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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the entry into force of the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements

The procedures necessary for the entry into force of the Agreement on the participation of the Republic of Bulgaria and Romania in the European Economic Area and four related agreements ⁽¹⁾, signed in Brussels on 25 July 2007, have been completed on 8 November 2011. Consequently, this Agreement has entered into force, in accordance with its Article 6(2), on 9 November 2011.

⁽¹⁾ OJ L 221, 25.8.2007, p. 1.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1238/2011

of 30 November 2011

amending Implementing Regulation (EU) No 372/2011 fixing the quantitative limit for the exports of out-of-quota sugar and isoglucose until the end of the 2011/2012 marketing year

THE EUROPEAN COMMISSION,

licences cannot be submitted before that date in respect of the quantitative limits fixed by that Regulation.

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 61, first paragraph, point (d), in conjunction with Article 4 thereof,

Whereas:

- (1) According to Article 61, first paragraph, point (d) of Regulation (EC) No 1234/2007, the sugar and isoglucose produced during a marketing year in excess of the quota referred to in Article 56 of that Regulation may be exported only within the quantitative limit to be fixed.
- (2) Detailed implementing rules for out-of-quota exports, in particular concerning the issue of export licences, are laid down by Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾. However, the quantitative limit should be fixed per marketing year in view of the possible opportunities on the export markets.
- (3) For the 2011/2012 marketing year, Commission Implementing Regulation (EU) No 372/2011 ⁽³⁾ fixed the quantitative limit for the exports at 650 000 tonnes in the case of out-of-quota sugar and at 50 000 tonnes in the case of out-of-quota isoglucose. Implementing Regulation (EU) No 372/2011 is to apply only as from 1 January 2012 and thus applications for export

- (4) According to most recent estimates the production of out-of-quota sugar could increase considerably in marketing year 2011/2012 due to excellent weather conditions and increased sowing area. Production of out-of-quota sugar is expected to increase from 2 333 000 t in 2010/2011 to 4 920 000 tonnes in 2011/2012 and therefore additional market outlets for out-of-quota sugar should be ensured.
- (5) Commission Regulation (EU) No 397/2010 of 7 May 2010 fixing the quantitative limit for exports of out-of-quota sugar and isoglucose until the end of the 2010/2011 marketing year ⁽⁴⁾ fixed the quantitative limit for exports of out-of-quota isoglucose initially at 50 000 tonnes. In view of the strong export demand that quantity was increased to 65 000 tonnes by Commission Implementing Regulation (EU) No 852/2011 of 24 August 2011 amending Regulation (EU) No 397/2010 as regards the quantitative limit for the exports of out-of-quota isoglucose until the end of the 2010/11 marketing year ⁽⁵⁾.
- (6) Taking into account that the WTO ceiling for exports in the 2011/2012 marketing year has not been fully used, it is appropriate to increase the export quantitative limit of out-of-quota sugar by 700 000 tonnes, to exploit all possible outlet for the product available. This measure will provide additional business opportunities for the Union sugar sector. Similarly, on the basis of the experience of the 2010/2011 marketing year, the quantitative limit for out-of-quota isoglucose exports should be increased by 20 000 tonnes. In order that Union manufacturers of out-of-quota sugar and isoglucose can exploit market opportunities on their export markets and benefit from current high international prices it is appropriate to make available the increased quantities before 1 January 2012. To ensure good management of the market, applications for licenses for the 700 000 tonnes should be allowed as of 1 December 2011 whereas applications for licenses for the 650 000 tonnes should only be allowed

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 178, 1.7.2006, p. 24.⁽³⁾ OJ L 102, 16.4.2011, p. 8.⁽⁴⁾ OJ L 115, 8.5.2010, p. 26.⁽⁵⁾ OJ L 219, 25.8.2011, p. 1.

as of 1 January 2012. Therefore, for the quantity of 700 000 tonnes it is necessary to provide for a derogation from Commission Implementing Regulation (EU) No 1010/2011 ⁽¹⁾.

- (7) Implementing Regulation (EU) No 372/2011 should be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

(b) 650 000 tonnes shall be available as from 1 January 2012.;

(b) the following paragraph is added:

‘3. Article 1, paragraph 3 of Commission Implementing Regulation (EU) No 1010/2011 (*) shall not apply to the quantity of 700 000 tonnes which will be available as of 1 December 2011 in accordance with paragraph 1 of this Article.

(*) OJ L 268, 13.10.2011, p. 14.¹;

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 372/2011 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. For the 2011/2012 marketing year, running from 1 October 2011 to 30 September 2012, the quantitative limit referred to in Article 61, first subparagraph, point (d) of Regulation (EC) No 1234/2007 shall be 1 350 000 tonnes for exports without refund of out-of-quota white sugar falling within CN code 1701 99. This quantity shall be broken down as follows:

(a) 700 000 tonnes shall be available as from 1 December 2011; and

(2) Article 2(1) is replaced by the following:

‘1. For the 2011/2012 marketing year, running from 1 October 2011 to 30 September 2012, the quantitative limit referred to in Article 61, first subparagraph, point (d) of Regulation (EC) No 1234/2007 shall be 70 000 tonnes, in dry matter, for exports without refund of out-of-quota isoglucose falling within CN codes 1702 40 10, 1702 60 10 and 1702 90 30.;

(3) In Article 3, the second paragraph is deleted.

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 December 2011.

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

Done at Brussels, 30 November 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 268, 13.10.2011, p. 14.

COMMISSION IMPLEMENTING REGULATION (EU) No 1239/2011**of 30 November 2011****opening a standing invitation to tender for the 2011/2012 marketing year for imports of sugar of CN code 1701 at a reduced customs duty**

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 187, in conjunction with Article 4 thereof,

Whereas:

(1) The world market prices for sugar have been at a level close to or even above the Union internal market price for several months. Forecasts of world market prices based on the sugar futures exchange markets of New York and London for the terms of March, May and July 2012 further indicate a constant high world market price. Imports from third countries benefiting from certain preferential agreements are therefore expected to increase only moderately during the 2011/2012 marketing year.

(2) The forecasted Union sugar balance for the 2011/2012 marketing year indicates a negative difference between availability and utilisation. The resulting low level of ending stocks threatens to disrupt the availability of supply of the Union sugar market.

(3) For that reason and with the view to increasing the supply, it is necessary to make imports easier through the reduction of the import duty for certain quantities of sugar, in a way similar to that provided for in Commission Implementing Regulation (EU) No 634/2011 of 29 June 2011 opening a standing invitation to tender for the 2010/2011 marketing year for imports of sugar of CN code 1701 at a reduced customs duty ⁽²⁾. The quantity and the reduction of the duty should be assessed in the light of the current state and foreseeable development of the Union and world sugar market. The quantity and reduction should therefore be based on a tendering system.

(4) The minimum eligibility requirements to tender should be specified.

(5) A security should be lodged for each tender. That security should become the security for the import licence application in the case of a successful tender and be released when a tender is unsuccessful.

(6) The competent authorities of the Member States should notify the Commission of the admissible tenders. In order to simplify and standardise those notifications, models should be made available.

(7) For each partial invitation to tender, provision should be made for the Commission to fix a minimum customs duty and, if appropriate, an allocation coefficient in order to reduce the quantities accepted, or to decide not to fix a minimum customs duty.

(8) Member States should inform the tenderers of the result of their participation in the partial invitation to tender within a short period.

(9) It should be made clear that during the first 3 months of the marketing year import licences for raw sugar for refining are to be issued only to full time refiners.

(10) The competent authorities should notify the Commission of the quantities for which import licenses have been issued. For this purpose, models should be made available by the Commission.

(11) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is opened for the 2011/2012 marketing year for imports of sugar of CN code 1701 at a reduced customs duty, bearing reference number 09.4313.

That customs duty shall replace the common customs tariff duty and the additional duties referred to in Article 141 of Regulation (EC) No 1234/2007 and Article 36 of Commission Regulation (EC) No 951/2006 ⁽³⁾.

Commission Regulation (EC) No 376/2008 ⁽⁴⁾ shall apply save as otherwise provided for in this Regulation.

Article 2

1. The period during which tenders may be submitted in response to the first partial invitation to tender shall end on 7 December 2011 at 12 noon, Brussels time.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 170, 30.6.2011, p. 21.

⁽³⁾ OJ L 178, 1.7.2006, p. 24.

⁽⁴⁾ OJ L 114, 26.4.2008, p. 3.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations shall begin on the first working day following the end of the preceding period. They shall end at 12 noon, Brussels time, on 14 December 2011, 21 December 2011, 11 January 2012, 25 January 2012, 1 February 2012, 15 February 2012, 6 June 2012, 27 June 2012 and 11 July 2012.

3. The Commission may suspend the submission of tenders for one or several partial invitations to tender.

Article 3

1. Tenders shall be lodged by operators established in the Union. They shall be lodged to the competent authority in the Member State in which an operator is registered for VAT purposes.

2. Tenders shall be lodged by means of the application form for an import licence that is provided in Annex I to Regulation (EC) No 376/2008.

3. The application form may be lodged by electronic means, using the method made available to the operators by the Member State concerned. The competent authorities of the Member States may require that electronic tenders be accompanied by an advance electronic signature within the meaning of Directive 1999/93/EC of the European Parliament and of the Council ⁽¹⁾.

4. Tenders shall be admissible only if the following conditions are met:

(a) tenders shall indicate:

(i) in box 4, the name, address and VAT number of the tenderer;

(ii) in boxes 17 and 18, the quantity of sugar tendered, which shall be at least 20 tonnes and shall not exceed 45 000 tonnes, rounded with no decimal places;

(iii) in box 20, the proposed amount of the customs duty, in euro per tonne of sugar, rounded to no more than two decimal places;

(iv) in box 16, the eight digit CN code of the sugar;

(b) proof is furnished, before the expiry of the time limit for the submission of tenders, that the tenderer has lodged the security referred to in Article 4(1);

(c) the tender is presented in the official language, or one of the official languages of the Member State in which the tender is lodged;

(d) the tender indicates a reference to this Regulation and the expiry date for the submission of the tenders;

(e) the tender does not include any additional conditions introduced by the tenderer other than those laid down in this Regulation.

5. A tender which is not submitted in accordance with paragraphs 1 and 2 shall not be admissible.

6. Applicants shall not submit more than one tender per eight digit CN code for the same partial invitation to tender.

7. A tender may not be withdrawn or amended after its submission.

Article 4

1. In accordance with the provisions of Title III of Commission Regulation (EEC) No 2220/85 ⁽²⁾ each tenderer shall lodge a security of EUR 150 per tonne of sugar to be imported under this Regulation.

2. Where a tender is successful, that security shall become the security for the import licence.

3. The security referred to in paragraph 1 shall be released in case of unsuccessful tenderers.

Article 5

1. The competent authorities of the Member States shall decide on the validity of tenders on the basis of the conditions set out in Article 3.

2. Persons authorised to receive and examine the tenders shall be under an obligation not to disclose any particulars relating thereto to any unauthorised person.

3. Where the competent authorities of the Member States decide that a tender is invalid they shall inform the tenderer.

4. The competent authority concerned shall notify the Commission, by fax, of the admissible tenders submitted within 2 hours after the expiry of the time limit for the submissions laid down in Article 2(1) and (2). That notification shall not contain the data referred to in Article 3(4)(a)(i).

5. The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States. When no tenders are submitted, the competent authority shall notify the Commission thereof by fax within the same time limit.

Article 6

In the light of the current state and foreseeable development of the Union and world sugar markets, the Commission shall, for each partial invitation to tender and for each eight digit CN code, either fix a minimum customs duty or decide not to fix a minimum customs duty by adopting an Implementing Regulation in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007.

⁽¹⁾ OJ L 13, 19.1.2000, p. 12.

⁽²⁾ OJ L 205, 3.8.1985, p. 5.

With that Implementing Regulation, the Commission shall also fix, where necessary, an allocation coefficient applicable to the tenders which have been introduced at the level of the minimum customs duty. In this case, the security referred to in Article 4 shall be released in proportion to the quantities allocated.

Article 7

1. Where no minimum customs duty has been fixed all tenders shall be rejected.

2. The competent authority concerned shall notify applicants within 3 working days after the day of publication of the Implementing Regulation referred in Article 6 of the result of their participation in the partial invitation to tender.

Article 8

1. No later than the last working day of the week following the week during which the Implementing Regulation referred in Article 6 was published, the competent authority shall issue an import licence to any tenderer whose tender quotes a customs duty for the eight digit CN code equal to or exceeding the minimum customs duty fixed for that eight digit CN code by the Commission. The quantities awarded shall take account of the allocation coefficient fixed by the Commission in accordance with Article 6.

The competent authorities of the Member States shall not issue licences for tenders that have not been notified as provided for in Article 5, paragraph 4.

2. Import licences shall contain the following entries:

- (a) in box 16, the eight digit CN code of the sugar;
- (b) in boxes 17 and 18, the quantity of sugar awarded;

(c) in box 20 at least one of the entries listed in Part A of the Annex;

(d) in box 24 the customs duty applicable using one of the entries listed in Part B of the Annex.

3. By way of derogation from Article 8(1) of Regulation (EC) No 376/2008, the rights deriving from the import licence shall not be transferable.

4. The first sentence of the first subparagraph and second subparagraph of Article 153(3) of Regulation (EC) No 1234/2007 shall apply.

Article 9

Import licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the third month following the month in which the Implementing Regulation on partial invitation referred in Article 6 is published.

Article 10

No later than the last working day of the second week following the week during which the Implementing Regulation referred in Article 6 is published the competent authorities shall notify the Commission of the quantities for which import licences have been issued under this Regulation. The notification shall be transmitted electronically in accordance with models and methods made available to the Member States by the Commission.

Article 11

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

It shall expire on 30 September 2012.

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

Done at Brussels, 30 November 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

A. Entries referred to in Article 8(2)(c)

- in Bulgarian:* Внесена при намалена ставка на митото съгласно Регламент (ЕС) № 1239/2011; референтен номер 09.4313
- in Spanish:* Importado con derecho de aduana reducido en virtud del Reglamento de Ejecución (UE) nº 1239/2011; Número de referencia 09.4313
- in Czech:* Dovezeno se sníženou celní sazbou v souladu s prováděcím nařízením (EU) č. 1239/2011; Referenční číslo 09.4313
- in Danish:* Importeret til en nedsat toldsats i henhold til forordning (EU) nr. 1239/2011; Referencenummer 09.4313
- in German:* Eingeführt zum ermäßigten Zollsatz gemäß der Durchführungsverordnung (EU) Nr. 1239/2011; Referenznummer 09.4313
- in Estonian:* Imporditud vähendatud tollimaksuga vastavalt määrusele (EL) nr 1239/2011; viitenumber 09.4313
- in Greek:* Εισαγωγή με μειωμένο δασμό δυνάμει του εκτελεστικού κανονισμού (ΕΕ) αριθ. 1239/2011· αριθμός αναφοράς 09.4313
- in English:* Imported at reduced customs duty pursuant to Implementing Regulation (EU) No 1239/2011; reference number 09.4313
- in French:* Importés à des taux de droits réduits conformément au règlement d'exécution (UE) n° 1239/2011; numéro de référence 09.4313
- in Italian:* Importato applicando un'aliquota ridotta del dazio doganale, a norma del regolamento di esecuzione (UE) n. 1239/2011; Numero di riferimento 09.4313
- in Latvian:* Importēts ar samazinātu muitas nodokli saskaņā ar Īstenošanas regulu (ES) Nr. 1239/2011; atsaucēs numurs 09.4313
- in Lithuanian:* Importuota taikant sumažintą muitą pagal Įgyvendinimo reglamentą (ES) Nr. 1239/2011; Nuorodos numeris 09.4313
- in Hungarian:* Behozatal csökkentett vámtétel mellett az 1239/2011/EU rendelet alapján; hivatkozási szám 09.4313
- in Maltese:* Impurtat b'dazju doganali mnaqqas skont ir-Regolament ta' Implimentazzjoni (UE) Nru 1239/2011; Numru ta' referenza 09.4313
- in Dutch:* Ingevoerd tegen verlaagd douanerecht overeenkomstig Uitvoeringsverordening (EU) nr. 1239/2011; referentienummer 09.4313
- in Polish:* Przywóz z zastosowaniem obniżonych stawek celnych zgodnie z rozporządzeniem wykonawczym (UE) nr 1239/2011; numer referencyjny 09.4313
- in Portuguese:* Importado a taxa reduzida de direito aduaneiro ao abrigo do Regulamento (UE) n.º 1239/2011; Número de referência 09.4313
- in Romanian:* Importat cu taxă vamală redusă conform Regulamentului de punere în aplicare (UE) nr. 1239/2011; Număr de referință 09.4313
- in Slovak:* Dovozy so zníženým clom podľa nariadenia (EÚ) č. 1239/2011; referenčné číslo 09.4313
- in Slovenian:* Uvoz po znižani carini v skladu z Izvedbeno uredbo (EU) št. 1239/2011; referenčna številka 09.4313
- in Finnish:* Tuonti alennettu tullein asetuksen (EU) N:o 1239/2011 mukaisesti; Viitenumero 09.4313
- in Swedish:* Importerad till nedsatt tullsat enligt genomförandeförordning (EU) nr 1239/2011; Referensnummer 09.4313

B. Entries referred to in Article 8(2)(d)

<i>in Bulgarian:</i>	Мито (мито върху приетата оферта)
<i>in Spanish:</i>	Derecho de aduana (derecho de aduana de la oferta seleccionada)
<i>in Czech:</i>	Clo: (clo platné pro vybranou nabídku)
<i>in Danish:</i>	Toldsats: (toldsats for det antagne bud)
<i>in German:</i>	Zollsatz: (Zollsatz für das erfolgreiche Angebot)
<i>in Estonian:</i>	Tollimaks: (hankelepingu suhtes kohaldatav tollimaks)
<i>in Greek:</i>	Δασμός: (δασμός της κατακυρωθείσας προσφοράς)
<i>in English:</i>	Customs duty: (customs duty of the awarded tender)
<i>in French:</i>	Droit de douane: (droit de douane du marché attribué)
<i>in Italian:</i>	Dazio doganale: (dazio doganale dell'aggiudicazione)
<i>in Latvian:</i>	Muitas nodoklis: (konkursā uzvarējušā piedāvājuma muitas nodoklis)
<i>in Lithuanian:</i>	Muitas (konkursą laimėjusiam pasiūlymui taikomas muitas)
<i>in Hungarian:</i>	Vámtétel: (a nyertes ajánlat szerinti vámtétel)
<i>in Maltese:</i>	Dazju doganali: (dazju doganali tal-offerta magħżula)
<i>in Dutch:</i>	Douanerecht: (douanerecht voor de gegunde inschrijving)
<i>in Polish:</i>	Cło: (cło zatwierdzonej oferty)
<i>in Portuguese:</i>	Direito aduaneiro: (direito aduaneiro aplicável à proposta adjudicada)
<i>in Romanian:</i>	Taxă vamală: (taxa vamală aplicabilă ofertei selecționate)
<i>in Slovak:</i>	Clo: (clo vybranej ponuky)
<i>in Slovenian:</i>	Carina: (carina dodeljene ponudbe)
<i>in Finnish:</i>	Tulli: (voittaneeseen tarjoukseen sovellettava tulli)
<i>in Swedish:</i>	Tullsats: (tullsats för det antagna anbudet)

COMMISSION IMPLEMENTING REGULATION (EU) No 1240/2011**of 30 November 2011****laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2011/2012**

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 64(2) and Article 187, in conjunction with Article 4 thereof,

Whereas:

- (1) The world market prices for sugar have been at a level close to or even above the Union internal market price since several months. Forecasts of world market prices based on the sugar futures exchange markets of New York and London for the terms of March, May and July 2012 further indicate a constant high world market price. Imports from third countries benefiting from certain preferential agreements are therefore expected to increase only moderately during the 2011/2012 marketing year.
- (2) The forecasted sugar balance within the Union for the 2011/2012 marketing year identifies a deficit between utilisation of quota sugar and what should have been available of about 700 000 tonnes. The resulting low level of ending stocks threatens to disrupt the availability of supply of the Union's sugar market and increase the Union internal sugar market price.
- (3) On the other hand, a good harvest in some parts of the Union has led to the production of sugar in excess of the quota set out in Article 56 of Regulation (EC) No 1234/2007 of nearly 5 million tonnes. Taking account of estimations on contractual commitments of sugar producers in respect of certain industrial uses provided for in Article 62 of Regulation (EC) No 1234/2007 and the 2011/2012 export commitments for out-of-quota sugar, substantial quantities of out-of-quota sugar of about 1 000 000 tonnes will still be available. Part of this sugar could be made available to the sugar market of the Union in order to partially satisfy demand and to avoid excessive price increases
- (4) Article 187 of Regulation (EC) No 1234/2007 empowers the Commission to take the necessary measures for the sector if quotations or prices on the world market of sugar reach a level that disrupts or threatens to disrupt the availability of supply on the Union market. In this context, possible measures are not limited to the explicitly mentioned measure of full or partial suspension of import duties.
- (5) In the 2010/2011 marketing year, the world market price for sugar was close to or even above the recorded average Union market price for certain periods of time. Against this background and taking transport costs and delays linked to imports into account, the instrument of a reduction of import duties alone might not be sufficient to address the shortage of quota sugar and the upward pressure on prices on the EU market.
- (6) Article 64(2) of Regulation (EC) No 1234/2007 empowers the Commission to fix the surplus levy on sugar and isoglucose produced in excess of the quota at a sufficiently high level in order to avoid the accumulation of surplus quantities. Article 3(1) of Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota ⁽²⁾ has fixed that levy at EUR 500 per tonne.
- (7) The continuing low supply of sugar on the internal market in the 2011/2012 marketing year may allow the sale of 400 000 tonnes of out-of-quota sugar on the internal market. Because the supply shortage is less severe than in the 2010/2011 marketing year and the measure is taken at an earlier stage compared to the 2010/2011 marketing year with still some uncertainties regarding exact quantities available on the EU market, the setting of a reduced levy is appropriate, in order to avoid any risk of accumulation of quantities. For that limited quantity of sugar produced in excess of the quota a reduced surplus levy should be fixed, at a level per tonne representing the difference between the most recent publicly available average Union price and the world market price.
- (8) As Regulation (EC) No 1234/2007 fixes quotas for both sugar and isoglucose, a similar measure should apply for an appropriate quantity of isoglucose produced in excess of the quota because the latter product is, to some extent, a commercial substitute for sugar.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 176, 30.6.2006, p. 22.

- (9) For that reason and with the view to increasing the supply, sugar and isoglucose producers should apply to the competent authorities of the Member States for certificates allowing them to sell certain quantities, produced above the quota limit, on the Union market with a reduced surplus levy.
- (10) The validity of the certificates should be limited in time to encourage a fast improvement of the supply situation.
- (11) Fixing upper limits of the quantities for which each producer can apply in one application period and restricting the certificates to products of the applicant's own production should prevent speculative actions within the system created by this Regulation.
- (12) With their application, sugar producers should commit themselves to pay the minimum price for sugar beet used to produce the quantity of sugar for which they apply. The minimum eligibility requirements for applications should be specified.
- (13) The competent authorities of the Member States should notify the Commission of the applications received. In order to simplify and standardise those notifications, models should be made available.
- (14) The Commission should ensure that certificates are granted only within the quantitative limits fixed in this Regulation. Therefore, if necessary, the Commission should be able to fix an allocation coefficient applicable to the applications received.
- (15) Member States should immediately inform the applicants whether the quantity applied for was fully or partially granted.
- (16) The reduced surplus levy should be paid after the application is admitted and before the certificate is issued.
- (17) The competent authorities should notify the Commission of the quantities for which certificates with a reduction of the surplus levy have been issued. For this purpose, models should be made available by the Commission.
- (18) Sugar quantities released on the Union market of quantities in excess of the certificates issued under this Regulation should be subject the surplus levy set out in Article 64(2) of Regulation (EC) No 1234/2007. It is therefore appropriate to provide that any applicant not fulfilling his commitment to release on the Union market the quantity covered by a certificate delivered to him, should also pay an amount of EUR 500 per tonne. This consistent approach is aimed at preventing abuse of the mechanism introduced by this Regulation.
- (19) For the purpose of establishing average prices for quota and out-of-quota sugar on the Union market in accordance with Article 13(1) of Commission Regulation (EC) No 952/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards the management of the Community market in sugar and the quota system ⁽¹⁾, sugar covered by a certificate issued pursuant to this Regulation should be considered as quota sugar.
- (20) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Temporary reduction of the surplus levy**
- By way of derogation from Article 3(1) of Regulation (EC) No 967/2006, the amount of the surplus levy for a maximum quantity of 400 000 tonnes of sugar in white sugar equivalent and 21 000 tonnes of isoglucose in dry matter, produced in excess of the quota fixed in Annex VI to Regulation (EC) No 1234/2007 and released on the Union market in the marketing year 2011/2012, shall be fixed at EUR 85 per tonne. The reduced surplus levy shall be paid after the application, referred to in Article 2, is admitted and before the certificate, referred to in Article 6, is issued.
- Article 2*
- Application for certificates**
1. In order to benefit from the conditions specified in Article 1, sugar and isoglucose producers shall apply for a certificate.
2. Applicants may be only undertakings producing beet and cane sugar or isoglucose, which are approved in accordance with Article 57 of Regulation (EC) No 1234/2007 and have been allocated a production quota for the 2011/2012 marketing year, in accordance with Article 56 of that Regulation.
- ⁽¹⁾ OJ L 178, 1.7.2006, p. 39.

3. Each applicant may submit not more than one application for sugar and one for isoglucose per application period.

4. Applications for certificates shall be submitted by fax or electronic mail to the competent authority in the Member State in which the undertaking was approved. The competent authorities of the Member States may require that electronic applications be accompanied by an advance electronic signature within the meaning of Directive 1999/93/EC of the European Parliament and of the Council ⁽¹⁾.

5. To be admissible, the applications shall fulfil the following conditions:

(a) the applications shall indicate:

(i) the name, address and VAT number of the applicant; and

(ii) the quantities applied for, expressed in tonnes of white sugar equivalent and tonnes of isoglucose in dry matter, rounded to no decimal places;

(b) the quantities applied for in this application period, expressed in tonnes of white sugar equivalent and tonnes of isoglucose in dry matter, shall not exceed 50 000 tonnes in the case of sugar and 2 500 tonnes in the case of isoglucose;

(c) if the application concerns sugar, the applicant shall commit himself to pay the minimum beet price, set out in Article 49 of Regulation (EC) No 1234/2007, for the quantity of sugar covered by certificates issued in accordance with Article 6 of this Regulation;

(d) the application shall be written in the official language or one of the official languages of the Member State in which the application is lodged;

(e) the application shall indicate a reference to this Regulation and the expiry date for the submission of the applications for the application period in question;

(f) the applicant shall not introduce any additional conditions to those laid down in this Regulation.

6. An application which is not submitted in accordance with paragraphs 1 to 5 shall not be admissible.

7. An application may not be withdrawn or amended after its submission, even if the quantity applied for is granted only partially.

Article 3

Submission of applications

1. The first period during which applications may be submitted shall end on 7 December 2011 at 12 noon, Brussels time.

2. The periods during which applications may be submitted for the second and subsequent application periods shall begin on the first working day following the end of the preceding period. They shall end at 12 noon, Brussels time, on 14 December 2011, 11 January 2012, 25 January 2012, 1 February 2012, 15 February 2012, 6 June 2012, 27 June 2012 and 11 July 2012.

3. The Commission may suspend the submission of applications for one or several application periods.

Article 4

Transmission of applications by the Member States

1. The competent authorities of the Member States shall decide on the admissibility of applications on the basis of the conditions set out in Article 2. Where the competent authorities decide that an application is inadmissible, they shall inform the applicant without delay.

2. The competent authority shall notify the Commission on Friday at the latest, by fax or electronic mail, of the admissible applications submitted during the preceding application period. That notification shall not contain the data referred to in Article 2(5)(a)(i). Member States that received no applications but have sugar or isoglucose quota allocated to them in marketing year 2011/2012, shall also send their nil returns notifications to the Commission within the same time limit.

3. The form and content of the notifications shall be defined on the basis of models made available by the Commission to the Member States.

Article 5

Exceeded limits

When the information notified by the competent authorities of the Member States pursuant to Article 4(2) indicates that the quantities applied for exceed the limits set out in Article 1, the Commission shall:

(a) fix an allocation coefficient, which the Member States shall apply to the quantities covered by each notified certificate application;

⁽¹⁾ OJ L 13, 19.1.2000, p. 12.

(b) reject applications not yet notified;

(c) close the period for submitting the applications.

Article 6

Issue of certificates

1. Without prejudice to Article 5, on the 10th working day following a week where an application period ended, the competent authority shall issue certificates for the applications notified to the Commission, in accordance with Article 4(2), during that application period.

2. Each Monday Member States shall notify the Commission of the quantities of sugar and/or isoglucose for which they issued certificates in the preceding week.

3. A template of the certificate is set out in the Annex.

Article 7

Validity of certificates

Certificates shall be valid until the end of the second month following the month of issue.

Article 8

Transferability of certificates

Neither the rights nor the obligations deriving from the certificates shall be transferable.

Article 9

Price reporting

For the purpose of Article 13(1) of Regulation (EC) No 952/2006, the quantity of sugar sold which is covered by a certificate issued pursuant to this Regulation shall be considered as quota sugar.

Article 10

Monitoring

1. Applicants shall add to their monthly notifications provided for in Article 21(1) of Regulation (EC) No 952/2006 the quantities for which they received certificates in accordance with Article 6 of this Regulation.

2. Before 31 October 2012, each holder of a certificate under this regulation shall submit to the competent authorities of the Member States proof that all quantities covered by his certificates were released on the Union market. Each tonne covered by a certificate but not released on the Union market for reasons other than *force majeure*, shall be subject to payment of an amount of 415 EUR/tonne.

3. Member States shall notify the Commission of the quantities not released on the Union market.

4. Member States shall calculate and notify the Commission of the difference between the total quantity of sugar and isoglucose produced by each producer in excess of the quota and the quantities which have been disposed by the producers in accordance with the second subparagraph of Article 4(1) of Regulation (EC) No 967/2006. If the remaining quantities of out-of-quota sugar or isoglucose of a producer are less than the quantities issued for that producer for under this Regulation, the producer shall pay an amount of EUR 500/tonne on that difference.

Article 11

Entry into force

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

It shall expire on 31 December 2012.

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

Done at Brussels, 30 November 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Model for the certificate referred to in Article 7(3)

CERTIFICATE

**for the reduction, for the 2011/2012 marketing year, of the levy provided for in Article 3 of Regulation (EC)
No 967/2006**

Member State:

Quota holder:

Product:	
Quantities applied:	
Quantities issued:	
Levy paid (EUR/t):	EUR 85/tonne

For the Marketing year 2011/2012, the levy referred to in Article 3 of Regulation (EC) No 967/2006 shall not apply to the quantities issued of this certificate, subject to the respect of the rules laid down in Implementing Regulation (EU) No 1240/2011, in particular in Article 2(5)(c)

Signature of the competent authority of the Member State

Date of issue

This certificate shall be valid until the end of the second month following the date of issue.

**COMMISSION IMPLEMENTING REGULATION (EU) No 1241/2011
of 30 November 2011**

repealing Implementing Regulation (EU) No 1211/2011 operating deductions from certain fishing effort for 2011 on account of overfishing by certain Member States in the previous year

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 106(1) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1211/2011 ⁽²⁾ reduces for certain Member States the maximum allowable fishing effort fixed in Council Regulation (EU) No 57/2011 ⁽³⁾ and for certain fishing areas and fisheries in Council Regulation (EC) No 1415/2004 ⁽⁴⁾.
- (2) On the basis of recent correspondence with certain Member States, there is a need for additional verification of the information underlying Implementing Regulation

(EU) No 1211/2011 and the quantities of effort deducted as set out in the Annex to Implementing Regulation (EU) No 1211/2011.

- (3) Considering that Implementing Regulation (EU) No 1211/2011 will be directly applicable in all Member States after its entry into force and considering the direct impact it may have on the fishing activities of certain EU operators, it is appropriate for it to be repealed as from that date pending verification and replacement by a new Regulation. This is without prejudice to the obligation of the Commission to operate deductions of fishing effort on account of overfishing in 2010 in subsequent years,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1211/2011 is hereby repealed.

Article 2

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

It shall apply from 1 December 2011.

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

Done at Brussels, 30 November 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 308, 24.11.2011, p. 15.

⁽³⁾ OJ L 24, 27.1.2011, p. 1.

⁽⁴⁾ OJ L 258, 5.8.2004, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 1242/2011**of 30 November 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 December 2011.

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

Done at Brussels, 30 November 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	58,6
	IL	98,1
	MA	42,3
	TN	143,0
	TR	82,9
	ZZ	85,0
0707 00 05	EG	193,3
	TR	111,4
	ZZ	152,4
0709 90 70	MA	32,9
	TR	130,1
	ZZ	81,5
0805 20 10	MA	67,0
	ZZ	67,0
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	39,2
	IL	80,7
	TR	86,7
	UY	71,0
	ZZ	69,4
0805 50 10	TR	52,7
	ZZ	52,7
0808 10 80	CA	105,1
	CL	90,0
	CN	74,9
	MK	36,4
	NZ	41,5
	US	114,3
	ZA	84,7
0808 20 50	ZZ	78,1
	CN	48,6
	TR	137,2
	ZZ	92,9

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

COMMISSION IMPLEMENTING REGULATION (EU) No 1243/2011**of 30 November 2011****fixing the import duties in the cereals sector applicable from 1 December 2011**

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 (EU) No 642/2010 of 20 July 2010 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of import duties in the cereals sector ⁽²⁾, and in particular Article 2(1) thereof,

Whereas:

- (1) Article 136(1) of Regulation (EC) No 1234/2007 states that the import duty on products falling within CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002, ex 1005 other than hybrid seed, and ex 1007 other than hybrids for sowing, is to be equal to the intervention price valid for such products on importation increased by 55 %, minus the cif import price applicable to the consignment in question. However, that duty may not exceed the rate of duty in the Common Customs Tariff.

- (2) Article 136(2) of Regulation (EC) No 1234/2007 lays down that, for the purposes of calculating the import duty referred to in paragraph 1 of that Article, representative cif import prices are to be established on a regular basis for the products in question.

- (3) Pursuant to Article 2(2) of Regulation (EU) No 642/2010, the price to be used for the calculation of the import duty on products of CN codes 1001 10 00, 1001 90 91, ex 1001 90 99 (high quality common wheat), 1002 00, 1005 10 90, 1005 90 00 and 1007 00 90 is the daily cif representative import price determined as specified in Article 5 of that Regulation.

- (4) Import duties should be fixed for the period from 1 December 2011 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 December 2011, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 1 December 2011.

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

Done at Brussels, 30 November 2011.

*For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 1 December 2011

CN code	Description	Import duties ⁽¹⁾ (EUR/t)
1001 10 00	Durum wheat, high quality	0,00
	medium quality	0,00
	low quality	0,00
1001 90 91	Common wheat seed	0,00
ex 1001 90 99	High quality common wheat, other than for sowing	0,00
1002 00 00	Rye	0,00
1005 10 90	Maize seed, other than hybrid	0,00
1005 90 00	Maize, other than seed ⁽²⁾	0,00
1007 00 90	Grain sorghum, other than hybrids for sowing	0,00

⁽¹⁾ For goods arriving in the Union via the Atlantic Ocean or via the Suez Canal the importer may benefit, pursuant to Article 2(4) of Regulation (EU) No 642/2010, from a reduction in the duty of:

- 3 EUR/t, where the port of unloading is on the Mediterranean Sea, or on the Black Sea,
- 2 EUR/t, where the port of unloading is in Denmark, Estonia, Ireland, Latvia, Lithuania, Poland, Finland, Sweden, the United Kingdom, or on the Atlantic coast of the Iberian peninsula.

⁽²⁾ The importer may benefit from a flatrate reduction of EUR 24 per tonne where the conditions laid down in Article 3 of Regulation (EU) No 642/2010 are met.

ANNEX II

Factors for calculating the duties laid down in Annex I

15.11.2011-29.11.2011

1. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾
Exchange	Minneapolis	Chicago	—	—	—
Quotation	254,49	177,85	—	—	—
Fob price USA	—	—	344,45	334,45	314,45
Gulf of Mexico premium	—	19,30	—	—	—
Great Lakes premium	44,18	—	—	—	—

⁽¹⁾ Premium of 14 EUR/t incorporated (Article 5(3) of Regulation (EU) No 642/2010).⁽²⁾ Discount of 10 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).⁽³⁾ Discount of 30 EUR/t (Article 5(3) of Regulation (EU) No 642/2010).

2. Averages over the reference period referred to in Article 2(2) of Regulation (EU) No 642/2010:

Freight costs: Gulf of Mexico–Rotterdam: 19,69 EUR/t

Freight costs: Great Lakes–Rotterdam: 51,30 EUR/t

DECISIONS

COMMISSION IMPLEMENTING DECISION

of 25 November 2011

on an additional financial contribution towards Member States' fisheries control, inspection and surveillance programmes for 2011

(notified under document C(2011) 8359)

(Only the Bulgarian, Danish, Dutch, English, Finnish, German, Greek, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Spanish and Swedish texts are authentic)

(2011/779/EU)

THE EUROPEAN COMMISSION,

reporting devices (ERS devices) and vessel monitoring systems (VMS) as well as traceability and control of engine power.

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea ⁽¹⁾, and in particular Article 21 thereof,

Whereas:

(1) Based upon the requests for Union co-finance that have been submitted by Member States in their fisheries control programmes for 2011, the Commission has adopted Implementing Decision 2011/431/EU of 11 July 2011 on a Union financial contribution towards Member States' fisheries control, inspection and surveillance programmes for 2011 ⁽²⁾, which has left some of the 2011 budget available unused.

(2) That unused part of the 2011 budget should now be allocated by a new Decision.

(3) In conformity with Article 21(2) of Regulation (EC) No 861/2006, Member States have been asked to submit programmes related to additional funding in the priority areas defined by the Commission in its letter to Member States of 20 May 2011, i.e. automation and management of data, electronic recording and reporting systems (ERS systems), electronic recording and

(4) On that basis and given budgetary constraints, requests in the programmes for Union funding related to actions such as training and exchange programmes as well as pilot inspection and observer schemes, analysis and assessment of expenditure, initiatives raising awareness of common fisheries policy (CFP) rules and the construction of patrol vessels and aircrafts, have been rejected since they were not dedicated to the priority areas defined above.

(5) Within the priority areas indicated by the Commission, not all the eligible expenditure in the programmes could be retained, due to budgetary restraints. The Commission selected the projects to be co-financed on the basis of the most urgent needs defined by the Commission.

(6) Applications concerning actions listed in Article 8(1)(a) of Regulation (EC) No 861/2006 may qualify for Union funding.

(7) The applications for Union funding have been assessed with regard to their compliance with the rules set out in Commission Regulation (EC) No 391/2007 of 11 April 2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy ⁽³⁾.

(8) It is appropriate to fix the maximum amounts and the rate of the Union financial contribution within the limits set by Article 15 of Regulation (EC) No 861/2006 and to lay down the conditions under which such contribution may be granted.

⁽¹⁾ OJ L 160, 14.6.2006, p. 1.

⁽²⁾ OJ L 188, 19.7.2011, p. 50.

⁽³⁾ OJ L 97, 12.4.2007, p. 30.

- (9) In order to encourage investment in the priority actions defined by the Commission and in view of the negative impact of the financial crisis on Member States' budgets, expenditure related to the abovementioned priority areas should benefit from a high co-financing rate, within the limits laid down in Article 15 of Regulation (EC) No 861/2006.
- (10) In order to qualify for the contribution, automatic localisation devices should satisfy the requirements fixed by Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy ⁽¹⁾.
- (11) In order to qualify for the contribution, electronic recording and reporting devices on board fishing vessels should satisfy the requirements fixed by Implementing Regulation (EU) No 404/2011.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision provides for an additional Union financial contribution towards expenditure incurred by Member States for 2011 in implementing monitoring and control systems applicable to the common fisheries policy (CFP), as referred to in Article 8(1)(a) of Regulation (EC) No 861/2006. It establishes the amount of the Union financial contribution for each Member State, the rate of the Union financial contribution and the conditions on which such contribution may be granted.

Article 2

Closure of outstanding commitments

All payments in respect of which a reimbursement is claimed shall be made by the Member State concerned by 30 June 2015. Payments made by a Member State after that deadline shall not be eligible for reimbursement. Unused budgetary appropriations related to this Decision shall be de-committed at the latest by 31 December 2016.

Article 3

New technologies and IT networks

1. Expenditure incurred, in respect of projects referred to in Annex I, on the setting up of new technologies and IT networks

in order to allow efficient and secure collection and management of data in connection with monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits laid down in that Annex.

2. Any other expenditure incurred, in respect of projects referred in Annex I, shall qualify for a financial contribution of 50 % of the eligible expenditure, within the limits laid down in that Annex.

Article 4

Automatic localisation devices

1. Expenditure incurred, in respect of projects referred to in Annex II, on the purchase and fitting on board of fishing vessels of automatic localisation devices enabling vessels to be monitored at a distance by a fisheries monitoring centre through a vessel monitoring system (VMS) shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits established in that Annex.

2. The financial contribution referred to in paragraph 1 shall be calculated on the basis of a price capped at EUR 2 500 per vessel.

3. In order to qualify for the financial contribution referred to in paragraph 1, automatic localisation devices shall satisfy the requirements laid down in Implementing Regulation (EU) No 404/2011.

Article 5

Electronic recording and reporting systems

Expenditure incurred, in respect of projects referred to in Annex III, on the development, purchase, and installation of, as well as technical assistance for, the components necessary for electronic recording and reporting systems (ERS), in order to allow efficient and secure data exchange related to monitoring, control and surveillance of fisheries activities, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits laid down in that Annex.

Article 6

Electronic recording and reporting devices

1. Expenditure incurred, in respect of projects referred to in Annex IV, on the purchase and fitting on board of fishing vessels of ERS devices enabling vessels to record and report electronically to a Fisheries Monitoring Centre data on fisheries activities, shall qualify for a financial contribution of 90 % of the eligible expenditure, within the limits established in that Annex.

⁽¹⁾ OJ L 112, 30.4.2011, p. 1.

2. The financial contribution referred to in paragraph 1 shall be calculated on the basis of a price capped at EUR 3 000 per vessel, without prejudice of paragraph 4.

3. In order to qualify for a financial contribution, ERS devices shall satisfy the requirements established in Implementing Regulation (EU) No 404/2011.

4. In case of devices combining ERS and VMS functions and fulfilling the requirements laid down in Implementing Regulation (EU) No 404/2011, the financial contribution referred to in paragraph 1 of this Article shall be calculated on the basis of a price capped at EUR 4 500 per vessel.

Article 7

Pilot projects

Expenditure incurred, in respect of projects referred to in Annex V, on pilot projects on new control technologies shall qualify for a financial contribution of 50 % of the eligible expenditure, within the limits laid down in that Annex.

Article 8

Total maximum Union contribution per Member State

The planned expenditure, the eligible share thereof, and the maximum Union contribution per Member State are as follows:

(in EUR)

Member State	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Bulgaria	147 254	147 254	132 530
Cyprus	259 000	255 000	229 500
Denmark	2 159 798	1 408 564	1 267 708
Germany	6 792 280	137 480	123 732
Ireland	51 610 000	250 000	225 000
Greece	2 133 500	590 000	455 000
Spain	4 182 697	2 264 977	2 038 480
Italy	4 010 000	1 140 000	1 026 000
Latvia	140 944	140 944	126 850
Lithuania	207 200	135 313	121 782
Malta	270 664	191 486	130 313
Netherlands	300 000	0	0
Poland	386 324	385 360	343 623
Portugal	2 843 921	2 395 200	2 155 680
Romania	589 000	85 000	76 500
Finland	1 000 000	870 000	635 000
United Kingdom	2 862 415	1 349 325	1 214 392
Total	79 894 998	11 745 904	10 302 090

*Article 9***Addressees**

This Decision is addressed to the Republic of Bulgaria, the Kingdom of Denmark, the Federal Republic of Germany, Ireland, the Hellenic Republic, the Kingdom of Spain, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Finland and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 25 November 2011.

For the Commission

Maria DAMANAKI

Member of the Commission

ANNEX I

NEW TECHNOLOGIES AND IT NETWORKS

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Bulgaria:			
BG/11/06	147 255	147 255	132 530
Sub-total	147 255	147 255	132 530
Cyprus:			
CY/11/09	4 000	0	0
CY/11/10	55 000	55 000	49 500
Sub-total	59 000	55 000	49 500
Denmark:			
DK/11/16	100 612	100 612	90 551
DK/11/17	214 638	0	0
DK/11/18	335 372	335 372	301 835
DK/11/19	268 298	0	0
DK/11/20	268 298	268 298	241 468
DK/11/21	268 298	268 298	241 468
DK/11/22	234 761	234 761	211 285
DK/11/23	201 223	201 223	181 101
DK/11/24	268 298	0	0
Sub-total	2 159 798	1 408 564	1 267 708
Germany:			
DE/11/31	18 000	18 000	16 200
DE/11/32	2 656 400	0	0
DE/11/33	63 480	63 480	57 132
DE/11/34	56 000	56 000	50 400
DE/11/35	3 998 400	0	0
Sub-total	6 792 280	137 480	123 732
Ireland:			
IE/11/18	335 000	0	0
IE/11/19	100 000	0	0
Sub-total	435 000	0	0
Greece:			
GR/11/08	400 000	400 000	360 000
GR/11/09	283 500	190 000	95 000
Sub-total	683 500	590 000	455 000
Spain:			
ES/11/11	305 860	305 860	275 274
ES/11/14	253 117	253 117	227 805
Sub-total	558 977	558 977	503 079
Italy:			
IT/11/19	120 000	120 000	108 000
IT/11/21	300 000	300 000	270 000
IT/11/22	1 900 000	0	0
Sub-total	2 320 000	420 000	378 000

(in EUR)			
Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Lithuania:			
LT/11/08	55 000	13 113	11 802
Sub-total	55 000	13 113	11 802
Malta:			
MT/11/05	125 165	73 165	65 848
MT/11/07	16 741	16 741	8 371
Sub-total	141 906	89 906	74 219
Netherlands:			
NL/11/05	300 000	0	0
Sub-total	300 000	0	0
Poland:			
PL/11/03	226 415	226 415	203 774
PL/11/04	8 964	8 000	4 000
Sub-total	235 379	234 415	207 774
Portugal:			
PT/11/25	125 000	125 000	112 500
PT/11/26	105 000	0	0
PT/11/27	98 000	98 000	88 200
PT/11/28	135 500	0	0
PT/11/29	385 000	385 000	346 500
PT/11/30	265 700	265 700	239 130
Sub-total	1 114 200	873 700	786 330
Romania:			
RO/11/10	300 000	0	0
RO/11/12	24 000	0	0
Sub-total	324 000	0	0
Finland:			
FI/11/09	500 000	370 000	185 000
Sub-total	500 000	370 000	185 000
United Kingdom:			
UK/11/67	1 153 270	0	0
Sub-total	1 153 270	0	0
Total	16 979 564	4 898 410	4 174 674

ANNEX II

AUTOMATIC LOCALISATION DEVICES

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Greece:			
GR/11/03	400 000	0	0
Sub-total	400 000	0	0
Spain:			
ES/11/12	996 000	830 000	747 000
Sub-total	996 000	830 000	747 000
Italy:			
IT/11/18	720 000	720 000	648 000
Sub-total	720 000	720 000	648 000
Total	2 116 000	1 550 000	1 395 000

ANNEX III

ELECTRONIC RECORDING AND REPORTING SYSTEMS

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Ireland:			
IE/11/22	250 000	250 000	225 000
Sub-total	250 000	250 000	225 000
Latvia:			
LV/11/02	140 944	140 944	126 850
Sub-total	140 944	140 944	126 850
Portugal:			
PT/11/21-03	50 000	50 000	45 000
Sub-total	50 000	50 000	45 000
Romania:			
RO/11/03	85 000	85 000	76 500
Sub-total	85 000	85 000	76 500
Finland:			
FI/11/10	500 000	500 000	450 000
Sub-total	500 000	500 000	450 000
United Kingdom:			
UK/11/69	172 990	172 990	155 691
Sub-total	172 990	172 990	155 691
Total	1 198 935	1 198 935	1 079 041

ANNEX IV

ELECTRONIC RECORDING AND REPORTING DEVICES

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Cyprus:			
CY/11/11	200 000	200 000	180 000
Sub-total	200 000	200 000	180 000
Spain:			
ES/11/13	1 022 000	876 000	788 400
Sub-total	1 022 000	876 000	788 400
Lithuania:			
LT/11/09	152 200	122 200	109 980
Sub-total	152 200	122 200	109 980
Malta:			
MT/11/09	7 693	7 693	6 924
MT/11/10	5 567	5 567	5 010
Sub-total	13 260	13 260	11 934
Poland:			
PL/11/05	100 630	100 630	90 567
PL/11/06	50 314	50 314	45 283
Sub-total	150 944	150 944	135 850
Portugal:			
PT/11/21-01	1 228 500	1 228 500	1 105 650
PT/11/21-02	243 000	243 000	218 700
Sub-total	1 471 500	1 471 500	1 324 350
United Kingdom:			
UK/11/68	1 176 335	1 176 335	1 058 701
Sub-total	1 176 335	1 176 335	1 058 701
Total	4 186 239	4 010 239	3 609 215

ANNEX V

PILOT PROJECTS

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Italy:			
IT/11/20	750 000	0	0
Sub-total	750 000	0	0
Malta:			
MT/11/06	88 320	88 320	44 160
MT/11/08	3 447	0	0
Sub-total	91 767	88 320	44 160
United Kingdom:			
UK/11/66	359 820	0	0
Sub-total	359 820	0	0
Total	1 201 587	88 320	44 160

ANNEX VI

TRAINING AND EXCHANGE PROGRAMMES

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Ireland:			
IE/11/20	25 000	0	0
Sub-total	25 000	0	0
Malta:			
MT/11/11	12 731	0	0
MT/11/12	11 000	0	0
Sub-total	23 731	0	0
Portugal:			
PT/11/23	100 226	0	0
PT/11/24	15 995	0	0
Sub-total	116 221	0	0
Total	164 952	0	0

ANNEX VII

PILOT INSPECTION AND OBSERVER SCHEMES

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Romania:			
RO/11/11	180 000	0	0
Sub-total	180 000	0	0
Total	180 000	0	0

ANNEX VIII

ANALYSIS AND ASSESSMENT EXPENDITURE

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Portugal:			
PT/11/21-04	50 000	0	0
PT/11/21-05	42 000	0	0
Sub-total	92 000	0	0
Total	92 000	0	0

ANNEX IX

INITIATIVE RAISING AWARENESS OF CFP RULES

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Italy:			
IT/11/16	110 000	0	0
IT/11/17	110 000	0	0
Sub-total	220 000	0	0
Total	220 000	0	0

ANNEX X

PATROL VESSELS AND AIRCRAFT

(in EUR)

Member State and project code	Expenditure planned in the national fisheries control additional programme	Expenditure for projects selected under this Decision	Maximum Union contribution
Ireland:			
IE/11/21	50 900 000	0	0
Sub-total	50 900 000	0	0
Greece:			
GR/11/02	1 050 000	0	0
Sub-total	1 050 000	0	0
Spain:			
ES/11/10	785 600	0	0
ES/11/15	820 120	0	0
Sub-total	1 605 720	0	0
Total	53 555 720	0	0

III

(Other acts)

EUROPEAN ECONOMIC AREA

DECISION OF THE EEA JOINT COMMITTEE

No 94/2011

of 30 September 2011

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

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

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

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 63/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Decision 2011/7/EU of 7 January 2011 amending Annex XI to Council Directive 2003/85/EC as regards the list of laboratories authorised to handle live foot-and-mouth disease virus ⁽²⁾ is to be incorporated into the Agreement.
- (3) This Decision concerns legislation regarding live animals other than fish and aquaculture animals. Legislation concerning these matters shall not apply to Iceland, as specified in paragraph 2 of the Introductory Part of Chapter I of Annex I to the Agreement. This Decision is therefore not to apply to Iceland.
- (4) This Decision concerns legislation regarding veterinary matters. Legislation concerning veterinary matters shall not apply to Liechtenstein as long as the application of the Agreement between the European Community and the Swiss Confederation on trade in agricultural products is extended to Liechtenstein, as specified in the sectoral adaptations to Annex I. This Decision is therefore not to apply to Liechtenstein,

Article 1

The following indent shall be added in point 1a (Council Directive 2003/85/EC) in Part 3.1 of Chapter I of Annex I to the Agreement:

‘— **32011 D 0007**: Commission Decision 2011/7/EU of 7 January 2011 (OJ L 5, 8.1.2011, p. 27).’

Article 2

The text of Decision 2011/7/EU in the Norwegian language, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 16.

⁽²⁾ OJ L 5, 8.1.2011, p. 27.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 95/2011

of 30 September 2011

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

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

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

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 63/2011 of 1 July 2011 ⁽¹⁾.
- (2) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 70/2011 of 1 July 2011 ⁽²⁾.
- (3) Commission Decision 2010/617/EU of 14 October 2010 amending Decision 2009/821/EC as regards the lists of border inspection posts and veterinary units in Traces ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Decision 2010/653/EU of 21 October 2010 amending Annex II to Decision 2009/861/EC on transitional measures under Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards the processing of non-compliant raw milk in certain milk processing establishments in Bulgaria ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Decision 2010/654/EU of 27 October 2010 amending Decision 2009/852/EC as regards the list of certain milk processing establishments in Romania subjected to certain transitional measures ⁽⁵⁾ is to be incorporated into the Agreement.
- (6) Commission Decision 2011/9/EU of 10 January 2011 amending Decision 2010/89/EU as regards transitional measures concerning the application to establishments in Romania of certain structural requirements of Regulations (EC) No 852/2004 and (EC) No 853/2004 of the European Parliament and of the Council ⁽⁶⁾ is to be incorporated into the Agreement.

- (7) This Decision is not to apply to Liechtenstein,

Article 1

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

- (1) the following indent shall be added in point 39 (Commission Decision 2009/821/EC) in Part 1.2:

— **32010 D 0617**: Commission Decision 2010/617/EU of 14 October 2010 (OJ L 271, 15.10.2010, p. 8).;

- (2) the following shall be added in the first indent (Commission Decision 2009/852/EC) under the heading 'The transitional arrangements set out in the following acts shall apply:' in points 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council) and 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1:

‘, as amended by:

— **32010 D 0654**: Commission Decision 2010/654/EU of 27 October 2010 (OJ L 283, 29.10.2010, p. 34).;

- (3) the following shall be added in the second indent (Commission Decision 2010/89/EU) under the heading 'The transitional arrangements set out in the following acts shall apply:' in point 16 (Regulation (EC) No 852/2004 of the European Parliament and of the Council) in Part 6.1:

‘, as amended by:

— **32011 D 0009**: Commission Decision 2011/9/EU of 10 January 2011 (OJ L 6, 11.1.2011, p. 30).;

- (4) the following indent shall be added in the second indent (Commission Decision 2009/861/EC) under the heading 'The transitional arrangements set out in the following acts shall apply:' in point 17 (Regulation (EC) No 853/2004 of the European Parliament and of the Council) in Part 6.1:

— **32010 D 0653**: Commission Decision 2010/653/EU of 21 October 2010 (OJ L 283, 29.10.2010, p. 28).;

Article 2

Point 54zzzh (Regulation (EC) No 852/2004 of the European Parliament and of the Council) of Chapter XII of Annex II to the Agreement shall be amended as follows:

⁽¹⁾ OJ L 262, 6.10.2011, p. 16.

⁽²⁾ OJ L 262, 6.10.2011, p. 26.

⁽³⁾ OJ L 271, 15.10.2010, p. 8.

⁽⁴⁾ OJ L 283, 29.10.2010, p. 28.

⁽⁵⁾ OJ L 283, 29.10.2010, p. 34.

⁽⁶⁾ OJ L 6, 11.1.2011, p. 30.

(1) under the heading 'The transitional arrangements set out in the following acts shall apply:' the following shall be added in the first indent (Commission Decision 2009/852/EC):

‘, as amended by:

— **32010 D 0654**: Commission Decision 2010/654/EU of 27 October 2010 (OJ L 283, 29.10.2010, p. 34).’;

(2) under the heading 'The transitional arrangements set out in the following acts shall apply:' the following shall be added in the second indent (Commission Decision 2010/89/EU):

‘, as amended by:

— **32011 D 0009**: Commission Decision 2011/9/EU of 10 January 2011 (OJ L 6, 11.1.2011, p. 30).’.

Article 3

The texts of Decisions 2010/617/EU, 2010/653/EU, 2010/654/EU and 2011/9/EU in the Icelandic and Norwegian

languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 1 October 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, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 96/2011

of 30 September 2011

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

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 74/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Directive 2011/10/EU of 8 February 2011 amending Directive 98/8/EC of the European Parliament and of the Council to include bifenthrin as an active substance in Annex I thereto ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Directive 2011/11/EU of 8 February 2011 amending Directive 98/8/EC of the European Parliament and of the Council to include (Z,E)-tetradeca-9,12-dienyl acetate as an active substance in Annexes I and IA thereto ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Directive 2011/12/EU of 8 February 2011 amending Directive 98/8/EC of the European Parliament and of the Council to include fenoxycarb as an active substance in Annex I thereto ⁽⁴⁾ is to be incorporated into the Agreement.
- (5) Commission Directive 2011/13/EU of 8 February 2011 amending Directive 98/8/EC of the European Parliament and of the Council to include nonanoic acid as an active substance in Annex I thereto ⁽⁵⁾ is to be incorporated into the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

The following indents shall be added in point 12n (Directive 98/8/EC of the European Parliament and of the Council) of Chapter XV of Annex II to the Agreement:

— **32011 L 0010**: Commission Directive 2011/10/EU of 8 February 2011 (OJ L 34, 9.2.2011, p. 41),

— **32011 L 0011**: Commission Directive 2011/11/EU of 8 February 2011 (OJ L 34, 9.2.2011, p. 45),

— **32011 L 0012**: Commission Directive 2011/12/EU of 8 February 2011 (OJ L 34, 9.2.2011, p. 49),

— **32011 L 0013**: Commission Directive 2011/13/EU of 8 February 2011 (OJ L 34, 9.2.2011, p. 52).^{*}

Article 2

The texts of Directives 2011/10/EU, 2011/11/EU, 2011/12/EU and 2011/13/EU, in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 31.

⁽²⁾ OJ L 34, 9.2.2011, p. 41.

⁽³⁾ OJ L 34, 9.2.2011, p. 45.

⁽⁴⁾ OJ L 34, 9.2.2011, p. 49.

⁽⁵⁾ OJ L 34, 9.2.2011, p. 52.

^(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 97/2011
of 30 September 2011
amending Annex X (Services in general) 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 X to the Agreement was amended by Decision of the EEA Joint Committee No 102/2010 of 1 October 2010 ⁽¹⁾.
- (2) Commission Decision 2010/425/EU of 28 July 2010 amending Decision 2009/767/EC as regards the establishment, maintenance and publication of trusted lists of certification service providers supervised/accredited by Member States ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following shall be added in point 1b (Commission Decision 2009/767/EC) of Annex X to the Agreement:

‘, as amended by:

- **32010 D 0425**: Commission Decision 2010/425/EU of 28 July 2010 (OJ L 199, 31.7.2010, p. 30).’

Article 2

The text of Decision 2010/425/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 332, 16.12.2010, p. 52.

⁽²⁾ OJ L 199, 31.7.2010, p. 30.

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 98/2011

of 30 September 2011

amending Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement

THE EEA JOINT COMMITTEE,

‘, as amended by:

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,

— **32009 D 0343**: Commission Decision 2009/343/EC of 21 April 2009 (OJ L 105, 25.4.2009, p. 9).’;

(2) the following indent shall be added in point 5cz (Commission Decision 2006/771/EC):

Whereas:

— **32009 D 0381**: Commission Decision 2009/381/EC of 13 May 2009 (OJ L 119, 14.5.2009, p. 32).’.

(1) Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 79/2011 of 1 July 2011 ⁽¹⁾.

Article 2

The texts of Decisions 2009/343/EC and 2009/381/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.

(2) Commission Decision 2009/343/EC of 21 April 2009 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽²⁾ is to be incorporated into the Agreement.

Article 3

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

(3) Commission Decision 2009/381/EC of 13 May 2009 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽³⁾ is to be incorporated into the 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*.

HAS ADOPTED THIS DECISION:

Article 1

Done at Brussels, 30 September 2011.

Annex XI to the Agreement shall be amended as follows:

For the EEA Joint Committee

(1) the following shall be added in point 5cw (Commission Decision 2007/131/EC):

The President
Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 50.

⁽²⁾ OJ L 105, 25.4.2009, p. 9.

⁽³⁾ OJ L 119, 14.5.2009, p. 32.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 99/2011

of 30 September 2011

amending Annex XI (Electronic communication, audiovisual services and information society) 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 XI to the Agreement was amended by Decision of the EEA Joint Committee No 79/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Decision 2009/884/EC of 30 November 2009 amending Decision 2007/116/EC as regards the introduction of additional reserved numbers beginning with '116' ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 5cx (Commission Decision 2007/116/EC) of Annex XI to the Agreement:

— **32009 D 0884:** Commission Decision 2009/884/EC of 30 November 2009 (OJ L 317, 3.12.2009, p. 46).'

Article 2

The text of Decision 2009/884/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

*For the EEA Joint Committee**The President*

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 50.

⁽²⁾ OJ L 317, 3.12.2009, p. 46.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 100/2011

of 30 September 2011

amending Annex XI (Electronic communication, audiovisual services and information society) 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 XI to the Agreement was amended by Decision of the EEA Joint Committee No 79/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 5czf (Commission Decision 2008/671/EC) of Annex XI to the Agreement:

'5czg. **32010 D 0166**: Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use

of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union (OJ L 72, 20.3.2010, p. 38).'

Article 2

The text of Decision 2010/166/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 50.

⁽²⁾ OJ L 72, 20.3.2010, p. 38.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 101/2011

of 30 September 2011

amending Annex XI (Electronic communication, audiovisual services and information society) 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 XI to the Agreement was amended by Decision of the EEA Joint Committee No 79/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Decision 2010/146/EU of 5 March 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequate protection provided by the Faeroese Act on processing of personal data ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 5ek (Commission Decision 2008/393/EC) of Annex XI to the Agreement:

'5el. **32010 D 0146:** Commission Decision 2010/146/EU of 5 March 2010 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the

adequate protection provided by the Faeroese Act on processing of personal data (OJ L 58, 9.3.2010, p. 17)'.[.]

Article 2

The text of Decision 2010/146/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 50.

⁽²⁾ OJ L 58, 9.3.2010, p. 17.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 102/2011
of 30 September 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 90/2011 of 19 July 2011 ⁽¹⁾.
- (2) Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 17j (Directive 2008/96/EC of the European Parliament and of the Council) of Annex XIII to the Agreement:

- '17k. **32010 L 0040**: Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport

Systems in the field of road transport and for interfaces with other modes of transport (OJ L 207, 6.8.2010, p. 1).'

Article 2

The text of Directive 2010/40/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 62.

⁽²⁾ OJ L 207, 6.8.2010, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 103/2011
of 30 September 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 90/2011 of 19 July 2011 ⁽¹⁾.
- (2) Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 37dc (Commission Decision 2009/965/EC) of Annex XIII to the Agreement:

'37dd. **32010 D 0713**: Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifi-

cations for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).'

Article 2

The text of Decision 2010/713/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 October 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of the entry into force of the Decision of the EEA Joint Committee incorporating Decision No 768/2008/EC of the European Parliament and of the Council ⁽³⁾ into the Agreement, whichever is the later.

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, 30 September 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 62.

⁽²⁾ OJ L 319, 4.12.2010, p. 1.

(*) No constitutional requirements indicated.

⁽³⁾ OJ L 218, 13.8.2008, p. 82.

DECISION OF THE EEA JOINT COMMITTEE

No 104/2011

of 30 September 2011

amending Annex XIII (Transport) and Protocol 37 (containing the list provided for in Article 101)
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 90/2011 of 19 July 2011 ⁽¹⁾.
- (2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 76/2011 of 1 July 2011 ⁽²⁾.
- (3) Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network ⁽³⁾ is to be incorporated into the Agreement.
- (4) Decision No 661/2010/EU repeals Decision No 1692/96/EC of the European Parliament and of the Council ⁽⁴⁾, which is incorporated into the Agreement and which is consequently to be deleted from the Agreement.
- (5) For the Agreement to function well, Protocol 37 to the Agreement is to be extended to include the Committee on the Trans-European Transport Network set up by Decision No 661/2010/EU,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 5 (Decision No 1692/96/EC of the European Parliament and of the Council) of Annex XIII to the Agreement shall be replaced by:

'32010 D 0661: Decision No 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on Union guidelines for the development of the trans-European transport network (OJ L 204, 5.8.2010, p. 1).

The provisions of the Decision shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) in Article 8(1), the words "and by applying Directives 92/43/EEC and 2009/147/EC" shall not apply to the EFTA States;

(b) in Article 13(5)(b), the words "Articles 107 and 108 of the Treaty on the Functioning of the European Union" shall be replaced by "Articles 61 and 62 of the Agreement";

(c) The following paragraph shall be added in Article 21:

"3. The EFTA States shall participate fully in the committee established pursuant to paragraph 1, except for the right to vote.";

(d) Article 25(1) shall not apply to the EFTA States.'

Article 2

The text of point 4 (Committee on the Trans-European Transport Network) in Protocol 37 to the Agreement shall be replaced by the following:

'Committee on the Trans-European Transport Network (Decision No 661/2010/EU of the European Parliament and of the Council)'.

Article 3

The text of Decision No 661/2010/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on 1 October 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, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 62.

⁽²⁾ OJ L 262, 6.10.2011, p. 33.

⁽³⁾ OJ L 204, 5.8.2010, p. 1.

⁽⁴⁾ OJ L 228, 9.9.1996, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 105/2011

of 30 September 2011

amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 ⁽¹⁾.
- (2) Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 471/2009 repeals, with effect from 1 January 2010, Council Regulation (EC) No 1172/95 ⁽³⁾, which is incorporated into the Agreement, but which should continue to apply to the EFTA States and consequently be repealed under the Agreement with effect from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXI to the Agreement shall be amended as follows:

- (1) point 8 (Council Regulation (EC) No 1172/95) shall be renumbered as point 8a;
- (2) the following point shall be inserted before new point 8a (Council Regulation (EC) No 1172/95):

'8. **32009 R 0471**: Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) the EFTA States shall put into effect the measures necessary to comply with this Regulation by 1 January 2012;
- (b) for the EFTA States, all references to the centralised clearing system and related provisions shall not be relevant;
- (c) for Liechtenstein, the text of Article 2(a) shall read:

"'goods' means all movable property, excluding electricity;"
- (d) the text of Article 2(b) shall be replaced by the following:

"The statistical territory of the EEA shall, in principle, comprise the customs territories of the Contracting Parties. The Contracting Parties shall define their statistical territories accordingly.

For Norway, the Svalbard Archipelago and the Jan Mayen Island shall be included in the statistical territory.

Liechtenstein shall be exempted from collecting data on trade between Switzerland and Liechtenstein. Liechtenstein shall only collect data on direct imports and exports excluding warehouses and duty-free warehouses.

For Iceland, the statistical territory shall comprise the customs territory.";
- (e) Liechtenstein shall be exempted from collecting the data referred to in Article 5(1)(e);
- (f) Article 5(1)(f) and (k) shall not apply to the EFTA States;
- (g) the classification referred to in Article 5(1)(h) shall be made at least down to the first six digits;
- (h) Article 5(1)(l) shall not apply to Liechtenstein;
- (i) Article 5(1)(m)(ii) shall not apply to the EFTA States;
- (j) Article 5(1)(m)(iii) shall not apply to Liechtenstein;

⁽¹⁾ OJ L 262, 6.10.2011, p. 61.

⁽²⁾ OJ L 152, 16.6.2009, p. 23.

⁽³⁾ OJ L 118, 25.5.1995, p. 10.

(k) Article 6 shall not apply for statistical data which the EFTA States are exempted from collecting under Article 5;

(l) Article 7 shall not apply to the EFTA States;

(m) Article 9(2) shall not apply to Liechtenstein;

(n) as regards Liechtenstein, statistical results covered by Article 10 which make it possible to indirectly identify exporters and importers shall not be disseminated, even without request of an importer or exporter, and only two digit level information of the Harmonised System shall be disseminated.;

(3) the text of new point 8a (Council Regulation (EC) No 1172/95) shall be deleted with effect from 1 January 2012.

Article 2

The text of Regulation (EC) No 471/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 106/2011

of 30 September 2011

amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 92/2010 of 2 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards data exchange between customs authorities and national statistical authorities, compilation of statistics and quality assessment ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EU) No 113/2010 of 9 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards trade coverage, definition of the data, compilation of statistics on trade by business characteristics and by invoicing currency, and specific goods or movements ⁽³⁾ is to be incorporated into the Agreement.
- (4) Regulation (EU) No 113/2010 repeals, with effect from 1 January 2010, Commission Regulation (EC) No 1917/2000 ⁽⁴⁾, which is incorporated into the Agreement, but which should continue to apply to the EFTA States until the measures to comply with Regulation (EC) No 471/2009 are put into effect and consequently be repealed under the Agreement with effect from 1 January 2012,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXI to the Agreement shall be amended as follows:

- (1) the following points shall be inserted after point 8a (Council Regulation (EC) No 1172/95):

⁽¹⁾ OJ L 262, 6.10.2011, p. 61.

⁽²⁾ OJ L 31, 3.2.2010, p. 4.

⁽³⁾ OJ L 37, 10.2.2010, p. 1.

⁽⁴⁾ OJ L 229, 9.9.2000, p. 14.

'8aa. **32010 R 0092:** Commission Regulation (EU) No 92/2010 of 2 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards data exchange between customs authorities and national statistical authorities, compilation of statistics and quality assessment (OJ L 31, 3.2.2010, p. 4).

8ab. **32010 R 0113:** Commission Regulation (EU) No 113/2010 of 9 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards trade coverage, definition of the data, compilation of statistics on trade by business characteristics and by invoicing currency, and specific goods or movements (OJ L 37, 10.2.2010, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) the following subparagraph shall be added to Article 4(2):

"For the EFTA States the 'customs value' shall be defined within the respective national rules.;"

- (b) the following subparagraph shall be added to Article 7(2):

"For the EFTA States 'country of origin' shall be taken to mean the country in which the goods originated within the meaning of the respective national rules of origin.;"

- (c) the reference to Regulation (EC) No 2454/93 in Article 15(4) is not applicable.;"

- (2) the text of point 16a (Commission Regulation (EC) No 1917/2000) shall be deleted with effect from 1 January 2012.

Article 2

The text of Regulations (EU) No 92/2010 and (EU) No 113/2010 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 1 October 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*), or on the day of the entry into force of Decision of the EEA Joint Committee No 105/2011 of 30 September 2011 ⁽¹⁾, whichever is the later.

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, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

(*) No constitutional requirements indicated.

⁽¹⁾ See page 43 of this Official Journal.

DECISION OF THE EEA JOINT COMMITTEE

No 107/2011

of 30 September 2011

amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 263/2011 of 17 March 2011 implementing Regulation (EC) No 458/2007 of the European Parliament and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the launch of full data collection for the ESSPROS module on net social protection benefits ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 18uc (Commission Regulation (EU) No 110/2011) of Annex XXI to the Agreement:

'18ud. **32011 R 0263**: Commission Regulation (EU) No 263/2011 of 17 March 2011 implementing Regulation (EC) No 458/2007 of the European Parliament

and of the Council on the European system of integrated social protection statistics (ESSPROS) as regards the launch of full data collection for the ESSPROS module on net social protection benefits (OJ L 71, 18.3.2011, p. 4).'

Article 2

The text of Regulation (EU) No 263/2011 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 61.

⁽²⁾ OJ L 71, 18.3.2011, p. 4.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 108/2011
of 30 September 2011
amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Regulation (EU) No 1151/2010 of 8 December 2010 implementing Regulation (EC) No 763/2008 of the European Parliament and of the Council on population and housing censuses, as regards the modalities and structure of the quality reports and the technical format for data transmission ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following point shall be inserted after point 18yb (Commission Regulation (EC) No 1201/2009) of Annex XXI to the Agreement:

'18yc. **32010 R 1151**: Commission Regulation (EU) No 1151/2010 of 8 December 2010 implementing Regulation (EC) No 763/2008 of the European Parliament

and of the Council on population and housing censuses, as regards the modalities and structure of the quality reports and the technical format for data transmission (OJ L 324, 9.12.2010, p. 1).'

Article 2

The text of Regulation (EU) No 1151/2010 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee
The President
Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 61.

⁽²⁾ OJ L 324, 9.12.2010, p. 1.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 109/2011

of 30 September 2011

amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Decision 2011/142/EU of 3 March 2011 amending Decision 97/80/EC laying down provisions for the implementation of Council Directive 96/16/EC on statistical surveys of milk and milk products ⁽²⁾ is to be incorporated into the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The following indent shall be added in point 22 (Commission Decision 97/80/EC) of Annex XXI to the Agreement:

— **32011 D 0142:** Commission Decision 2011/142/EU of 3 March 2011 (OJ L 59, 4.3.2011, p. 66).'

Article 2

The text of Decision 2011/142/EU in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 61.

⁽²⁾ OJ L 59, 4.3.2011, p. 66.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 110/2011
of 30 September 2011
amending Annex XXI (Statistics) 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 XXI to the Agreement was amended by Decision of the EEA Joint Committee No 89/2011 of 1 July 2011 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1200/2009 of 30 November 2009 implementing Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods, as regards livestock unit coefficients and definitions of the characteristics ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 1200/2009 repeals Commission Decision 2000/115/EC ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The text of point 23a (Commission Decision 2000/115/EC) of Annex XXI to the Agreement shall be replaced by the following:

'32009 R 1200: Commission Regulation (EC) No 1200/2009 of 30 November 2009 implementing Regulation (EC) No 1166/2008 of the European Parliament and of the Council on farm structure surveys and the survey on agricultural production methods, as regards livestock unit coefficients and definitions of the characteristics (OJ L 329, 15.12.2009, p. 1).'

Article 2

The text of Regulation (EC) No 1200/2009 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

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

Article 4

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

Done at Brussels, 30 September 2011.

For the EEA Joint Committee

The President

Kurt JÄGER

⁽¹⁾ OJ L 262, 6.10.2011, p. 61.

⁽²⁾ OJ L 329, 15.12.2009, p. 1.

⁽³⁾ OJ L 38, 12.2.2000, p. 1.

(*) No constitutional requirements indicated.

IV

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

EFTA SURVEILLANCE AUTHORITY DECISION

No 397/09/COL

of 14 October 2009

amending, for the 72nd time, the procedural and substantive rules in the field of State aid by introducing a new chapter on State aid to ship management companies

THE EFTA SURVEILLANCE AUTHORITY ⁽¹⁾,

HAVING REGARD to the Agreement on the European Economic Area ⁽²⁾, in particular to Articles 61 to 63 and Protocol 26 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽³⁾, in particular to Article 24 and Article 5(2)(b) thereof,

WHEREAS under Article 24 of the Surveillance and Court Agreement, the Authority shall give effect to the provisions of the EEA Agreement concerning State aid,

WHEREAS under Article 5(2)(b) of the Surveillance and Court Agreement, the Authority shall issue notices or guidelines on matters dealt with in the EEA Agreement, if that Agreement or the Surveillance and Court Agreement expressly so provides or if the Authority considers it necessary,

RECALLING the Procedural and Substantive Rules in the Field of State Aid adopted on 19 January 1994 by the Authority ⁽⁴⁾,

WHEREAS, on 10 June 2009, the Commission of the European Communities (hereinafter EC Commission) adopted a Communication providing guidance on State aid to ship management companies ⁽⁵⁾,

WHEREAS this Communication is also of relevance for the European Economic Area,

WHEREAS uniform application of the EEA State aid rules is to be ensured throughout the European Economic Area,

WHEREAS, according to point II under the heading 'GENERAL' at the end of Annex XV to the EEA Agreement, the Authority, after consultation with the Commission, is to adopt acts corresponding to those adopted by the European Commission,

HAVING consulted the European Commission,

HAVING consulted the EFTA States by way of a letter dated 31 August 2009 (Event Nos 526393, 526395 and 526367),

HAS ADOPTED THIS DECISION:

Article 1

The State Aid Guidelines shall be amended by introducing a new chapter on guidance on State aid to ship management companies. The new chapter is contained in the Annex to this Decision.

Article 2

Only the English version is authentic.

Done at Brussels, 14 October 2009.

For the EFTA Surveillance Authority

Per SANDERUD
President

Kristján Andri STEFÁNSSON
College Member

⁽¹⁾ Hereinafter referred to as the Authority.

⁽²⁾ Hereinafter referred to as the EEA Agreement.

⁽³⁾ Hereinafter referred to as the Surveillance and Court Agreement.

⁽⁴⁾ Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement and Article 1 of Protocol 3 to the Surveillance and Court Agreement, adopted and issued by the Authority on 19 January 1994, published in the *Official Journal of the European Union* (hereinafter referred to as OJ) L 231, 3.9.1994, p. 1, and EEA Supplement No 32 of 3.9.1994, p. 1. Hereinafter referred to as the State Aid Guidelines. The updated version of the State Aid Guidelines is published on the Authority's website: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/>

⁽⁵⁾ OJ C 132, 11.6.2009, p. 6.

ANNEX

GUIDANCE ON STATE AID TO SHIP MANAGEMENT COMPANIES

1. **Scope**

This Chapter deals with the eligibility of crew and technical managers of ships for the reduction of corporate tax or the application of the tonnage tax under Section 3.1 of the Chapter on State Aid to maritime transport ⁽¹⁾ (hereinafter 'the Maritime Guidelines'). It does not deal with State aid to commercial managers of ships. This Chapter applies to crew and technical management irrespectively of whether they are individually provided or jointly provided to the same ship.

2. **Introduction**2.1. *General context*

The Maritime Guidelines provide for the possibility that ship management companies qualify for the tonnage tax or other tax arrangements for shipping companies (Section 3.1). However, eligibility is limited to the joint provision of both technical and crew management for a same vessel ('full management'), while those activities are not eligible to the tonnage tax or other tax arrangements when provided individually.

The Maritime Guidelines stipulate that the EFTA Surveillance Authority (hereinafter the 'Authority') will examine the effects of the Maritime Guidelines on ship management after three years ⁽²⁾. This Chapter sets out the results of that fresh assessment and draws conclusions on the eligibility of ship management companies for State aid.

2.2. *Ship management*

Ship management companies are entities providing different services to ship owners, such as technical survey, crew recruiting and training, crew management and vessel operation. There are three main categories of ship management services: crew management, technical management and commercial management.

Crew management consists, in particular, in dealing with all the matters relating to crew, such as selecting and engaging suitably qualified seafarers, issuing payrolls, ensuring the appropriateness of the manning level of ships, checking the certifications of seafarers, providing for seafarers' accident and disability insurance coverage, taking care of travel and visa arrangements, handling medical claims, assessing the performance of the seafarers and, in some cases, training them. Crew management represents by far the largest part of the ship management industry worldwide.

Technical management consists in ensuring the seaworthiness of the vessel and its full compliance with technical, safety and security requirements. In particular, the technical manager is responsible for making decisions on the repair and maintenance of a ship. Technical management represents a significant part of the ship management industry, although much smaller than crew management.

Commercial management consists in promoting and ensuring the sale of ships' capacity, by means of chartering the ships, taking bookings for cargo or passengers, ensuring marketing and appointing agents. Commercial management represents a very small part of the ship management industry. To date the Authority does not have complete information about commercial management at its disposal. Commercial management is therefore not addressed by this Chapter.

Like any maritime activity, ship management is a global business by nature. In the absence of international law regulating third party ship management, the standards in this field have been settled within the framework of private law agreements ⁽³⁾.

In the EEA, ship management is mainly carried out in Cyprus. There are, however, ship management companies in the United Kingdom, Germany, Denmark, Belgium and the Netherlands. Outside the EEA, the management companies are mainly established in Hong Kong, Singapore, India, United Arab Emirates and the USA.

⁽¹⁾ Available on the EFTA Surveillance Authority's website: <http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/>

⁽²⁾ See footnote 20 of the Maritime Guidelines.

⁽³⁾ An example is the BIMCO's Standard Ship Management Agreement 'Shipman 98' which is frequently used in relations between ship management companies and ship owners.

2.3. *Review of the eligibility conditions for ship management companies*

Since the adoption of the Maritime Guidelines in March 2004, several maritime countries have entered the EEA, amongst them Cyprus, which features the largest ship management industry in the world.

The accession of Cyprus and its preliminary work for complying with the Maritime Guidelines, as well as a study realised by a consortium for the administration of that EEA State ⁽¹⁾, allowed for a more complete understanding of this activity and of its evolution. More awareness has been acquired in particular in respect of the link between technical and crew management on the one hand, and shipping on the other, as well as the possibility that crew and/or technical managers can help achieving the objectives of the Maritime Guidelines.

3. **Assessment of eligibility of ship management companies**

Unlike other maritime-related services, ship management is a standard core activity of maritime carriers, normally provided in-house. Ship management is one of the most characteristic activities of ship operators. Nowadays, however, it is outsourced to third party ship management companies in some cases. It is because of this link between ship management and shipping that third party management companies are professional operators with the same background as ship owners, although segmented according to their specialisation, operating in their same business environment. Ship owners are the only customers of ship management companies.

Against this background the Authority considers that outsourcing of ship management should not be fiscally penalised with respect to in-house ship management, provided that the ship management companies meet the same requirements as are applicable to ship owners and that the provision of the aid to the former contributes to the achievement of the objectives of the Maritime Guidelines in the same way as the provision of aid to ship owners.

In particular, the Authority considers that, precisely because of their specialisation and the nature of their core business, ship management companies may substantially contribute to the achievement of the objectives of the Maritime Guidelines, in particular the achievement of an 'efficient, secure and environment friendly maritime transport' and of the 'consolidation of the maritime cluster established in the EEA States' ⁽²⁾.

4. **Extension to ship management companies of eligibility to State aid**

On the basis of what has been explained in Section 3 above, the Authority will authorise under Article 61(3)(c) of the EEA Agreement, tax relief for ship management companies, as referred to in Section 3.1 of the Maritime Guidelines, with respect to joint or separate crew and technical management of ships, provided that the conditions set out in Sections 5 and 6 of this Chapter are fulfilled.

5. **Conditions for eligibility applicable to both technical and crew managers**

In order to qualify for aid, ship management companies should present a clear link with the EEA and its economy, in line with Section 3.1 of the Maritime Guidelines. Moreover, they should contribute to the objectives of the Maritime Guidelines, such as those laid down in Section 2.2 of the said Guidelines. Technical and crew managers are eligible to State aid, provided that the ships they manage comply with all the requirements set out in Sections 5.1 to 5.4 of this Chapter. Eligible activities must be entirely carried out from the territory of the EEA.

5.1. *Contribution to the economy and employment within the EEA*

The economic link with the EEA is proven by the fact that ship management is carried out in the territory of one or more EEA States and that mainly EEA nationals are employed in land-based activities or on ships.

5.2. *Economic link between the managed ships and the EEA*

Ship management companies may benefit from State aid with respect to ships entirely managed from the territory of the EEA, irrespective of whether management is provided in-house or whether it is partially or totally outsourced to one or more ship management companies.

However, since ship management companies do not have full control of their customers, the above requirement is deemed to be fulfilled if at least two thirds of the tonnage of the managed ships is managed from the territory of the EEA. Tonnage in excess of that percentage which is not entirely managed from the EEA is not eligible ⁽³⁾.

⁽¹⁾ Study on ship management in Cyprus and in the European Union of 31 May 2008, carried out for the Cypriot government by a consortium under the direction of the Vienna University of Economics and Business Administration.

⁽²⁾ Section 2.2 of the Maritime Guidelines.

⁽³⁾ While the fact of not complying with the 2/3 rule does not affect the eligibility of the ship management company as such.

5.3. Compliance with international and Community standards

Ship management companies are eligible if all the ships and crews they manage comply with international standards and Community law requirements are fulfilled, in particular those relating to security, safety, training and certification of seafarers, environmental performance and onboard working conditions.

5.4. Flag-share requirement (flag link)

The flag-share requirement, as laid down in the eighth paragraph of Section 3.1 of the Maritime Guidelines applies to ship management companies. The share of EEA flags to be considered as the benchmark is that of the day on which this Chapter is adopted. For new companies the benchmark is to be calculated one year after the date on which they started activity.

6. Additional requirements for crew managers

6.1. Training of seafarers

Crew managers are eligible for State aid as long as all seafarers working onboard managed ships are educated, trained and hold a certificate of competency in accordance with the Convention of the International Maritime Organisation on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW), and have successfully completed training for personal safety on board ship. Moreover, crew managers are eligible if they fulfil the STCW and Community law requirements regarding responsibilities of companies.

6.2. Social conditions

In order to be eligible for State aid, crew managers must ensure that on all managed ships the provisions of the Maritime Labour Convention, 2006, of the International Labour Organisation (MLC) ⁽¹⁾, are fully implemented by the seafarer's employer, be it the ship owner or the ship management companies. The ship management companies must ensure, in particular, that the provisions of the MLC concerning the seafarer's employment agreement ⁽²⁾, ship's loss or foundering ⁽³⁾ medical care ⁽⁴⁾, ship owner's liability including payment of wages in case of accident or sickness ⁽⁵⁾, and repatriation ⁽⁶⁾ are properly applied.

Crew managers must also ensure that the international standards regarding hours of work and hours of rest provided for by MLC are fully complied with.

Finally, in order to be eligible, crew managers must also provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard.

7. Calculation of tax

Also in the case of ship management companies the Authority will apply the principle contained in the Maritime Guidelines, according to which, in order to avoid distortion, it will only authorise schemes giving rise to a homogeneous tax load across the EEA States for the same activity or the same tonnage. This means that total exemption or equivalent schemes will not be authorised ⁽⁷⁾.

The tax to be used for ship management companies can obviously not be the same as that applied to ship owners since, with respect to a given ship, the turnover of the ship management companies is much lower than that of the ship owner. According to the study mentioned in Section 2.3, as well as to notifications received in the past, the tax base to be applied to ship management companies should be approximately 25 % (in terms of tonnage or notional profits) of that which would apply to the ship owner for the same ship or tonnage. The Authority therefore, requires that a percentage of no less than 25 % is applied under ship management tonnage tax schemes ⁽⁸⁾.

⁽¹⁾ It should be recalled that the European social partners adopted an agreement taking up the relevant part of the maritime Labour Convention 2006 which has been integrated into Community law by Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Associations (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC (OJ L 124, 20.5.2009, p. 30). Directive 2009/13/EC is in the process of being incorporated into the EEA Agreement.

⁽²⁾ Regulation 2.1 and Standard A2.1 (Seafarer's employment agreement) of Title 2 of MLC.

⁽³⁾ Ibid. Regulation 2.6 and Standard A2.6 (Seafarer compensation for the ship's loss or foundering) of Title 2.

⁽⁴⁾ Ibid. Regulation 4.1 and Standard A4.1 (Medical care onboard ship and ashore. Shipowners' liability); Regulation 4.3 and A4.3 (Health and safety protection and accident prevention); Regulation 4.4 (Access to shore-based welfare facilities) of Title 4.

⁽⁵⁾ Ibid. Regulation 4.2 and Standard A4.2 (Shipowners' liability) of Title 4.

⁽⁶⁾ Ibid. Regulation 2.5 and Standard A2.5 (Repatriation) of Title 2.

⁽⁷⁾ The Authority takes this opportunity within the present chapter of its Guidelines to emphasise that the mechanism used to calculate the tax to be paid by both ship management companies and ship owners is irrelevant as such; in particular, it is irrelevant whether or not a system based on notional profit is applied.

⁽⁸⁾ The ship owner, if eligible, remains liable for the whole tonnage tax.

If ship management companies engage in activities which are not eligible for State aid under the present Chapter, they must keep separate accounts for those activities.

In case ship management companies subcontract part of their activity to third parties, the latter are not eligible to State aid.

8. Application and review

The Authority will apply the guidance provided in this Chapter from the date of adoption.

State aid to ship management companies will be included in the general revision of the Maritime Guidelines such as foreseen in Section 13 of the latter.

★ Decision of the EEA Joint Committee No 100/2011 of 30 September 2011 amending Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement	38
★ Decision of the EEA Joint Committee No 101/2011 of 30 September 2011 amending Annex XI (Electronic communication, audiovisual services and information society) to the EEA Agreement	39
★ Decision of the EEA Joint Committee No 102/2011 of 30 September 2011 amending Annex XIII (Transport) to the EEA Agreement	40
★ Decision of the EEA Joint Committee No 103/2011 of 30 September 2011 amending Annex XIII (Transport) to the EEA Agreement	41
★ Decision of the EEA Joint Committee No 104/2011 of 30 September 2011 amending Annex XIII (Transport) and Protocol 37 (containing the list provided for in Article 101) to the EEA Agreement	42
★ Decision of the EEA Joint Committee No 105/2011 of 30 September 2011 amending Annex XXI (Statistics) to the EEA Agreement	43
★ Decision of the EEA Joint Committee No 106/2011 of 30 September 2011 amending Annex XXI (Statistics) to the EEA Agreement	45
★ Decision of the EEA Joint Committee No 107/2011 of 30 September 2011 amending Annex XXI (Statistics) to the EEA Agreement	47
★ Decision of the EEA Joint Committee No 108/2011 of 30 September 2011 amending Annex XXI (Statistics) to the EEA Agreement	48
★ Decision of the EEA Joint Committee No 109/2011 of 30 September 2011 amending Annex XXI (Statistics) to the EEA Agreement	49
★ Decision of the EEA Joint Committee No 110/2011 of 30 September 2011 amending Annex XXI (Statistics) to the EEA Agreement	50

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

★ EFTA Surveillance Authority Decision No 397/09/COL of 14 October 2009 amending, for the 72nd time, the procedural and substantive rules in the field of State aid by introducing a new chapter on State aid to ship management companies	51
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