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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 9 March 2011

on the conclusion of the Agreement between the European Union and the Government of the Faeroe Islands on scientific and technological cooperation, associating the Faeroe Islands to the Union's Seventh Framework Programme for Research, Technological Development and Demonstration Activities (2007 to 2013)

(2011/218/EU)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with point (v) of Article 218(6)(a), thereof,

Having regard to the proposal from the Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) The Commission has negotiated, on behalf of the Union, an Agreement with the Government of the Faeroe Islands on scientific and technological cooperation associating the Faeroe Islands to the Union's Seventh Framework Programme for Research, Technological Development and Demonstration Activities (2007 to 2013) (hereinafter referred to as 'the Agreement').

(2) The Agreement was signed by the representatives of the Parties on 3 June 2010 in Brussels, and was made provisionally applicable as from 1 January 2010, pending its conclusion at a later date.

(3) The Agreement should be concluded on behalf of the Union,

Article 1

The Agreement between the European Union and the Government of the Faeroe Islands on scientific and technological cooperation associating the Faeroe Islands to the Union's Seventh Framework Programme for Research, Technological Development and Demonstration Activities (2007 to 2013) is hereby approved on behalf of the Union ⁽¹⁾.

Article 2

The Commission shall adopt the position to be taken by the Union in the Joint Committee established by Article 4(1) of the Agreement.

Article 3

The President of the Council, on behalf of the Union, shall make the notification provided for in Article 5(2) of the Agreement.

Article 4

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

Done at Brussels, 9 March 2011.

For the Council

The President

CSÉFALVAY Z.

⁽¹⁾ OJ L 245, 17.9.2010, p. 2.

COUNCIL DECISION

of 31 March 2011

amending and extending the period of application of Decision 2007/641/EC on the conclusion of consultations with the Republic of Fiji pursuant to Article 96 of the ACP-EC Partnership Agreement and Article 37 of the Development Cooperation Instrument

(2011/219/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Article 9 of the ACP-EU Partnership Agreement, and the values referred to in Article 3 of the Development Cooperation Instrument.

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 last amended in Ouagadougou, Burkina Faso, on 22 June 2010 ⁽²⁾ (the 'ACP-EU Partnership Agreement'), and in particular Article 96 thereof,

Having regard to the Internal Agreement between the 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 Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation ⁽⁴⁾ (the 'Development Cooperation Instrument'), and in particular Article 37 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (2) Those measures have been extended by Council Decision 2009/735/EC ⁽⁶⁾, and subsequently by Council Decisions 2010/208/EU ⁽⁷⁾ and 2010/589/EU ⁽⁸⁾ since not only are important commitments agreed by Fiji in consultations held in April 2007 concerning essential elements of the ACP-EU Partnership Agreement and the Development Cooperation Instrument yet to be implemented by Fiji, but there have also been important regressive developments concerning a number of these commitments.
- (3) Decision 2007/641/EC expires on 31 March 2011. It is appropriate to extend its validity, and to update the appropriate measures contained therein accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/641/EC is hereby amended as follows:

1. in Article 3, the second paragraph is replaced by the following:

'It shall expire on 30 September 2011. It shall be reviewed regularly at least once every 6 months.'

- (1) Council Decision 2007/641/EC ⁽⁵⁾ concluding consultations with the Republic of Fiji pursuant to Article 96 of the ACP-EU Partnership Agreement and Article 37 of the Development Cooperation Instrument was adopted to implement appropriate measures following the violation of the essential elements referred to in

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

Article 2

The letter in the Annex to this Decision shall be addressed to the Republic of Fiji.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 4.11.2010, p. 3.

⁽³⁾ OJ L 317, 15.12.2000, p. 376.

⁽⁴⁾ OJ L 378, 27.12.2006, p. 41.

⁽⁵⁾ OJ L 260, 5.10.2007, p. 15.

⁽⁶⁾ OJ L 262, 6.10.2009, p. 43.

⁽⁷⁾ OJ L 89, 9.4.2010, p. 7.

⁽⁸⁾ OJ L 260, 2.10.2010, p. 10.

Article 3

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

Done at Brussels, 31 March 2011.

For the Council
The President
VÖLNER P.

ANNEX

DRAFT LETTER

H.E. Ratu Epeli NAILATIKAU

President of the Republic of Fiji

Suva

Republic of Fiji

Excellency,

The European Union (EU) attaches great importance to the provisions of Article 9 of the ACP-EU Partnership Agreement and Article 3 of the Development Cooperation Instrument. The ACP-EU partnership is founded on respect for human rights, democratic principles and the rule of law, which form the essential elements of the ACP-EU Partnership Agreement, and form the basis of our relations.

On 11 December 2006, the Council of the EU condemned the military takeover in the Republic of Fiji (Fiji).

Pursuant to Article 96 of the ACP-EU Partnership Agreement, and considering that the military takeover on 5 December 2006 constituted a violation of the essential elements listed in Article 9 thereof, the EU invited Fiji to consultations, as provided for in the ACP-EU Partnership Agreement, in order to thoroughly examine the situation and, where necessary, take steps to remedy it.

The formal part of those consultations began in Brussels on 18 April 2007. The EU was pleased that at the time the Interim Government confirmed a number of key commitments regarding human rights and fundamental freedoms, respect for democratic principles and the rule of law, as noted below, and proposed positive steps regarding their implementation.

Regrettably, there have since been a series of regressive developments, in particular in April 2009, meaning that Fiji is now in breach of a range of its commitments. This concerns notably the abrogation of the Constitution, the very substantial delay in holding the parliamentary elections, and human rights violations. Although implementation of the commitments has been substantially delayed, the majority of those commitments remain highly relevant to Fiji's present situation, and are therefore attached to this letter. As Fiji has unilaterally decided to break a number of key commitments, this has led to losses for Fiji in terms of development funds.

However, in the spirit of partnership forming the cornerstone of the ACP-EU Partnership Agreement, the EU expresses its readiness to engage in new formal consultations as soon as there is a reasonable prospect for a positive conclusion to such consultations. On 1 July 2009 the Interim Prime Minister presented a roadmap for reforms and for a return to democratic order. The EU stands ready to engage in dialogue regarding this roadmap, and to consider whether it may serve as a basis for new consultations. Accordingly, the EU has decided to extend the existing appropriate measures for Fiji in order to create a window of opportunity for new consultations. While some of the appropriate measures are now out-of-date, it has been concluded that rather than update them unilaterally, the EU prefers to further explore possibilities for new consultations with Fiji. Consequently, it is of particular importance that the Interim Government commit to an inclusive domestic political dialogue and to flexibility concerning the timeframe for the roadmap. While the EU's position is, and always will be, guided by the essential elements of the ACP-EU Partnership Agreement as well as its fundamental principles, notably regarding the pivotal role of dialogue and the fulfilment of mutual obligations, it is stressed that there are no foregone conclusions on the EU's side regarding the outcome of future consultations.

If new consultations result in substantial commitments from Fiji, the EU is committed to an early, positive review of these appropriate measures. Conversely, if the situation in Fiji does not improve, then further losses of development funds for Fiji are set to continue. In particular, the assessment of progress made towards return to constitutional rule will guide the EU in the upcoming decisions on accompanying measures for Sugar Protocol countries and Fiji's National Indicative Programme under the 10th European Development Funds (EDFs).

Until new consultations have taken place, the EU invites Fiji to continue and intensify the enhanced political dialogue.

The appropriate measures are as follows:

- humanitarian aid and direct support to civil society may continue,
- the cooperation activities under way, in particular under the 8th and 9th EDFs, may continue,
- cooperation activities that would help the return to democracy and improve governance may be pursued, save under very exceptional circumstances,

- implementation of the sugar reform accompanying measures for 2006 may proceed. The financing agreement was signed at the technical level by Fiji on 19 June 2007. It is noted that the financing agreement includes a suspension clause,
- the preparation and potential signing of the multiannual indicative programme for sugar reform accompanying measures for 2011-13 can proceed,
- the finalisation, signing at technical level and implementation of the Country Strategy Paper and National Indicative Programme for the 10th EDF with an indicative financial envelope, as well as the possible allocation of an incentive tranche of up to 25 % of this sum, will be subject to respect of the commitments made with regard to human rights and the rule of law, notably; that the Interim Government uphold the Constitution, that the independence of the judiciary be fully respected, that the Public Emergency Regulations, reintroduced on 6 September 2007, be lifted as soon as possible, that all allegations of human rights infringements be investigated or dealt with in accordance with the various procedures and forums under the laws of Fiji, and that the Interim Government shall use best endeavours to prevent statements designed to intimidate being issued by security agencies,
- the 2007 sugar allocation is zero,
- availability of the 2008 sugar allocation was subject to evidence of credible and timely preparation of elections in accordance with the agreed commitments, notably regarding a census, the redrafting of boundaries and electoral reform in accordance with the Constitution, and measures taken to ensure the functioning of the Elections Office, including the appointment of a Supervisor of Elections by 30 September 2007 in accordance with the Constitution. This 2008 sugar allocation was lost on 31 December 2009,
- the 2009 sugar allocation was cancelled in May 2009 because the Interim Government decided to delay general elections until September 2014,
- the 2010 allocation was cancelled before 1 May 2010 as no progress was made in the continuation of the democratic process; however, given the critical situation of the sugar sector, part of the allocation was set aside for direct assistance to the population directly dependent on sugar production in order to mitigate adverse social consequences. These funds are centrally managed by the EU's Delegation in Suva and not channelled through the Government,
- the availability of the indicative allocation under the multiannual programme for sugar reform accompanying measures 2011-13 will be conditional on an agreement in the consultation process; in the absence of such an agreement, only social mitigation interventions will be considered for funding through this allocation,
- specific support for the preparation and implementation of key commitments, in particular in support of the preparation and/or holding of elections, could be considered,
- regional cooperation, and Fiji's participation therein, is unaffected,
- cooperation with the European Investment Bank and the Centre for the Development of Enterprise may continue subject to the timely fulfilment of commitments made.

Commitments will be monitored in accordance with the terms in the Annex to this letter concerning regular dialogue, and effective cooperation with assessment and monitoring missions and reporting.

Furthermore, the EU expects Fiji to cooperate fully with the Pacific Islands Forum regarding the implementation of the recommendations by the Eminent Persons' Group, as endorsed by the Forum Foreign Ministers at their meeting in Vanuatu on 16 March 2007.

The EU will continue to follow the situation in Fiji closely. Pursuant to Article 8 of the Cotonou Agreement, an enhanced political dialogue will be conducted with Fiji to ensure respect for human rights, restoration of democracy and respect for the rule of law until both parties conclude that the enhanced nature of the dialogue has served its purpose.

If there is a slowing down, breakdown or reversal in the implementation by the Interim Government of the commitments made, the EU reserves the right to adjust the appropriate measures.

The EU stresses that Fiji's privileges in its cooperation with the EU depend on respect for the essential elements of the Cotonou Agreement and the principles set in the Development Cooperation Instrument. In order to convince the EU that the Interim Government is fully prepared to follow up on the commitments given, it is essential that early and substantial progress is made in the fulfilment of the agreed commitments.

Yours sincerely,

Done at Brussels,

For the EU



ANNEX TO THE ANNEX

COMMITMENTS AGREED WITH THE REPUBLIC OF FIJI**A. Respect for Democratic Principles**

Commitment No 1

That free and fair parliamentary elections take place within 24 months from 1 March 2007, subject to the findings of an assessment to be carried out by the independent auditors appointed by the Pacific Islands Forum Secretariat. The processes leading to the holding of the elections will be jointly monitored, adapted and revised as necessary on the basis of mutually agreed benchmarks. This implies in particular that:

- by 30 June 2007 the Interim Government will adopt a schedule setting out dates for the completion of the various steps to be taken in preparation for the new parliamentary elections,
- the schedule specifies the timing of a census, the redrafting of boundaries and electoral reform,
- the determination of boundaries and electoral reform will be carried out in accordance with the Constitution,
- measures will be taken to ensure the functioning of the Elections Office, including the appointment of a Supervisor of Elections by 30 September 2007 in accordance with the Constitution,
- the appointment of the Vice-President will be in accordance with the Constitution.

Commitment No 2

That the Interim Government, when adopting major legislative, fiscal and other policy initiatives and changes, will take into account consultations with civil society and other relevant stakeholders.

B. Rule of Law

Commitment No 1

That the Interim Government will use its best endeavours to prevent statements by security agencies designed to intimidate.

Commitment No 2

That the Interim Government upholds the 1997 Constitution and guarantees the normal and independent functioning of constitutional institutions, such as the Fiji Human Rights Commission, the Public Service Commission, and the Constitutional Offices Commission. The substantial independence and functioning of the Great Council of Chiefs will be preserved.

Commitment No 3

That the independence of the judiciary is fully respected, that it is allowed to work freely and that its rulings are respected by all concerned parties, in particular:

- that the Interim Government undertakes to appoint the tribunal pursuant to Section 138(3) of the Constitution by 15 July 2007,
- that any appointment and/or dismissal of judges is henceforth carried out in strict conformity with constitutional provisions and procedural rules,
- that there will be no instances whatsoever of interference, of whatever form, by the military and the police or by the Interim Government with the judicial process, including full respect for the legal profession.

Commitment No 4

That all criminal proceedings in connection with corruption are dealt with through the appropriate judicial channels and that any other bodies that may be set up to investigate alleged cases of corruption will operate within constitutional boundaries.

C. Human Rights and Fundamental Freedoms

Commitment No 1

The Interim Government will take all necessary steps to facilitate that all allegations of human rights infringements are investigated or dealt with in accordance with the various procedures and forums under the laws of Fiji.

Commitment No 2

The Interim Government will lift the Public Emergency Regulations in May 2007, subject to any threats to national security, public order and safety.

Commitment No 3

The Interim Government is committed to ensuring that the Fiji Human Rights Commission functions with full independence and in accordance with the Constitution.

Commitment No 4

That freedom of expression and freedom of the media, in all forms, are fully respected as provided in the Constitution.

D. Follow-up of Commitments

Commitment No 1

That the Interim Government undertakes to maintain a regular dialogue to allow verification of the progress made and gives EU and European Commission authorities/representatives full access to information on all matters relating to human rights, the peaceful restoration of democracy and the rule of law in Fiji.

Commitment No 2

That the Interim Government cooperates fully with any missions from the EU to assess and monitor progress.

Commitment No 3

That the Interim Government sends progress reports every 3 months starting 30 June 2007 regarding the essential elements of the Cotonou Agreement and the commitments.

It is noted that certain issues can only be effectively addressed through a pragmatic approach that acknowledges the realities of the present and which focuses on the future.

COUNCIL DECISION

of 31 March 2011

**on the signing, on behalf of the European Union, of the Hague Convention of 23 November 2007
on the International Recovery of Child Support and Other Forms of Family Maintenance**

(2011/220/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 81(3), in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union is working towards the establishment of a common judicial area based on the principle of mutual recognition of decisions.
- (2) The Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance ('the Convention') constitutes a good basis for a worldwide system of administrative cooperation and for recognition and enforcement of maintenance decisions and maintenance arrangements, providing for free legal assistance in virtually all child support cases and for a streamlined procedure for recognition and enforcement.
- (3) Article 59 of the Convention allows Regional Economic Integration Organisations such as the Union to sign, accept, approve or accede to the Convention.
- (4) Matters governed by the Convention are also dealt with in Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations⁽¹⁾. The Union should decide, in this particular case, to sign the Convention alone and to exercise competence over all the matters governed by it.
- (5) All appropriate declarations and reservations should be made by the Union at the time of the approval of the Convention.

(6) In accordance with Article 3 of Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom and Ireland are taking part in the adoption and application of this Decision.

(7) In accordance with Articles 1 and 2 of Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance ('the Convention') is hereby approved on behalf of the European Union⁽²⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Convention on behalf of the Union.

Article 3

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

Done at Brussels, 31 March 2011.

For the Council
The President
VÖLNER P.

⁽¹⁾ OJ L 7, 10.1.2009, p. 1.

⁽²⁾ The text of the Convention will be published together with the decision on its conclusion.

REGULATIONS

COUNCIL REGULATION (EU) No 330/2011

of 6 April 2011

amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire

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 2011/221/CFSP of 6 April 2011 amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾,

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

Whereas:

- (1) Decision 2011/221/CFSP provides, inter alia, for further restrictive measures in relation to Côte d'Ivoire, in addition to those set out in Council Decision 2010/656/CFSP ⁽²⁾, including a prohibition on the trade of bonds and the provision of loans to the illegitimate government of Mr GBAGBO, as well as a provision to ensure that those restrictive measures do not affect humanitarian operations in Côte d'Ivoire.
- (2) Those restrictive measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at Union level is necessary in order to implement them.
- (3) On 30 March 2011, the United Nations Security Council adopted Resolution 1975 (UNSCR 1975 (2011)) imposing targeted sanctions against additional individuals who meet the criteria set out in Resolution 1572 (2004) and subsequent Resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of the United Nations Operation in Côte d'Ivoire (UNOCI) and other international actors in Côte d'Ivoire and commit serious violations of human rights and of international humanitarian law.

- (4) Moreover, the list of persons and entities subject to restrictive measures set out in Annexes I and IA to Council Regulation (EC) No 560/2005 of 12 April 2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d'Ivoire ⁽³⁾ should be amended.

- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 560/2005 is hereby amended as follows:

- (1) the following Articles are inserted:

'Article 3a

By way of derogation from Article 2, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, with regard to persons, entities and bodies listed in Annex IA, the release of certain frozen funds or economic resources or the making available of certain funds or economic resources which are necessary for humanitarian purposes, after notification in advance to the other Member States and to the Commission.

Article 3b

By way of derogation from Article 2, and provided that a payment by a person, entity or body listed in Annex IA is due under a contract or agreement that was concluded by, or an obligation that arose for, the person, entity or body concerned, before the date on which that person, entity or body had been designated, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (i) the funds or economic resources shall be used for a payment by a person, entity or body listed in Annex IA;

⁽¹⁾ See page 20 of this Official Journal.

⁽²⁾ OJ L 285, 30.10.2010, p. 28.

⁽³⁾ OJ L 95, 14.4.2005, p. 1.

(ii) the payment is not in breach of Article 2(2).

The Member State concerned shall, at least two weeks prior to the grant of the authorisation, notify the other Member States and the Commission of that determination and its intention to grant an authorisation.’;

(2) Article 9a is replaced by the following:

‘Article 9a

It shall be prohibited:

- (a) to purchase, broker or assist in the issue of bonds or securities issued or guaranteed after the date of entry into force of this Regulation by the illegitimate government of Mr Laurent GBAGBO, as well as by persons or entities acting on its behalf or under its authority, or by entities owned or controlled by it. By way of exception, financial institutions shall be authorised to purchase such bonds or securities of corresponding value to bonds and securities already held by them and which are due to mature;
- (b) to provide loans, in any form, to the illegitimate government of Mr Laurent GBAGBO, as well as to persons or entities acting on its behalf or under its authority, or to entities that it owns or controls.’;

(3) the following Article is inserted:

‘Article 9b

The prohibitions set out in Article 2(2) and in Article 9a shall not give rise to any liability of any kind on the part of the natural and legal persons, entities and bodies which made funds or economic resources available if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibitions in question.’.

Article 2

1. The persons listed in part A of Annex I to this Regulation shall be deleted from the list set out in Annex IA to Regulation (EC) No 560/2005 and shall be added to the list set out in Annex I to Regulation (EC) No 560/2005.
2. The person listed in part B of Annex I to this Regulation shall be added to the list set out in Annex I to Regulation (EC) No 560/2005.
3. The persons listed in Annex II to this Regulation shall be added to the list set out in Annex IA to Regulation (EC) No 560/2005.

Article 3

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, 6 April 2011.

For the Council
The President
MARTONYI J.

ANNEX I

PART A

1. **Laurent GBAGBO**

Date of birth: 31 May 1945

Place of birth: Gagnoa, Côte d'Ivoire

Former President of Côte d'Ivoire: obstruction of the peace and reconciliation process, rejection of the results of the presidential election.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

2. **Simone GBAGBO**

Date of birth: 20 June 1949

Place of birth: Moossou, Grand-Bassam, Côte d'Ivoire

Chairperson of the Parliamentary Group of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, public incitement to hatred and violence.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

3. **Désiré TAGRO**

Passport number: PD – AE 065FH08

Date of birth: 27 January 1959

Place of birth: Issia, Côte d'Ivoire

Secretary-General in the so-called 'presidency' of Mr GBAGBO: participation in the illegitimate government of Mr GBAGBO, obstruction of the peace and reconciliation process, rejection of the results of the presidential election, participation in violent repressions of popular movements.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

4. **Pascal AFFI N'GUESSAN**

Passport number: PD-AE 09DD00013.

Date of birth: 1 January 1953

Place of birth: Bouadriko, Côte d'Ivoire

Chairman of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, incitement to hatred and violence.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

PART B

1. **Alcide DJÉDJÉ**

Date of birth: 20 October 1956

Place of birth: Abidjan, Côte d'Ivoire

Close advisor to Mr GBAGBO: participation in the illegitimate government of Mr GBAGBO, obstruction of the peace and reconciliation process, public incitement to hatred and violence.

Date of UN designation: 30.3.2011

ANNEX II

Persons and entities referred to in article 2(3)

A. Persons

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Diali Zie		Director of the main agency of the BCEAO (Central Bank of West African States); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
2.	Togba Norbert		Inspector-General of the Treasury; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
3.	Kone Doféré		Collector-General of taxes; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
4.	Hanny Tchélé Brigitte, wife of Mr Etibouo		Documentary film producer. Incitement to hatred and violence.
5.	Jacques Zady		Producer for Radiodiffusion Télévision Ivoirienne (RTI). Incitement to hatred and violence.
6.	Ali Keita		Chief editor of Le Temps daily newspaper. Incitement to hatred and violence.
7.	Kla Koué Sylvanus		De facto Director-General of the Côte d'Ivoire Telecommunications Agency and Chairman of San-Pedro General Council. Incitement to hatred and violence.
8.	Mamadou Ben Soumahoro		Member of the National Assembly. Incitement to hatred and violence
9.	Sokouri Bohui		Member of the National Assembly, managing editor of Notre Voie daily newspaper and FPI Secretary-General responsible for elections. Incitement to hatred and violence.
10.	Blon Siki Blaise		Self-styled High Authority for the Development of the West. Incitement to hatred and violence.
11.	Pastor Kore Moïse		Spiritual Advisor to Mr Laurent Gbagbo. Incitement to hatred and violence.
12.	Moustapha Aziz		Advisor to the Côte d'Ivoire Representation to UNESCO. Incitement to hatred and violence.
13.	Gnamien Yao		Former Minister. Incitement to hatred and violence.
14.	Zakaria Fellah		Special Advisor to Mr Laurent Gbagbo; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
15.	Ghislain N'Gbechi		Official at the Permanent Mission of Côte d'Ivoire in New York; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
16.	Charles Kader Gore		Businessman; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
17.	Maitre Sanogo Yaya		Barrister practising in Côte d'Ivoire; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
18.	Kadio Morokro Mathieu		Chairman of PETROIVOIRE; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
19.	Marcellin Zahui		Managing Director of the illegally nationalised CNCE (Caisse National de Crédit et d'Epargne [national credit and savings bank]) and Director of BICICI (Banque Internationale pour le Commerce et l'Industrie de la Côte d'Ivoire [Côte d'Ivoire international bank for trade and industry]); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
20.	Jean-Claude N'Da Ametchi		Managing Director of Versus Bank, Director of the illegally nationalised SGBCI (Société Générale de Banques en Côte d'Ivoire [Côte d'Ivoire banking company]); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
21.	Anatole Kossa		Vice-President of CGFCC [coffee and cocoa sector management committee]. Adviser to former president Gbagbo in farm sector since 1 January 2010; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
22.	Alexandre Kouadio		Provisional director of ARCC [coffee and cocoa regulatory authority]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
23.	Célestin N'Guessan		Provisional director of FDPCC [coffee and cocoa producers business development and promotion fund]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
24.	Claudine Lea Yapobi, née Yehiry		Provisional director of the FRC (regulation and supervision fund) and the BCC [coffee and cocoa exchange]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
25.	Deby Dally Balawourou		Journalist, President of the Conseil National de la Presse [national press council]; incitement to hatred and violence

	Name (and any aliases)	Identifying information	Grounds for designation
26.	Wenceslas Appiah		Managing Director of BFA [bank for the financing of agriculture]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
27.	Hubert Houlaye		Chairman of the board of directors of the Banque Nationale d'Investissements [national investment bank]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.

COMMISSION REGULATION (EU) No 331/2011**of 6 April 2011****amending Regulation (EC) No 1120/2009 as regards the use of land for the production of hemp within the framework of the implementation of the single payment scheme provided for in Council Regulation (EC) No 73/2009**

THE EUROPEAN COMMISSION,

varieties Finola, grown in Finland, and Tiborszálási, grown in Hungary, where it is shown that the said content in the past years was below the 0,2 % level.

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 Article 39(2) thereof,

(5) On the basis of this information, the Commission considers that these hemp varieties should be made eligible, respectively, in the Member States concerned.

(6) Regulation (EC) No 1120/2009 should therefore be amended accordingly.

Whereas:

(7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

(1) Article 39, paragraph 1, of Regulation (EC) No 73/2009 establishes that areas used for the production of hemp shall only be eligible for direct payments if the varieties used have a tetrahydrocannabinol content not exceeding 0,2 %.

HAS ADOPTED THIS REGULATION:

(2) Article 124, paragraph 3, of Regulation (EC) No 73/2009 establishes that Article 39 of that Regulation is applicable to areas under the single area payment scheme.

Article 1

Article 10 of Regulation (EC) No 1120/2009 is replaced as follows:

(3) Article 10 of Commission Regulation (EC) No 1120/2009 of 29 October 2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers ⁽²⁾ establishes that the payment of entitlements for areas on hemp shall be subject to the use of seed of the varieties listed in 'Common Catalogue of Varieties of Agricultural Plant Species', with exception of the varieties Finola and Tiborszálási, and provides for their certification.

*'Article 10***Production of hemp**

For the purposes of Article 39 of Regulation (EC) No 73/2009, the payment of the entitlements for areas on hemp shall be subject to the use of seed of the varieties listed in the "Common Catalogue of Varieties of Agricultural Plant Species" on 15 March of the year in respect of which the payment is granted and published in accordance with Article 17 of Council Directive 2002/53/EC ^(*). However, areas using the variety Finola shall be eligible only in Finland and areas using the variety Tiborszálási shall be eligible only in Hungary. The seed shall be certified in accordance with Council Directive 2002/57/EC ^(**).

(4) Finland and Hungary have notified data to the Commission on the tetrahydrocannabinol content of

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 316, 2.12.2009, p. 1.

^(*) OJ L 193, 20.7.2002, p. 1.

^(**) OJ L 193, 20.7.2002, p. 74.'

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, 6 April 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 332/2011**of 6 April 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 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 7 April 2011.

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

Done at Brussels, 6 April 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 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	JO	64,0
	MA	43,8
	TN	104,8
	TR	86,5
	ZZ	74,8
0707 00 05	EG	152,2
	TR	144,2
	ZZ	148,2
0709 90 70	MA	91,2
	TR	120,4
	ZA	28,9
	ZZ	80,2
0805 10 20	EG	55,9
	IL	70,4
	MA	51,8
	TN	52,8
	TR	72,9
	US	49,1
	ZZ	58,8
0805 50 10	TR	58,5
	ZZ	58,5
0808 10 80	AR	103,5
	BR	78,6
	CA	107,4
	CL	98,7
	CN	92,1
	MK	47,7
	NZ	94,5
	US	154,0
	UY	73,4
	ZA	81,2
	ZZ	93,1
0808 20 50	AR	102,0
	CL	112,3
	CN	67,7
	US	56,0
	ZA	95,3
	ZZ	86,7

⁽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'.

DECISIONS

COUNCIL DECISION 2011/221/CFSP

of 6 April 2011

amending Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 29 October 2010, the Council adopted Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾.
- (2) On 30 March 2011, the United Nations Security Council adopted Resolution 1975 ('UNSCR 1975 (2011)') imposing targeted sanctions against additional individuals who meet the criteria set out in Resolution 1572 (2004) and subsequent Resolutions, including those individuals who obstruct peace and reconciliation in Côte d'Ivoire, obstruct the work of the United Nations Operation in Côte d'Ivoire (UNOCI) and other international actors in Côte d'Ivoire and commit serious violations of human rights and international humanitarian law.
- (3) In view of the seriousness of the situation in Côte d'Ivoire, additional restrictive measures should be imposed.
- (4) Moreover, the lists of persons and entities subject to restrictive measures set out in Annexes I and II to Decision 2010/656/CFSP should be amended.
- (5) In addition, it is necessary to clarify certain provisions of Decision 2010/656/CFSP,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/656/CFSP is hereby amended as follows:

- (1) in Article 5, the following paragraphs are inserted:

'3a. With regard to persons and entities listed in Annex II, Member States may allow for exemptions from the measures referred to in paragraphs 1 and 2 in respect of

funds and economic resources which are necessary for humanitarian purposes after notification in advance to the other Member States and to the Commission.

3b. Paragraph 1(b) shall not prevent a designated person or entity from making payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1(b).';

- (2) the following Article is inserted:

'Article 5a

It shall be prohibited:

- (a) to purchase, broker or assist in the issue of bonds or securities issued or guaranteed after 6 April 2011 by the illegitimate government of Mr Laurent GBAGBO, as well as by persons or entities acting on its behalf or under its authority, or by entities owned or controlled by it. By way of exception, financial institutions shall be authorised to purchase such bonds or securities of corresponding value to bonds and securities already held by them and which are due to mature;
- (b) to provide loans, in any form, to the illegitimate government of Mr Laurent GBAGBO, as well as to persons or entities acting on its behalf or under its authority, or by entities that it owns or controls.

The purchase, brokering and assistance in the issue of bonds and securities and the provision of loans referred to in points (a) and (b) shall not give rise to any liability of any kind on the part of natural and legal persons, entities and bodies concerned if they did not know, and had no reasonable cause to suspect, that their actions would infringe the prohibitions in question.;

- (3) the following Article is inserted:

'Article 9a

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those contained in this Decision.;

⁽¹⁾ OJ L 285, 30.10.2010, p. 28.

(4) in Article 10, the following paragraph is added:

‘4. The measures referred to in Article 5(2), as far as ports listed in Annex II are concerned, shall be reviewed no later than 1 June 2011.’.

Article 2

1. The persons listed in part A of Annex I to this Decision shall be deleted from the list set out in Annex II to Decision 2010/656/CFSP and shall be added to the list set out in Annex I to Decision 2010/656/CFSP.

2. The person listed in part B of Annex I to this Decision shall be added to the list set out in Annex I to Decision 2010/656/CFSP.

3. The persons listed in Annex II to this Decision shall be added to the list set out in Annex II to Decision 2010/656/CFSP.

Article 3

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

Done at Brussels, 6 April 2011.

For the Council
The President
MARTONYI J.

ANNEX I

PART A

1. **Laurent GBAGBO**

Date of birth: 31 May 1945

Place of birth: Gagnoa, Côte d'Ivoire

Former President of Côte d'Ivoire: obstruction of the peace and reconciliation process, rejection of the results of the presidential election.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

2. **Simone GBAGBO**

Date of birth: 20 June 1949

Place of birth: Moossou, Grand-Bassam, Côte d'Ivoire

Chairperson of the Parliamentary Group of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, public incitement to hatred and violence.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

3. **Désiré TAGRO**

Passport number: PD-AE 065FH08

Date of birth: 27 January 1959

Place of birth: Issia, Côte d'Ivoire

Secretary-General in the so-called 'presidency' of Mr GBAGBO: participation in the illegitimate government of Mr GBAGBO, obstruction of the peace and reconciliation process, rejection of the results of the presidential election, participation in violent repressions of popular movements.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

4. **Pascal AFFI N'GUESSAN**

Passport number: PD-AE 09DD00013.

Date of birth: 1 January 1953

Place of birth: Bouadriko, Côte d'Ivoire

Chairman of the Ivorian Popular Front (FPI): obstruction of the peace and reconciliation process, incitement to hatred and violence.

Date of UN designation: 30.3.2011 (European Union designation: 22.12.2010)

PART B

1. **Alcide DJÉDJÉ**

Date of birth: 20 October 1956

Place of birth: Abidjan, Côte d'Ivoire

Close advisor to Mr GBAGBO: participation in the illegitimate government of Mr GBAGBO, obstruction of the peace and reconciliation process, public incitement to hatred and violence.

Date of UN designation: 30.3.2011

ANNEX II

Persons and entities referred to in Article 2(3)

A. Persons

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Diali Zie		Director of the main agency of the BCEAO (Central Bank of West African States); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
2.	Togba Norbert		Inspector-General of the Treasury; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
3.	Kone Doféré		Collector-General of taxes; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
4.	Hanny Tchélé Brigitte, wife of Mr Etibouo		Documentary film producer. Incitement to hatred and violence.
5.	Jacques Zady		Producer for Radiodiffusion Télévision Ivoirienne (RTI). Incitement to hatred and violence.
6.	Ali Keita		Chief editor of Le Temps daily newspaper. Incitement to hatred and violence.
7.	Kla Koué Sylvanus		De facto Director-General of the Côte d'Ivoire Telecommunications Agency and Chairman of San-Pedro General Council. Incitement to hatred and violence.
8.	Mamadou Ben Soumahoro		Member of the National Assembly. Incitement to hatred and violence
9.	Sokouri Bohui		Member of the National Assembly, managing editor of Notre Voie daily newspaper and FPI Secretary-General responsible for elections. Incitement to hatred and violence.
10.	Blon Siki Blaise		Self-styled High Authority for the Development of the West. Incitement to hatred and violence.
11.	Pastor Kore Moïse		Spiritual Advisor to Mr Laurent Gbagbo. Incitement to hatred and violence.
12.	Moustapha Aziz		Advisor to the Côte d'Ivoire Representation to UNESCO. Incitement to hatred and violence.
13.	Gnamien Yao		Former Minister. Incitement to hatred and violence.
14.	Zakaria Fellah		Special Advisor to Mr Laurent Gbagbo; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
15.	Ghislain N'Gbechi		Official at the Permanent Mission of Côte d'Ivoire in New York; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
16.	Charles Kader Gore		Businessman; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
17.	Maitre Sanogo Yaya		Barrister practising in Côte d'Ivoire; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
18.	Kadio Morokro Mathieu		Chairman of PETROIVOIRE; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
19.	Marcellin Zahui		Managing Director of the illegally nationalised CNCE (Caisse National de Crédit et d'Epargne [national credit and savings bank]) and Director of BICICI (Banque Internationale pour le Commerce et l'Industrie de la Côte d'Ivoire [Côte d'Ivoire international bank for trade and industry]); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
20.	Jean-Claude N'Da Ametchi		Managing Director of Versus Bank, Director of the illegally nationalised SGBCI (Société Générale de Banques en Côte d'Ivoire [Côte d'Ivoire banking company]); is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
21.	Anatole Kossa		Vice-President of CGFCC [coffee and cocoa sector management committee]. Adviser to former president Gbagbo in farm sector since 1 January 2010; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
22.	Alexandre Kouadio		Provisional director of ARCC [coffee and cocoa regulatory authority]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
23.	Célestin N'Guessan		Provisional director of FDPCC [coffee and cocoa producers business development and promotion fund]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
24.	Claudine Lea Yapobi, née Yehiry		Provisional director of the FRC (regulation and supervision fund) and the BCC [coffee and cocoa exchange]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
25.	Deby Dally Balawourou		Journalist, President of the Conseil National de la Presse [national press council]; incitement to hatred and violence

	Name (and any aliases)	Identifying information	Grounds for designation
26.	Wenceslas Appiah		Managing Director of BFA [bank for the financing of agriculture]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
27.	Hubert Houlaye		Chairman of the board of directors of the Banque Nationale d'Investissements [national investment bank]; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.

COMMISSION DECISION

of 5 April 2011

granting derogations to certain Member States with respect to the transmission of statistics pursuant to Regulation (EC) No 1338/2008 of the European Parliament and of the Council on Community statistics on public health and health and safety at work, as regards statistics on causes of death

*(notified under document C(2011) 2057)***(Only the Bulgarian, Czech, Dutch, Finnish, French, German and Swedish texts are authentic)**

(2011/222/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work ⁽¹⁾, and in particular Article 9(2) thereof,

Having regard to the requests made by the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands and the Republic of Finland,

Whereas:

- (1) In accordance with Article 2 of Regulation (EC) No 1338/2008, it applies to the production of statistics on causes of death as defined in Annex III.
- (2) Article 9(2) of Regulation (EC) No 1338/2008 provides, if necessary, for derogations and transition periods for Member States, both to be based upon objective grounds.
- (3) It emerges from the information provided to the Commission that the requests for derogations made by Bulgaria, the Czech Republic, Germany, France,

Netherlands and Finland result from the need for major adaptations to national statistical systems in order to comply in full with Regulation (EC) No 1338/2008.

- (4) Such derogations should be therefore granted as requested to those Member States.
- (5) The measures provided for in this Decision are in accordance with the opinion of the European Statistical System Committee,

HAS ADOPTED THIS DECISION:

Article 1

Derogations as set out in the Annex are granted to the Member States listed therein.

Article 2

This Decision is addressed to the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the French Republic, the Kingdom of the Netherlands and the Republic of Finland.

Done at Brussels, 5 April 2011.

For the Commission

Olli REHN

Member of the Commission

⁽¹⁾ OJ L 354, 31.12.2008, p. 70.

ANNEX

Derogations from Regulation (EC) No 1338/2008, as implemented by the Commission, concerning statistics on causes of death

Member State	Variable	End of derogation
Bulgaria	Underlying cause of death ICD (4 digits)	31 December 2012
Czech Republic	Country of occurrence	31 December 2011
Germany	Country of occurrence	31 December 2013
France	Year of death (date of occurrence), for stillbirths	31 December 2012
Netherlands	Country of occurrence	31 December 2012
	Country of residence, for non-residents dying within the Netherlands	31 December 2012
Finland	Region of occurrence (NUTS 2)	31 December 2013
	Country of residence/country of residence of the mother	31 December 2013

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 1/2011

of 11 February 2011

amending Annex II (Technical regulations, standards, testing and certification) and Annex IV (Energy) 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 124/2009 of 4 December 2009 ⁽¹⁾.
- (2) Annex IV to the Agreement was amended by Decision of the EEA Joint Committee No 69/2010 of 11 June 2010 ⁽²⁾.
- (3) Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the

European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps ⁽⁵⁾ is to be incorporated into the Agreement.

- (6) Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council ⁽⁶⁾ is to be incorporated into the Agreement.
- (7) Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies ⁽⁷⁾ is to be incorporated into the Agreement.
- (8) Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors ⁽⁸⁾ is to be incorporated into the Agreement.
- (9) Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products ⁽⁹⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 62, 11.3.2010, p. 9.

⁽²⁾ OJ L 244, 16.9.2010, p. 22.

⁽³⁾ OJ L 339, 18.12.2008, p. 45.

⁽⁴⁾ OJ L 36, 5.2.2009, p. 8.

⁽⁵⁾ OJ L 76, 24.3.2009, p. 3.

⁽⁶⁾ OJ L 76, 24.3.2009, p. 17.

⁽⁷⁾ OJ L 93, 7.4.2009, p. 3.

⁽⁸⁾ OJ L 191, 23.7.2009, p. 26.

⁽⁹⁾ OJ L 191, 23.7.2009, p. 35.

- (10) Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions ⁽¹⁾ is to be incorporated into the Agreement.
- (11) Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances ⁽²⁾ is to be incorporated into the Agreement.
- (12) Regulation (EC) No 245/2009 repeals, with effect from 13 April 2010, Directive 2000/55/EC of the European Parliament and of the Council ⁽³⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement with effect from 13 April 2010.
- (13) Regulation (EC) No 643/2009 repeals, with effect from 1 July 2010, Directive 96/57/EC of the European Parliament and of the Council ⁽⁴⁾ which is incorporated into the Agreement and is therefore to be repealed under the Agreement with effect from 1 July 2010,

HAS DECIDED AS FOLLOWS:

Article 1

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

1. the text of point 5 (Directive 96/57/EC of the European Parliament and of the Council) shall be deleted;
2. the following points shall be inserted after point 7 (Commission Decision 2008/591/EC):

‘8. **32008 R 1275:** Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment (OJ L 339, 18.12.2008, p. 45), as amended by:

— **32009 R 0278:** Commission Regulation (EC) No 278/2009 of 6 April 2009 (OJ L 93, 7.4.2009, p. 3),

— **32009 R 0642:** Commission Regulation (EC) No 642/2009 of 22 July 2009 (OJ L 191, 23.7.2009, p. 42).

9. **32009 R 0107:** Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive

2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes (OJ L 36, 5.2.2009, p. 8).

10. **32009 R 0244:** Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps (OJ L 76, 24.3.2009, p. 3).

11. **32009 R 0245:** Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council (OJ L 76, 24.3.2009, p. 17).

12. **32009 R 0278:** Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and average active efficiency of external power supplies (OJ L 93, 7.4.2009, p. 3).

13. **32009 R 0640:** Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors (OJ L 191, 23.7.2009, p. 26).

14. **32009 R 0641:** Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products (OJ L 191, 23.7.2009, p. 35).

15. **32009 R 0642:** Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions (OJ L 191, 23.7.2009, p. 42).

16. **32009 R 0643:** Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances (OJ L 191, 23.7.2009, p. 53).’.

⁽¹⁾ OJ L 191, 23.7.2009, p. 42.

⁽²⁾ OJ L 191, 23.7.2009, p. 53.

⁽³⁾ OJ L 279, 1.11.2000, p. 33.

⁽⁴⁾ OJ L 236, 18.9.1996, p. 36.

Article 2

Annex IV to the Agreement shall be amended as follows:

1. the text of point 13 (Directive 96/57/EC of the European Parliament and of the Council) shall be deleted;
2. the text of point 15 (Directive 2000/55/EC of the European Parliament and of the Council) shall be deleted;
3. the following points shall be inserted after point 30 (Regulation (EC) No 106/2008 of the European Parliament and of the Council):

‘31. **32008 R 1275:** Commission Regulation (EC) No 1275/2008 of 17 December 2008 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for standby and off mode electric power consumption of electrical and electronic household and office equipment (OJ L 339, 18.12.2008, p. 45), as amended by:

— **32009 R 0278:** Commission Regulation (EC) No 278/2009 of 6 April 2009 (OJ L 93, 7.4.2009, p. 3),

— **32009 R 0642:** Commission Regulation (EC) No 642/2009 of 22 July 2009 (OJ L 191, 23.7.2009, p. 42).

32. **32009 R 0107:** Commission Regulation (EC) No 107/2009 of 4 February 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for simple set-top boxes (OJ L 36, 5.2.2009, p. 8).

33. **32009 R 0244:** Commission Regulation (EC) No 244/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for non-directional household lamps (OJ L 76, 24.3.2009, p. 3).

34. **32009 R 0245:** Commission Regulation (EC) No 245/2009 of 18 March 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for fluorescent lamps without integrated ballast, for high intensity discharge lamps, and for ballasts and luminaires able to operate such lamps, and repealing Directive 2000/55/EC of the European Parliament and of the Council (OJ L 76, 24.3.2009, p. 17).

35. **32009 R 0278:** Commission Regulation (EC) No 278/2009 of 6 April 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for no-load condition electric power consumption and

average active efficiency of external power supplies (OJ L 93, 7.4.2009, p. 3).

36. **32009 R 0640:** Commission Regulation (EC) No 640/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for electric motors (OJ L 191, 23.7.2009, p. 26).

37. **32009 R 0641:** Commission Regulation (EC) No 641/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products (OJ L 191, 23.7.2009, p. 35).

38. **32009 R 0642:** Commission Regulation (EC) No 642/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for televisions (OJ L 191, 23.7.2009, p. 42).

39. **32009 R 0643:** Commission Regulation (EC) No 643/2009 of 22 July 2009 implementing Directive 2005/32/EC of the European Parliament and of the Council with regard to ecodesign requirements for household refrigerating appliances (OJ L 191, 23.7.2009, p. 53).’.

Article 3

The texts of Regulations (EC) No 1275/2008, (EC) No 107/2009, (EC) No 244/2009, (EC) No 245/2009, (EC) No 278/2009, (EC) No 640/2009, (EC) No 641/2009, (EC) No 642/2009 and (EC) No 643/2009 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 4

This Decision shall enter into force on 12 February 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, 11 February 2011.

For the EEA Joint Committee
The Acting President
Gianluca GRIPPA

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 2/2011

of 11 February 2011

amending Annex II (Technical regulations, standards, testing and certification) and Annex IV (Energy) 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 124/2009 of 4 December 2009 ⁽¹⁾.
- (2) Annex IV to the Agreement was amended by Decision of the EEA Joint Committee No 69/2010 of 11 June 2010 ⁽²⁾.
- (3) Commission Regulation (EC) No 859/2009 of 18 September 2009 amending Regulation (EC) No 244/2009 as regards the ecodesign requirements on ultraviolet radiation of non-directional household lamps ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be added in point 10 (Commission Regulation (EC) No 244/2009) of Chapter IV of Annex II to the Agreement:

‘, as amended by:

- **32009 R 0859**: Commission Regulation (EC) No 859/2009 of 18 September 2009 (OJ L 247, 19.9.2009, p. 3).’

Article 2

The following shall be added in point 33 (Commission Regulation (EC) No 244/2009) of Annex IV to the Agreement:

‘, as amended by:

- **32009 R 0859**: Commission Regulation (EC) No 859/2009 of 18 September 2009 (OJ L 247, 19.9.2009, p. 3).’

Article 3

The text of Regulation (EC) No 859/2009 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 4

This Decision shall enter into force on 12 February 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, 11 February 2011.

For the EEA Joint Committee
The Acting President
Gianluca GRIPPA

⁽¹⁾ OJ L 62, 11.3.2010, p. 9.

⁽²⁾ OJ L 244, 16.9.2010, p. 22.

⁽³⁾ OJ L 247, 19.9.2009, p. 3.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 3/2011

of 11 February 2011

amending Annex XIV (Competition) 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 XIV to the Agreement was amended by Decision of the EEA Joint Committee No 130/2010 of 10 December 2010 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulations (EC) No 2658/2000 ⁽⁴⁾ and (EC) No 2659/2000 ⁽⁵⁾, which have been incorporated into the Agreement, expired on 31 December 2010 and are therefore to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIV to the Agreement shall be amended as follows:

1. the text of point 6 (Commission Regulation (EC) No 2658/2000) shall be replaced by the following:

'32010 R 1218: Commission Regulation (EU) No 1218/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of specialisation agreements (OJ L 335, 18.12.2010, p. 43).';

2. the text of point 7 (Commission Regulation (EC) No 2659/2000) shall be replaced by the following:

'32010 R 1217: Commission Regulation (EU) No 1217/2010 of 14 December 2010 on the application of Article 101(3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements (OJ L 335, 18.12.2010, p. 36).';

Article 2

The texts of Regulations (EU) No 1217/2010 and (EU) No 1218/2010 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 12 February 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*). It shall apply from 1 January 2011.

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, 11 February 2011.

For the EEA Joint Committee

The Acting President

Gianluca GRIPPA

⁽¹⁾ OJ L 85, 31.3.2011, p. 14.

⁽²⁾ OJ L 335, 18.12.2010, p. 36.

⁽³⁾ OJ L 335, 18.12.2010, p. 43.

⁽⁴⁾ OJ L 304, 5.12.2000, p. 3.

⁽⁵⁾ OJ L 304, 5.12.2000, p. 7.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 5/2011

of 11 February 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 140/2010 of 10 December 2010 ⁽¹⁾.

(2) Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽²⁾ was incorporated into the Agreement by Decision of the EEA Joint Committee No 69/2009 ⁽³⁾ of 29 May 2009, with country specific adaptations.

(3) Commission Decision C(2010) 774 final of 13 April 2010 laying down detailed measures for the implementation of the common basic standards on aviation security containing information as referred to in Point (a) of Article 18 of Regulation (EC) No 300/2008 is to be incorporated into the Agreement.

(4) Commission Decision C(2010) 2604 final of 23 April 2010 amending Commission Decision 2010/774/EU of 13 April 2010 laying down detailed measures for the implementation of the common basic standards on aviation security containing information as referred to in Point (a) of Article 18 of Regulation (EC) No 300/2008 is to be incorporated into the Agreement.

(5) Decision C(2010) 774 final repeals Commission Decision C(2008) 4333 final of 8 August 2008 laying down additional measures for the implementation of the common

basic standards on aviation security, which is incorporated into the Agreement and therefore is to be repealed under the Agreement.

(6) All the measures necessary for the applicability of Regulation (EC) No 300/2008 ⁽⁴⁾ will thereby have been incorporated into the Agreement and Commission Regulation (EC) No 272/2009 ⁽⁵⁾, Commission Regulation (EU) No 1254/2009 ⁽⁶⁾, Commission Regulation (EU) No 72/2010 ⁽⁷⁾ and Commission Regulation (EU) No 185/2010 ⁽⁸⁾ will become applicable from the date on which this Decision enters into force.

(7) All the measures necessary for the applicability of Regulation (EC) No 300/2008 will thereby have been incorporated into the Agreement and Regulation (EC) No 2320/2002 of the European Parliament and of the Council ⁽⁹⁾, Commission Regulation (EC) No 1217/2003 ⁽¹⁰⁾, Commission Regulation (EC) No 1486/2003 ⁽¹¹⁾, Commission Regulation (EC) No 1138/2004 ⁽¹²⁾ and Commission Regulation (EC) No 820/2008 ⁽¹³⁾ will be repealed under the Agreement with effect from the date on which this Decision enters into force,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XIII to the Agreement shall be amended as follows:

1. the following shall be inserted after point 66he (Commission Regulation (EU) No 185/2010):

⁽⁴⁾ Commission Regulation (EC) No 272/2009 of 2 April 2009, Commission Regulation (EU) No 1254/2009 of 18 December 2009, Commission Regulation (EU) No 18/2010 of 8 January 2010, Commission Regulation (EU) No 72/2010 of 26 January 2010, Commission Regulation (EU) No 185/2010 of 4 March 2010, Commission Regulation (EU) No 297/2010 of 9 April 2010, Commission Regulation (EU) No 357/2010 of 23 April 2010, Commission Regulation (EU) No 358/2010 of 23 April 2010, Commission Decision C(2010)774 final of 13 April 2010 and Commission Decision C(2010) 2604 final of 23 April 2010.

⁽⁵⁾ OJ L 91, 3.4.2009, p. 7.

⁽⁶⁾ OJ L 338, 19.12.2009, p. 17.

⁽⁷⁾ OJ L 23, 27.1.2010, p. 1.

⁽⁸⁾ OJ L 55, 5.3.2010, p. 1.

⁽⁹⁾ OJ L 355, 30.12.2002, p. 1.

⁽¹⁰⁾ OJ L 169, 8.7.2003, p. 44.

⁽¹¹⁾ OJ L 213, 23.8.2003, p. 3.

⁽¹²⁾ OJ L 221, 22.6.2004, p. 6.

⁽¹³⁾ OJ L 221, 19.8.2008, p. 8.

⁽¹⁾ OJ L 85, 31.3.2011, p. 25.

⁽²⁾ OJ L 97, 9.4.2008, p. 72.

⁽³⁾ OJ L 232, 3.9.2009, p. 25.

‘66hf. **C(2010) 774 final:** Commission Decision C(2010) 774 final of 13 April 2010 laying down detailed measures for the implementation of the common basic standards on aviation security containing information as referred to in Point (a) of Article 18 of Regulation (EC) No 300/2008, as amended by:

— **C(2010) 2604 final:** Commission Decision C(2010) 2604 final of 23 April 2010.’;

2. the text of point 66ia (Commission Decision C(2008) 4333 final) shall be deleted.

Article 2

This Decision shall enter into force on 12 February 2011, provided that all the notifications under Article 103(1)

of the Agreement have been made to the EEA Joint Committee (*).

Article 3

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, 11 February 2011.

For the EEA Joint Committee

The Acting President

Gianluca GRIPPA

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 6/2011

of 1 April 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 'the EEA Agreement'), and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the EEA Agreement was amended by Decision of the EEA Joint Committee No 146/2007 of 26 October 2007 ⁽¹⁾ in order to incorporate, inter alia, Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community ⁽²⁾, into that Agreement.
- (2) Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2003/87/EC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community ⁽³⁾ is to be incorporated into the EEA Agreement.
- (3) The decision-making process leading to the implementation of the Directive will take place in close co-operation between the European Commission, the EFTA Surveillance Authority and the EFTA States.
- (4) The Contracting Parties have issued a Joint Declaration, emphasising, inter alia, that they will make every effort in order to ensure the swift adoption and entry into force of any EEA Joint Committee decisions necessary to extend to the EFTA States the relevant implementing decisions to be adopted by the European Commission and particularly those pursuant to Articles 3e(3) and 3f(5) of Directive 2003/87/EC as amended by Directive 2008/101/EC,

HAS ADOPTED THIS DECISION:

Article 1

Point 21al of Annex XX to the EEA Agreement is hereby amended as follows:

1. the following indent is added:

- **32008 L 0101:** Directive 2008/101/EC of the European Parliament and of the Council of 19 November 2008 (OJ L 8, 13.1.2009, p. 3).;

⁽¹⁾ OJ L 100, 10.4.2008, p. 92.

⁽²⁾ OJ L 275, 25.10.2003, p. 32.

⁽³⁾ OJ L 8, 13.1.2009, p. 3.

2. the following adaptations are inserted after adaptation (b):

- '(ba) At the time of incorporation of the Directive, Liechtenstein does not have any aviation activities as defined in the Directive operated on its territory. Liechtenstein will comply with the Directive when relevant aviation activities take place on its territory.

- (bb) The following subparagraph shall be added in Article 3c(4):

"The EEA Joint Committee shall, in accordance with the procedures laid down in the Agreement and based on figures provided by the EFTA Surveillance Authority in cooperation with Eurocontrol, decide on the EEA-wide historical aviation emissions by adding the relevant numbers concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the Commission decision when incorporating the latter into the EEA Agreement."

- (bc) In Article 3d(4), the second subparagraph shall be deleted.

- (bd) The following subparagraph shall be added in Articles 3e(2) and 3f(4):

"By the same date, the EFTA States shall submit applications received to the EFTA Surveillance Authority, which shall promptly pass them on to the Commission."

- (be) The following subparagraphs shall be added in Article 3e(3):

"The EEA Joint Committee shall, in accordance with the procedures laid down in the Agreement and based on figures provided by the EFTA Surveillance Authority in cooperation with Eurocontrol, decide on the EEA-wide number for the total number of allowances, the number of allowances to be auctioned, the number of allowances in the special reserve and the number of free allowances, by adding the relevant numbers concerning flights within and between the territories of the EFTA States and flights between the EFTA States and third countries to the Commission decision when incorporating the latter into the EEA Agreement.

The Commission shall decide on the EEA-wide benchmark. During the decision-making process the Commission shall cooperate closely with the EFTA Surveillance Authority. The calculation and publication by the EFTA States under Article 3e(4) shall take place subsequent to the decision of the EEA Joint Committee incorporating the decision adopted by the Commission into the EEA Agreement.”.

- (bf) The following subparagraph shall be added in Article 3f(5):

“The Commission shall decide on the EEA-wide benchmark. During the decision-making process the Commission shall cooperate closely with the EFTA Surveillance Authority. The calculation and publication by the EFTA States under Article 3f(7) shall take place subsequent to the decision of the EEA Joint Committee incorporating the decision adopted by the Commission into the EEA Agreement.”;

3. the following adaptations are inserted after adaptation (i):

- ‘(ia) The following paragraph shall be inserted after Article 16(12):

“(13) The EFTA States shall submit any requests pursuant to Article 16(5) and (10) to the EFTA Surveillance Authority, which shall promptly pass them on to the Commission.”.

- (ib) The following subparagraph shall be added in Article 18a(1):

“Reallocation of aircraft operators to the EFTA States should take place during year 2011, after fulfilment by the operator of its 2010 obligations. A different timeline for reallocation of aircraft operators initially assigned to a Member State on the basis of the criteria mentioned under (b), can be agreed by the initial administering Member State, further to an explicit request introduced by the operator within six months from the adoption by the Commission of the

EEA-wide list of operators provided for in Article 18a(3)(b). In this case, reallocation shall take place no later than in 2020 with regard to the trading period beginning in 2021.”.

- (ic) In Article 18a(3)(b), the words “for the whole EEA” shall be inserted after the words “aircraft operators”.

- (id) The following subparagraph shall be added in Article 18b:

“For the purposes of carrying out their tasks under the Directive, the EFTA States and the EFTA Surveillance Authority may request the assistance of Eurocontrol or another relevant organisation and may conclude to that effect any appropriate agreements with those organisations.”.

Article 2

The text of Directive 2008/101/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 the day following the last notification to the EEA Joint Committee under Article 103(1) of the EEA Agreement (*).

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, 1 April 2011.

For the EEA Joint Committee
The Acting President
Gianluca GRIPPA

(*) Constitutional requirements indicated.

Joint Declaration by the Contracting Parties to Decision No 6/2011 incorporating Directive 2008/101/EC into the EEA Agreement

'Directive 2008/101/EC states that revenues generated from the auctioning of allowances for aviation should be used to tackle climate change. The application of this provision by the EFTA States is without prejudice to the scope of the EEA Agreement.

As regards the decisions on benchmarks pursuant to Articles 3e(3) and 3f(5) of Directive 2003/87/EC as amended by Directive 2008/101/EC, the Contracting Parties will make every effort in order to ensure swift adoption and entry into force of any EEA Joint Committee decisions incorporating each decision of the European Commission. In order to guarantee the homogeneity of the EEA and of its common ETS, a joint and parallel process of the Contracting Parties shall lead up to the decisions of the European Commission, which shall be incorporated into the EEA Agreement, if necessary by use of written procedure.

With the aim to provide for a transparent ETS in the EEA for all aviation operators concerned, the European Commission will include special clauses in its decisions implementing Directive 2008/101/EC, which will make reference to the extension of the decisions to the EEA EFTA States by decisions of the EEA Joint Committee.'

CORRIGENDA**Corrigendum to Commission Decision 2001/548/EC of 9 July 2001 on the setting up of a committee in the area of supplementary pensions**

(Official Journal of the European Communities L 196 of 20 July 2001)

On page 26, Article 3(2), second indent:

for: 'four seats for the other EFA member countries (one seat for the European Free Trade Association liaison office and one seat per country involved)',

read: 'four seats for the other EEA member countries (one seat for the European Free Trade Association liaison office and one seat per country involved)'.

Corrigendum to Directive 97/23/EC of the European Parliament and of the Council of 29 May 1997 on the approximation of the laws of the Member States concerning pressure equipment

(Official Journal of the European Communities L 181 of 9 July 1997)

On page 11, Article 13(1), first subparagraph:

for: '... for the purposes of the tasks referred to in Annex I, sections 3.2.2 and 3.1.3.',

read: '... for the purposes of the tasks referred to in Annex I, sections 3.1.2 and 3.1.3.'.

NOTE TO THE READER

Decision of the EEA Joint Committee No 4/2011 will be published at a later date.

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