any body which manages revenue or expenditure on behalf of the Community in the territory of the associated States as regards the Fund including on the premises of any natural or legal person in receipt of payments from the budget.

Audits by the Court of Auditors in the associated States shall be carried out in liaison with national audit bodies or, if these do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of the associated States shall cooperate in a spirit of trust while maintaining their independence. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The Court of Auditors shall have at least the same rights as the Commission as laid down in Articles 35 and 47 of the Decision and Article 8 of this Agreement.

*Article 10***Public procurement**

1. Iceland, Norway and Liechtenstein shall apply the provisions of their law on public procurement in accordance with Annex XVI to the EEA Agreement.

2. Switzerland shall apply its national law on public procurement in accordance with the provisions of the WTO Agreement on Government Procurement (GPA).

Switzerland shall provide the Commission with a description of its public procurement procedures together with the description of the management and control system.

Moreover, it shall provide information on the public procurement procedures applied in each final report on the implementation of the annual programme.

Article 11

Financial contributions and allocations

1. The associated States shall make annual payments to the budget of the Fund in accordance with the following tables:

EUR thousand	2009
Annual appropriations (EC budget)	185 500
Iceland	260
Norway	5 100
Switzerland	5 565

For 2009 payments shall be made on the basis of non-revisable fixed amounts ⁽¹⁾.

EUR thousand	Index ⁽²⁾	2010	2011	2012	2013
Foreseen annual appropriations (EC budget)	%	207 500	253 500	349 100	481 200
Iceland	0,04	79	96	132	183
Norway	2,61	5 408	6 607	9 099	12 542
Switzerland	3,35	6 943	8 483	11 682	16 102
Liechtenstein	0,03	62	76	105	144

For 2010-2013 the payments shall be made on the basis of the index indicated in this table, subject to paragraph 4.

2. For 2011-2013, the payments shall be made by 15 February of the budget year concerned, following recovery orders issued by the Commission by 15 December of the preceding year.

3. The contributions foreseen for 2009 shall be due as exceptional contributions in 2010. They shall be paid along with the contributions due for 2010 by 15 February 2010. For Switzerland they shall be paid at the latest one month after the date of the signature of this Agreement.

The allocations foreseen for 2009 to the associated States concerned, established by the Commission in accordance with Articles 14 and 15 of the Decision, shall be due by the Community as exceptional allocations for 2010 as follows:

Iceland: EUR 62 148

Norway: EUR 1 611 049

Switzerland: EUR 2 282 112

A single annual programme (2010) will cover both the 2010 allocations and these exceptional allocations.

⁽¹⁾ Based on GDP of the year 2007.

⁽²⁾ Index figures are rounded up.

As from 2010 the allocations foreseen for the associated States shall be calculated annually in accordance with Articles 14 and 15 of the Decision.

4. The Parties shall correct the contributions from each associated State for the budget years 2010, 2011, 2012 and 2013 on the basis of the latest available annual GDP figures on 1 May 2012. The correction(s) shall be made to the contribution for 2013.

For the purpose of the corrections, the GDP percentage of the associated State concerned shall be calculated as follows:

— as regards Iceland and Norway, for each its GDP percentage shall be calculated in relation with the GDP of all participating countries, as laid down in Article 12(1) of the Association Agreement with Norway and Iceland,

— as regards Switzerland, its GDP percentage shall be calculated in relation with the GDP of all participating countries, as laid down in Article 11 of the Association Agreement with Switzerland,

— as regards Liechtenstein, its GDP percentage shall be calculated in relation with the GDP of all participating countries, as laid down in Article 3 of the Association Protocol with Liechtenstein.

5. The figures in the table in paragraph 1 shall be adjusted by the Parties in case of a change in the total reference amount in Article 13(1) of the Decision or changes in the actual annual appropriations to those foreseen in the table of paragraph 1 as decided by the budgetary authority of the EC in accordance with Point 37 of the Interinstitutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management⁽¹⁾ in the context of the Multiannual Financial Framework of the European Union for the period 2007-2013.

Any adjustment shall be proportional to the change in the total reference amount or annual appropriation(s) concerned and shall be applied to the budgetary year(s) affected by the change.

To that end, the Commission shall communicate by letter to the associated States the adjustments in the size of their financial contributions and the arrangements to be followed for the relevant payments or reimbursements.

6. The contribution of Liechtenstein shall only cover the years as from the day referred to in Article 13(6).

7. The Commission may use up to EUR 300 000 of the payments made by the associated States each year to finance the administrative expenditure related to staff or external staff necessary for supporting the implementation by the associated States of the Decision and this Agreement.

8. For 2009 and 2010 the Commission shall make the Community budgetary commitments for the budget year concerned on the basis of the amounts allocated to the associated States by the Commission in accordance with Articles 14 and 15 of the Decision.

Article 12

Confidentiality

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

⁽¹⁾ OJ C 139, 14.6.2006, p. 1.

Article 13

Entry into force

1. The Secretary General of the Council of the European Union shall act as depositary of this Agreement.

2. The Community, Iceland, Norway, Switzerland and Liechtenstein shall approve this Agreement in accordance with their own procedures.

3. The entry into force of this Agreement shall require approval by the Community and by at least one other signatory.

4. This Agreement shall enter into force in relation to any party on the first day of the first month following the deposit of its instrument of approval with the depositary.

5. Except for Article 6, the Community, Iceland, Norway and Switzerland shall apply this Agreement provisionally as from the day following that of its signature, without prejudice to constitutional requirements.

6. The Community and Liechtenstein shall apply this Agreement provisionally as from the day when the provisions referred to in Article 2 of the Association Protocol with Liechtenstein are put into effect in accordance with Article 10 of that Protocol.

Article 14

Programming and reporting

1. The associated States shall inform the Commission of the authorities designated for the implementation of their multiannual programme and the annual programmes no later than one month after the signature of this Agreement.

2. The associated States shall submit their draft multiannual programme 2010-2013 to the Commission no later than three months after the signature of this Agreement.

3. The associated States shall submit their draft annual programme for 2010 to the Commission no later than five months after the signature of this Agreement.

4. The associated States shall submit a description of the management and control systems referred to in Article 34(2) of the Decision no later than three months after the signature of this Agreement.

5. The Commission shall approve the multiannual programme within three months of its formal submission and the annual programme 2010 within one month of its formal submission in accordance with the procedures set up in the Decision and provided that the Commission has satisfied itself in accordance with the procedure laid down in Article 34 of the Decision that the associated States have set up management and control systems that comply with Articles 26 to 32 of the Decision.

6. It is not necessary for the associated States to submit the evaluation report foreseen in Article 52(2)(a) of the Decision.

Article 15

Validity and termination

1. Either the Community or an associated State may terminate this Agreement by notifying the other Parties of its decision. The Agreement shall cease to apply three months after the date of such notification. Projects and activities in progress at the time of termination shall continue according to the conditions laid down in this Agreement. The Parties shall settle by mutual agreement any other consequences of termination.

2. As regards Iceland and Norway, this Agreement shall be terminated when the respective Association Agreement with Norway and Iceland is terminated in accordance with Articles 8, paragraph 4, 11, paragraph 3 or 16 of that Agreement.

As regards Switzerland, this Agreement shall be terminated when the Association Agreement with Switzerland is terminated in accordance with Articles 7, paragraph 4, 10, paragraph 3 or 17 of that Agreement.

As regards Liechtenstein, this Agreement shall be terminated when the Association Protocol with Liechtenstein is terminated in accordance with Articles 5, paragraph 4, 11, paragraph 1 or 11, paragraph 3 of that Protocol.

Article 16

Languages

This Agreement as well as the Declarations annexed thereto shall be drawn up in a single original in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Icelandic and Norwegian languages, each of those texts being equally authentic.

Съставено в Брюксел на деветнадесети март две хиляди и десета година.

Hecho en Bruselas, el diecinueve de marzo de dos mil diez.

V Bruselu dne devatenáctého března dva tisíce deset.

Udfærdiget i Bruxelles den nittende marts to tusind og ti.

Geschehen zu Brüssel am neunzehnten März zweitausendzehn.

Kahe tuhande kümnenda aasta märtsikuu üheksateistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα εννέα Μαρτίου δύο χιλιάδες δέκα.

Done at Brussels on the nineteenth day of March in the year two thousand and ten.

Fait à Bruxelles, le dix-neuf mars deux mille dix.

Fatto a Bruxelles, addì diciannove marzo duemiladieci.

Briselē, divi tūkstoši desmitā gada deviņpadmitajā martā.

Priimta du tūkstančiai dešimtų metų kovo devynioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizedik év március tizenkilencedik napján.

Magħmul fi Brussell, id-dsatax-il jum ta' Marzu tas-sena elfejn u għaxra.

Gedaan te Brussel, de negentiende maart tweeduizend tien.

Sporządzono w Brukseli dnia dziewiętnastego marca roku dwa tysiące dziesiątego.

Feito em Bruxelas, em dezanove de Março de dois mil e dez.

Încheiat la Bruxelles, la nouăsprezece martie două mii zece.

V Bruseli dňa devätnásteho marca dvetisícdesať.

V Bruslju, dne devetnajstega marca leta dva tisoč deset.

Tehty Brysselissä yhdeksäntenätoista päivänä maaliskuuta vuonna kaksituhattakymmenen.

Som skedde i Bryssel den nittonde mars tjugohundratio.

Gjört í Brussel hinn nítjándi dag marsmánaðar árið tvö þúsund og tíu.

Utfærdiget i Brussel, den nittende mars totusenogti.

За Европейската общност
For the European Community
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
Az Európai Közösség részéről
Għall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Fyrir hönd Islands



For Kongeriket Norge



Für die Schweizerische Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera



Für das Fürstentum Liechtenstein



JOINT DECLARATION BY THE EUROPEAN COMMUNITY AND LIECHTENSTEIN ON THE LATTER'S PARTICIPATION IN THE EXTERNAL BORDERS FUND IN APPLICATION OF DECISION No 574/2007/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

THE EUROPEAN COMMUNITY AND LIECHTENSTEIN

- Having regard to the geographic situation of Liechtenstein in that it lacks external borders and a consular network which would be at the basis for developing a programme to implement the Fund, and
- Recognising Liechtenstein's commitment to pursue the objectives of the Schengen *acquis* as well as its solidarity with the States that apply the Schengen provisions on external borders,

agree that Liechtenstein can choose not to participate in the implementation of the Fund, provided that it contributes financially to the Fund in accordance with Article 11 of the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013. Accordingly, Liechtenstein will contribute to the Fund but waive the right to receive allocations under the Fund in accordance with Articles 14 and 15 of Decision No 574/2007/EC of the European Parliament and of the Council.

Should Liechtenstein at a later stage wish to participate, it shall inform the Commission well in advance and the necessary practical arrangements to ensure the application of Decision No 574/2007/EC of the European Parliament and of the Council, the implementing rules and this Agreement shall be laid down in an Exchange of Letters.

**DECLARATION BY THE GOVERNMENT OF NORWAY ON THE DIRECT ENFORCEABILITY OF DECISIONS
BY THE EUROPEAN COMMUNITY INSTITUTIONS REGARDING PECUNIARY OBLIGATIONS ADDRESSED
TO ENTERPRISES LOCATED IN NORWAY**

The attention of the Contracting Parties is drawn to the fact that the present constitution of Norway does not provide for direct enforceability of decisions by the European Community institutions regarding pecuniary obligations addressed to enterprises located in Norway. Norway acknowledges that such decisions should continue to be addressed directly to these enterprises and that they should fulfil their obligations in accordance with the present practice. The said constitutional limitations to direct enforceability of decisions by European Community institutions regarding pecuniary obligations do not apply to subsidiaries and assets in the territory of the Community belonging to enterprises located in Norway. If difficulties should arise, Norway is prepared to enter into consultations and work towards a mutually satisfactory solution.

DECLARATION BY THE EUROPEAN COMMUNITY

The Commission will keep the situation referred to in Norway's unilateral declaration under constant review. It may at any time initiate consultations with Norway with a view to finding satisfactory solutions to such problems as may arise.

Joint Declaration by the European Union and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on the signature of the Agreement between the European Community and the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein on supplementary rules in relation to the External Borders Fund for the period 2007 to 2013

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date the European Union exercises all rights and assumes all obligations of the European Community.

Therefore, references to 'the European Community' in the text of the aforementioned Agreement, signed today, are, where appropriate, to be read as 'the European Union'.

Done at Brussels on *19 March* 2010.

For the European Union



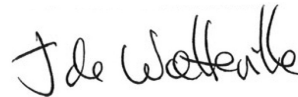
For the Republic of Iceland



For the Kingdom of Norway



For the Swiss Confederation



For the Principality of Liechtenstein



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