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[1] Text with EEA relevance

(Continued overleaf)

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(Continued on inside back cover)

II

(Information)

INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Non-opposition to a notified concentration

(Case COMP/M.5995 — VW/Karmann)

(Text with EEA relevance)

(2010/C 341/01)

On 29 November 2010, the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EC) No 139/2004. The full text of the decision is available only in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

— in the merger section of the Competition website of the Commission (http://ec.europa.eu/competition/mergers/cases/). This website provides various facilities to help locate individual merger decisions, including company, case number, date and sectoral indexes,

— in electronic form on the EUR-Lex website (http://eur-lex.europa.eu/en/index.htm) under document number 32010M5995. EUR-Lex is the on-line access to the European law.

IV

(Notices)

NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

EUROPEAN COMMISSION

Euro exchange rates [1]

15 December 2010

(2010/C 341/02)

1 euro =

	Currency	Exchange rate		Currency	Exchange rate
USD	US dollar	1,3360	AUD	Australian dollar	1,3436
JPY	Japanese yen	111,88	CAD	Canadian dollar	1,3440
DKK	Danish krone	7,4516	HKD	Hong Kong dollar	10,3878
GBP	Pound sterling	0,85290	NZD	New Zealand dollar	1,7861
SEK	Swedish krona	9,0798	SGD	Singapore dollar	1,7502
CHF	Swiss franc	1,2826	KRW	South Korean won	1 541,53
ISK	Iceland króna		ZAR	South African rand	9,0686
NOK	Norwegian krone	7,8660	CNY	Chinese yuan renminbi	8,8917
BGN	Bulgarian lev	1,9558	HRK	Croatian kuna	7,3898
CZK	Czech koruna	25,155	IDR	Indonesian rupiah	12 061,15
EEK	Estonian kroon	15,6466	MYR	Malaysian ringgit	4,1990
HUF	Hungarian forint	274,63	PHP	Philippine peso	58,706
LTL	Lithuanian litas	3,4528	RUB	Russian rouble	40,9375
LVL	Latvian lats	0,7097	THB	Thai baht	40,194
PLN	Polish zloty	3,9783	BRL	Brazilian real	2,2694
RON	Romanian leu	4,2885	MXN	Mexican peso	16,5766
TRY	Turkish lira	2,0277	INR	Indian rupee	60,5640

[1] *Source*: reference exchange rate published by the ECB.

Commission Communication — Guidelines on the labelling of foodstuffs using protected designations of origin (PDOs) or protected geographical indications (PGIs) as ingredients

(2010/C 341/03)

1. INTRODUCTION

1.1. Background

The European Union has been developing a specific policy with regard to geographical indications for agricultural products and foodstuffs since 1992 [1]. Rules on the labelling of foodstuffs to be delivered in their existing state to the final consumer and on the advertising of such products are laid down in the Labelling Directive [2].

The legislation relating to protected designations of origin (PDOs) and protected geographical indications (PGIs) stipulates, inter alia, that registered names are to be protected against any direct or indirect commercial use in respect of products not covered by the registration in so far as such products are comparable to those registered and in so far as that use makes it possible to profit from the reputation of the protected name [3]. The Labelling Directive also states that the labelling of a foodstuff and related advertising must not be of a kind that could mislead a consumer, particularly as to the nature, identity, properties and composition of the said foodstuff [4].

In this context, while the incorporation of a product with a PDO or PGI in a foodstuff could of course constitute a major outlet for such quality products, care should nevertheless be taken to ensure that any reference to such incorporation in the labelling of a foodstuff is made in good faith and does not mislead consumers.

1.2. Guidelines

In its Communication on agricultural product quality policy (COM(2009) 234), the Commission undertook to draw up guidelines on the labelling and advertising of processed products using geographical indications as ingredients.

Those guidelines are intended to illustrate the legislative provisions applicable in this area and to help economic operators define their room for manoeuvre. In particular, they set out the Commission's point of view concerning:

— the conditions under which names registered as a PDO or PGI can be used in the labelling, presentation and advertising of foodstuffs containing such names as ingredients,

— good practice to ensure that names registered as a PDO or PGI and employed as ingredients in food products are not used in a manner that damages the reputation of the product benefiting from such a designation or misleads consumers as to the composition of the product produced.

Uptake of the guidelines is voluntary.

The examples mentioned in the guidelines are provided purely for illustrative purposes and do not reflect situations or contentious issues brought to the Commission's attention.

The present guidelines should not be deemed to constitute a legally binding interpretation of EU legislation on PDOs and PGIs or the Labelling Directive. Indeed, such an interpretation falls solely within the remit of the European Court of Justice; furthermore, the issue of whether a specific product's labelling could mislead purchasers or consumers, or any decision regarding the potentially misleading nature of a trade name is the responsibility of domestic courts [5].

These guidelines may be amended.

2. RECOMMENDATIONS

In the light of the above, the Commission wishes to set out below a series of recommendations relating to, on the one hand, the rules on using a name registered as a PDO or PGI and relevant European Union terms, abbreviations or symbols in the labelling of foodstuffs containing products benefiting from such a designation and, on the other hand, the specifications relating to names registered as a PDO or PGI and incorporated as ingredients in foodstuffs.

2.1. Recommendations on the use of registered names

1. According to the Commission, a name registered as a PDO or PGI may legitimately be included in the list of ingredients of a foodstuff.

2. The Commission also considers that a name registered as a PDO or PGI may be mentioned in or close to the trade name of a foodstuff incorporating products benefiting from a registered name, as well as in the labelling, presentation and advertising relating to that foodstuff, provided that the following conditions are met.

[1] Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 93, 31.3.2006, p. 12) and Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 (OJ L 369, 23.12.2006, p. 1).

[2] Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29).

[3] Article 13(1)(a) of Regulation (EC) No 510/2006.

[4] Article 2(1)(a) of Directive 2000/13/EC.

[5] Refer to, in this regard, the Court's judgment in Case C-446/07 *Alberto Severi* v *Regione Emilia Romagna* (2009) ECR I-8041 (paragraph 60).

— The foodstuff in question should not contain any other 'comparable ingredient', i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a PDO or PGI. As a non-restrictive example of the concept of 'comparable ingredient', the Commission considers that a blue-veined cheese (commonly known as 'blue cheese') could be considered comparable to 'Roquefort' cheese.

— This ingredient should also be used in sufficient quantities to confer an essential characteristic on the foodstuff concerned. However, given the wide range of possible scenarios, the Commission is not able to suggest a minimum percentage to be uniformly applied. As an example, the incorporation of a minimum amount of a spice benefiting from a PDO/PGI in a foodstuff could, if appropriate, be sufficient to confer an essential characteristic on that foodstuff. By contrast, the incorporation of a minimum amount of meat benefiting from a PDO/PGI in a foodstuff would not a priori be sufficient to confer an essential characteristic on a foodstuff.

— Finally, the percentage of incorporation of an ingredient with a PDO or PGI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff or, failing that, in the list of ingredients, in direct relation to the ingredient in question.

3. On the assumption that the conditions referred to in point (2) are met, the Commission feels that the European Union terms, abbreviations [1] or symbols accompanying the registered name should be used in labelling, within or close to the trade name or in the list of ingredients of the foodstuff only if it is made clear that the said foodstuff is not itself a PDO or PGI. Otherwise, the Commission takes the view that this would result in the undue exploitation of the reputation of the PDO or PGI and result in consumers being misled. For example, the trade names 'Pizza au Roquefort' (Pizza with Roquefort) or 'Pizza élaborée avec du Roquefort AOP' (Pizza prepared with Roquefort PDO) would hardly give rise to a dispute in the eyes of the Commission. By contrast, the trade name 'Pizza au Roquefort AOP' (Pizza with Roquefort PDO) would clearly be ill-advised, in as much as it could give the consumer the impression that the pizza as such was a product benefiting from a PDO.

4. The Commission takes the view that, if an ingredient comparable to an ingredient benefiting from a PDO/PGI has been incorporated in a foodstuff, the name registered as a PDO/PGI should appear only in the list of ingredients, in accordance with rules similar to those applicable to the other ingredients mentioned. In particular, it would be appropriate to use characters that are identical in terms of font, size, colour, etc.

2.2. **Recommendations concerning specifications relating to names registered as a PDO or PGI and incorporated as an ingredient in foodstuffs**

According to the Commission, provisions governing the use of a name registered as a PDO or PGI in the labelling of other foodstuffs should not be included, in principle, in the specification for that name; compliance with existing EU legislation by economic operators should constitute an adequate guarantee. They may be included by way of exception only in order to resolve a specific, clearly identified difficulty and provided they are objective, proportionate and non-discriminatory. In any case, any provisions contained in the specifications could not be aimed at or result in modifying the legislation in force.

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[1] The terms in question are 'protected designation of origin' and 'protected geographical indication' and the abbreviations PDO and PGI.

Commission Communication — EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs

(2010/C 341/04)

1. INTRODUCTION

Recent years have seen substantial growth in voluntary certification schemes for agricultural products and foodstuffs. An inventory compiled for the Commission in 2010 [1] lists more than 440 different schemes, most of which were established during the last decade.

Certification schemes for agricultural products and foodstuffs provide assurance (through a certification mechanism) that certain characteristics or attributes of the product or its production method or system, laid down in specifications, have been observed. They cover a wide range of different initiatives that function at different stages of the food supply chain (pre- or post-farm gate; covering all or part of the food supply chain; affecting all sectors or just one market segment, etc.). They can operate at business-to-business (B2B) level (where the supermarket or processing business is the intended final recipient of the information) or at business-to-consumer (B2C) level. They can use logos although many, especially the B2B schemes, do not.

While certification schemes by definition employ third-party attestation, there are other schemes in the market which operate on the basis of a label or logo (often registered as a trademark) without involving any certification mechanism. Adherence to these schemes is done by self-declaration or through selection by the scheme owner. In line with the definitions provided in Section 2, these schemes will be referred to as 'self-declaration schemes'. The use of certification is most appropriate when the undertakings made are complex, laid down in detailed specifications and checked periodically. Self-declaration is more appropriate for relatively straightforward (single-issue) claims.

The development of certification schemes is driven mainly by factors such as societal demands for certain characteristics [2] of the product or its production process on the one hand (mostly for B2C schemes), and operators' desire to ensure that their suppliers meet specified requirements, on the other hand (mostly for B2B schemes). In the area of food safety, Regulation (EC) No 178/2002 laying down general principles and requirements of food law [3] puts the primary responsibility for ensuring that food and feed satisfy the requirements of food law and for verifying that such requirements are met, on the food and feed business operator. Large players in the food supply chain in particular often rely on certification schemes in order to satisfy themselves that a product meets the requirements and to protect their reputation and liability in the event of a food safety incident.

Clearly, private certification is not needed to show compliance with legal requirements. Any private certification scheme for the agricultural and food sector must remain voluntary. Where operators employ certification of compliance with basic requirements in order to facilitate transactions with other actors along the food chain, it should be clear that this practice cannot be used to differentiate products in the market.

Certification schemes can bring benefits:

— to intermediate actors in the food supply chain, by assuring standards and thereby protecting liability and reputation for product and label claims,

— to producers, by increasing market access, market share and product margins for certified products and also, potentially, by increasing efficiency and reducing transaction costs, and

— to consumers, by providing reliable and trustworthy information on product and process attributes.

Some stakeholders have argued that certification schemes can have drawbacks:

— threats to the single market [4],

— questions relating to the transparency of scheme requirements and the credibility of claims particularly for schemes that certify compliance with baseline requirements,

— potential for misleading consumers,

— costs and burdens on farmers, particularly where they have to join several schemes to meet demands from their buyers,

(1) Study conducted by Areté for DG AGRI; see http://ec.europa.eu/agriculture/quality/index_en.htm

(2) For example: animal welfare; environmental sustainability; fair trade.

(3) OJ L 31, 1.2.2002, p. 1.

(4) In its Communication 'A better functioning food supply chain in Europe' (COM(2009) 591), the Commission stated its intention to review selected environmental standards and origin-labelling schemes that may impede cross-border trade.

— risk of rejection from the market of producers not participating in key certification schemes, and

— impacts on international trade, especially with developing countries [1].

The Commission has noted that the issue of consumer confusion arising from different schemes with similar objectives is being taken up by private initiatives [2] aiming to create 'codes of good practice' for private standard-setting organisations mainly in the social and environmental field. Moreover, certain proponents of existing schemes have already taken steps to align requirements with similar schemes and some existing certification schemes (mostly at B2B level) have emerged from a harmonisation process of various individual standards.

1.1. **Types of scheme**

There is a great diversity of schemes in terms of their scope, their objectives, their structure and their operational methods. As mentioned earlier, one important distinction between schemes is whether or not they rely on a third-party attestation procedure, thereby grouping them into self-declaration schemes on the one hand and certification schemes on the other. Certification schemes can be further distinguished based on whether they operate at business-to-business (B2B) level or whether they aim to provide information from the business chain to the consumer (B2C).

Another important classification criterion pertains to whether the scheme assesses products and processes (mostly B2C) or management systems (mostly B2B). In terms of specified requirements, schemes may attest compliance with provisions laid down by governmental authorities (baseline) or they can add criteria which go beyond the legal requirements (above baseline). Distinction between the two is not always easy to make: on the one hand, schemes often combine baseline criteria in some areas with higher requirements in others; on the other hand, certain baseline requirements particularly in the environmental and farming area require operators to use good and best practice, and make value-judgment about due care, so that the concrete actions to be taken can differ between actors and between Member States. Indeed, the technical requirements of some certification schemes are used by operators to interpret and make concrete these general obligations.

The following table illustrates this classification:

Classification of schemes

Type of attestation:	Self-declaration	Certification (third-party attestation)	
Audience:	B2C	B2C	B2B
Objects of specified requirements:	Products and processes	Mostly products (including services) and processes	Mostly management systems
Content of requirements:	Mostly above baseline	Mostly above baseline	Baseline and above baseline

The guidelines will focus on certification schemes as outlined in the right-hand side of the table above.

1.2. **Purpose of the guidelines**

In its Communication on agricultural product quality policy [3], the Commission stated that in the light of developments and initiatives in the private sector, legislative action was not warranted to address the potential drawbacks in certification schemes at this stage [4]. Instead, drawing on comments from stakeholders, the Commission undertook to develop guidelines for certification schemes for agricultural products and foodstuffs in consultation with the Advisory Group on Quality [5].

These guidelines are designed to describe the existing legal framework and to help improving the transparency, credibility and effectiveness of voluntary certification schemes and ensuring that they do not conflict with regulatory requirements. They highlight best practice in the operation of such schemes, thereby offering guidance on how to:

— avoid consumer confusion and increase the transparency and clarity of the scheme requirements,

[1] The issue of private standards has been discussed in the SPS Committee of the WTO.
[2] E.g. the ISEAL Alliance (http://www.isealalliance.org).
[3] COM(2009) 234.
[4] This conclusion was based on a thorough impact assessment that explored different options for the way forward (see 'Certification schemes for agricultural products and foodstuffs'; http://ec.europa.eu/agriculture/quality/policy/com2009_234/ia_annex_d_en.pdf).
[5] Advisory Group on 'Quality of Agricultural Production', established under Commission Decision 2004/391/EC (OJ L 120, 24.4.2004, p. 50).

— reduce the administrative and financial burden on farmers and producers, including those in developing countries, and

— ensure compliance with EU internal market rules and principles on certification.

The guidelines are directed primarily to scheme developers and operators.

Uptake of the guidelines is voluntary. Adherence to these guidelines does not mean that the Commission has endorsed the requirements set up by these schemes. The present guidelines neither have a legal status in the EU nor are they intended to alter requirements under EU legislation.

Finally, these guidelines should not be considered as a legal interpretation of the EU legislation as such interpretations are the exclusive competence of the Court of Justice of the European Union.

2. SCOPE AND DEFINITIONS

2.1. Scope

The guidelines are applicable to voluntary certification schemes covering:

— agricultural products, whether or not intended for human consumption (including feed),

— foodstuffs covered by Article 2 of Regulation (EC) No 178/2002, and

— processes and management systems related to the production and processing of agricultural products and foodstuffs.

The guidelines do not apply to official controls carried out by public authorities.

2.2. Definition of terms [1]

1. Specified requirement: need or expectation that is stated.

2. Conformity assessment: demonstration that specified requirements relating to a product, process, system, person or body are fulfilled.

3. Review: verification of the suitability, adequacy and effectiveness of selection and determination activities, and the results of these activities, with regard to fulfilment of specified requirements.

4. Attestation: issue of a statement, based on a decision following review that fulfilment of specified requirements has been demonstrated.

5. Declaration: first-party attestation. For the purpose of these guidelines, the term 'self-declaration schemes' is used for collective schemes and label claims that are not certified, and which rely on the producer's self-declaration.

6. Certification: third-party attestation related to products, processes, systems or persons.

7. Accreditation: third-party attestation related to a body conveying formal demonstration of its competence to carry out specific tasks. In the EU [2], accreditation shall mean an attestation by a national accreditation body that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity.

8. Inspection: examination of a product design, product, process or installation and determination of its conformity with specific requirements or, on the basis of professional judgement, with general requirements.

9. Audit: systematic, independent, documented process for obtaining records, statements of fact or other relevant information and assessing them objectively to determine the extent to which specified requirements are fulfilled.

3. EXISTING LEGAL PROVISIONS AT EU LEVEL

3.1. Rules related to the operation of schemes

Certification schemes operating in the EU are subject to the following basic EU provisions:

[1] Based on EN ISO/IEC 17000 'Conformity assessment — Vocabulary and general principles'.

[2] Article 2(10) of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products (OJ L 218, 13.8.2008, p. 30).

— Rules on the internal market. Certification service-providers may benefit from the freedom of establishment and freedom to provide services as enshrined in Articles 49 and 56 of the Treaty on the Functioning of the European Union (TFEU) and relevant provisions of the Directive on Services ([1]). They shall face no unjustified restrictions when establishing in another Member State. Equally, they should face no unjustified restrictions when providing the services across the borders. Certification schemes must also not result in de facto barriers to trade in goods in the internal market.

— Rules on State involvement in schemes. Certification schemes supported by public bodies, such as regional or national authorities, may not lead to restrictions based on the national origin of producers or otherwise impede the single market. Any support for certification schemes granted by a Member State or through State resources within the meaning of Article 107 of the TFEU, must comply with State aid rules.

— Rules on competition. Certification schemes may not lead to anticompetitive behaviour, including in particular on a non-exhaustive basis:

  — horizontal or vertical agreements restricting competition,

  — foreclosure of competing undertakings by one ore more undertakings with significant market power (such as preventing access of competing buyers to supplies and/or access of competing suppliers to distribution channels),

  — preventing access to the certification scheme by market operators that comply with the applicable pre-requisites,

  — preventing the parties to the scheme or other third parties from developing, producing and marketing alternative products which do not comply with the specifications laid down in the scheme.

— Consumer information and labelling requirements ([2]). The labelling, advertising and presentation of food must not be such as it could mislead a purchaser to a material degree, particularly:

  — as to the characteristics of the foodstuff and, in particular, as to its nature, identity, properties, composition, quantity, durability, origin or provenance, method of manufacture or production,

  — by attributing to the foodstuff effects or properties which it does not possess,

  — by suggesting that the foodstuff possesses special characteristics when in fact all similar foodstuffs possess such characteristics.

Schemes certifying only compliance with legal requirements may not lead to any suggestion that the certified products possess special characteristics which are different from those of similar products. Nor should the effect of the schemes be to discredit or tend to discredit other products on the market, nor the reliability of official controls.

Moreover, labelling, advertising and presentation of food must not be such as it could mislead consumers according to the provisions of the Directive in Unfair Commercial Practices ([3]).

— The EU takes into account its international obligations, in particular the requirements set out in the WTO Agreement on Technical Barriers to Trade, when it introduces a conformity assessment procedure in a given piece of legislation.

3.2. **Rules related to the content of schemes**

In addition, specific legislation exists on many subjects covered by the requirements of certification schemes (e.g. regulatory requirements for food safety and hygiene ([4]); organic farming; animal welfare; environmental protection; marketing standards for specific products).

In areas where relevant standards or legislation exist, claims must take into account and be consistent with such standards or legislation and make reference to them in the specifications (e.g. if a scheme is making organic farming claims, it must be based on Regulation (EC) No 834/2007 about organic production and labelling of organic products ([5]); schemes making claims about nutrition and health must be in accordance with Regulation (EC) No 1924/2006 ([6]), and go through the required scientific assessment by EFSA).

([1]) Directive 2006/123/EC of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

([2]) Article 2(1)(a) of Directive 2000/13/EC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29).

([3]) Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22) and guidance for its implementation: SEC(2009) 1666.

([4]) Regulation (EC) No 852/2004 of 29 April 2004 on the hygiene of foodstuffs; Regulation (EC) No 853/2004 of 29 April 2004 laying down specific hygiene rules for the hygiene of foodstuffs and Regulation (EC) No 854/2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 1).

([5]) OJ L 189, 20.7.2007, p. 1.

([6]) OJ L 404, 30.12.2006, p. 9.

In particular, with regard to food safety and hygiene:

— schemes may not prejudice or aim to replace existing official standards and/or requirements, nor should they purport to substitute for official controls carried out by competent authorities for the purposes of official verification of compliance with official obligatory standards and requirements,

— product marketed under schemes which set safety and hygiene standards beyond legal requirements may not be advertised or promoted in a way that would discredit or tend to discredit the safety of other products on the market or the reliability of official controls.

3.3. **Rules governing conformity assessment, certification and accreditation**

Rules on the organisation and operation of accreditation of bodies performing conformity assessment activities in the regulated area have been laid down in Regulation (EC) No 765/2008. While this Regulation does not contain a requirement for conformity assessment bodies to become accredited, such a requirement is part of some other EU legislation ([1]).

In addition, the internationally recognised rules for operating product/process or system certification schemes are set out in the International Standards Organisation (ISO) Guide 65 (EN 45011) or ISO 17021, respectively. While product/process or system certification schemes are voluntary initiatives, to deliver product/process or system certificates under accreditation, certification bodies have to be accredited against EN 45011/ISO 65 or ISO 17021.

However, the above is without prejudice to all applicable EU food law requirements, including the general objectives laid down in Article 5(1) of Regulation (EC) No 178/2002:

> 'Food law shall pursue one or more of the general objectives of a high level of protection of human life and health and the protection of consumers' interests, including fair practices in food trade, taking account of, where appropriate, the protection of animal health and welfare, plant health and the environment'.

Within this framework, Regulation (EC) No 882/2004 ([2]) of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules includes certain rules for delegation by competent authorities of official control tasks to independent third parties (including accreditation and reporting obligations).

The guarantees given by the official control activities are the baseline, on top of which specific certification schemes may operate on a voluntary basis, bearing in mind that any breach is liable to food law. Assessment of conformity with baseline requirements through certification schemes does not exempt the official control authorities from their responsibility.

4. **RECOMMENDATIONS REGARDING SCHEME PARTICIPATION AND DEVELOPMENT**

1. Schemes should be open under transparent and non-discriminatory criteria to all participants willing and able to comply with the specifications.

2. Schemes should have a supervisory structure which allows for the contribution of all concerned stakeholders in the food chain (farmers and their organisations ([3]), agricultural and agri-food traders, food industry, wholesalers, retailers and consumers, as appropriate) in the development of the scheme and in decision-making in a representative and balanced way. Mechanisms for participation by stakeholders and the organisations involved should be documented and publicly available.

3. Managers of schemes operating in different countries and regions should facilitate the participation of all concerned stakeholders from those regions in scheme development.

4. Scheme requirements should be developed by technical committees of experts and submitted to a broader group of stakeholders for inputs.

5. Managers of schemes should ensure the participation of concerned stakeholders in the development of inspection criteria and checklists, as well as in the design and determination of thresholds for sanctions.

6. Managers of schemes should adopt a continuous development approach where feedback mechanisms exist to regularly review rules and requirements in a participatory manner. In particular, scheme participants should be involved in the future development of the scheme.

([1]) E.g. Article 11(3) of Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs requires that 'The product certification bodies referred to in paragraphs 1 and 2 shall comply with and, from 1 May 2010 be accredited in accordance with European standard EN 45011 or ISO/IEC Guide 65 (General requirements for bodies operating product certification systems)'.

([2]) OJ L 165, 30.4.2004, p. 1.

([3]) E.g. cooperatives.

7. Changes to scheme requirements must be made only when justified, so as to avoid unnecessary adaptation costs for scheme participants. Scheme participants must be given appropriate notice of any change to the scheme requirements.

8. Schemes should include contact information on all documentation associated with the scheme (including on a website) and establish a process to receive and reply to comments on the scheme.

5. RECOMMENDATIONS REGARDING SCHEME REQUIREMENTS AND CORRESPONDING CLAIMS

5.1. Clarity and transparency of scheme requirements and claims made

1. Schemes should clearly state the social, environmental, economic and/or legal objectives.

2. Claims and requirements should be clearly linked to the objectives of the scheme.

3. The scope of the scheme in terms of products and/or processes should be clearly defined.

4. Scheme specifications [1], including a public summary, should be freely available (e.g. on a website).

5. Schemes operating in different countries should provide translations of the specifications if a duly justified request is made by potential participants or certification bodies.

6. Scheme specifications should be clear, sufficiently detailed and easily understandable.

7. Schemes using logos or labels should provide information about where consumers can find further details on the scheme, such as a website address, either on the product packaging or at the point of sale.

8. Schemes should clearly state (e.g. on their website) that they require certification by an independent body and provide contact details of certification bodies which provide this service.

5.2. Evidence base of scheme claims and requirements

1. All claims should be based on objective and verifiable evidence and scientifically sound documentation. These documents should be freely available, e.g. on a website [2].

2. Schemes operating in different countries and regions should adapt their requirements in line with the relevant local agro-ecological, socio-economic and legal conditions and agricultural practices, while ensuring consistent results across different contexts.

3. Schemes should clearly indicate (e.g. on a website) whether, where and to what extent their specifications go beyond the relevant legal requirements, including in the areas of reporting and inspections, if applicable.

6. RECOMMENDATIONS REGARDING CERTIFICATION AND INSPECTIONS

6.1. Impartiality and independence of certification

1. Certification of compliance with the scheme requirements should be carried out by an independent body accredited:

   — by the national accreditation body appointed by Member States according to Regulation (EC) No 765/2008, in accordance with relevant European or international standards and guides setting out general requirements for bodies operating product certification systems, or

   — by an accreditation body signatory to the multilateral recognition arrangement (MLA) for product certification of the International Accreditation Forum (IAF).

2. Schemes should be open to certification by any qualified and accredited certification body, without the imposition of geographical restrictions.

6.2. Inspections

As a general principle, inspections should be effective, clear, transparent, based on documented procedures and relate to verifiable criteria underlying the claims made by the certification scheme. Unsatisfactory inspection results should lead to appropriate action.

1. Regular inspections of scheme participants should be carried out. There should be clear and documented procedures for inspections, including frequency, sampling and laboratory/analytical tests in parameters related to the scope of the certification scheme.

[1] Exceptions may be needed where scheme specifications are based on standards which are not freely available (e.g. ISO and EN standards).

[2] An exception should be made for confidential and/or proprietary information, which should be clearly indicated.

2. The frequency of inspections should take into account previous inspection results, inherent risks posed by the product or process or management system, as well as the existence of internal audits in collective producer organisations which can complement third-party inspections. A minimum inspection frequency for all scheme participants should be determined by the scheme supervisor.

3. There should be a systematic evaluation of the results of inspections.

4. Unannounced inspections and inspections at short notice should be used as a general rule (e.g. within 48 hours).

5. Inspections and audits should be based on publicly available guidelines, checklists and plans. The inspection criteria should be closely linked to the requirements of the scheme and the corresponding claims.

6. There should be clear and documented procedures for dealing with non-compliance which are effectively implemented. Knock-out criteria should be defined which could lead to:

   — non-issue or withdrawal of the certificate,

   — withdrawal of membership, or

   — reporting to the relevant official enforcement body.

   These knock-out criteria should include at least non-fulfilment of basic legal requirements in the area covered by the certification. Cases of non-compliance with adverse implications for health protection should be notified to the relevant authorities in accordance with regulatory requirements.

7. Inspections should focus on analysing the verifiable criteria which underlie claims made by certification schemes.

6.3. **Costs**

1. Scheme managers should make public the membership fees (if any) and require their certification bodies to publish the costs associated with certification and inspection for different types of scheme participants.

2. Possible discrepancies in fees charged to different scheme participants should be justified and proportionate. They should not serve to deter certain groups of potential participants, e.g. from other countries, to join the scheme concerned.

3. Any cost savings arising form mutual recognition and benchmarking should be passed on to the operators subject to inspections and audits.

6.4. **Qualification of auditors/inspectors**

As a general principle, auditors/inspectors should be impartial, qualified and competent.

Auditors carrying out the certification audits should have the relevant knowledge in the specific sector and should work for certification bodies that are accredited under the relevant European or international standards and guides for product certification schemes and for management system certification schemes. The required auditor skills should be described in the scheme specifications.

6.5. **Provisions for small-scale producers**

Schemes should include provisions enabling and promoting the participation of small-scale producers (especially from developing countries, if relevant) in the scheme.

7. **RECOMMENDATIONS REGARDING MUTUAL RECOGNITION AND BENCHMARKING/OVERLAP WITH OTHER SCHEMES**

1. Where schemes are entering a new sector and/or expanding in scope, the need for the scheme should be justified. Where possible, scheme managers should make explicit reference (e.g. on their website) to other relevant schemes operating in the same sector, policy area and geographical region and identify where approaches converge and agree. They should actively explore possibilities for mutual recognition for parts or all of the scheme requirements.

2. In areas where schemes have been identified to have partial or total overlap with the requirements of other schemes, schemes should include recognition or acceptance partially or totally of inspections and audits already carried out under those schemes (aiming to not re-audit the same requirements).

3. If mutual acceptance cannot be achieved, scheme managers should promote combined audits based on combined audit checklists (i.e. one combined checklist and one combined audit for two or more different schemes).

4. Managers of schemes that overlap in their requirements should as much as practically and legally possible also harmonise their auditing protocols and documentation requirements.

NOTICES FROM MEMBER STATES

Extract from the decision concerning Landsbanki Íslands hf. pursuant to Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding-up of credit institutions

(2010/C 341/05)

The Reykjavík District Court, ruled on 22 November 2010, that Landsbanki Íslands hf., Reg. No 540291-2259, Austurstræti 16, Reykjavík, (the 'bank') shall be subjected to winding-up proceedings in accordance with the general rules in Section B of Chapter XII of Act No 161/2002, subject to points 3 and 4 of Interim Provision V of the same Act and with the legal effect entailed by point 2 of the same provision, as amended by Article 2 of Act No 132/2010.

On 7 October 2008, the Financial Supervisory Authority assumed the powers of a shareholders' meeting and appointed a resolution committee for the bank. As authorised by Act No 129/2008, cf. Act No 21/1991, the bank was granted permission for a moratorium on its debts by a decision of the court on 5 December 2008. This permission was further extended on three occasions, the last one on 31 August 2010, expiring on 5 December 2010 at the latest with no further extension permitted by law.

Act No 44/2009 entered into force on 22 April 2009, which entailed changes in the nature and substance of a debt moratorium granted to a financial undertaking. According to point 2 of Interim Provision II of Act No 44/2009 (Interim Provision V of Act No 161/2002), the debt moratorium was subject to the provisions of the first paragraph of Article 101, and Articles 102, 103 and 103(a) of Act No 161/2002, as amended by the first substantive paragraph of Article 5, 6, 7 and 8 of Act No 44/2009, as if the undertaking had been subjected to winding-up proceedings by a court decision on the date that the Act took effect. However, it was provided that the winding-up proceedings should be referred to as an authorised debt moratorium for as long as the authorisation remained valid. Act No 44/2009 also provided that once the authorisation expires, the undertaking shall, without a specific court ruling, automatically be deemed to be in winding-up proceedings following the general rules. The winding-up board was appointed by a decision of the District Court of Reykjavík on 29 April 2009.

A notice to creditors was published and the time limit for submitting claims expired on 30 October 2009. Moreover, advertisement 2009/C 125/08 on the extension of the moratorium of the bank was published in the *Official Journal of the European Union*. The advertisement contained an invitation to lodge a claim and drew attention to time limits to be observed. Submitted claims have been addressed at three meetings and two further meetings have been scheduled for 1 December 2010 and 19 May 2011. At that point discussions are scheduled to be concluded on the admission of claims.

Act No 132/2010, which entered into force on 17 November 2010, further amends Act No 161/2002 to provide that before the moratorium granted to the undertaking expires, the Resolution Committee and the Winding-up Board may jointly request that the undertaking be placed in winding-up under general rules, by a court ruling, provided the substantial provision of point 3 of the second paragraph of Article 101 of the Act are satisfied. If the petition is granted, action taken during the undertaking's moratorium after the entry into force of Act No 44/2009 shall remain unaltered.

The ruling on 22 November 2010 was applied for and granted pursuant to the amendment effected by Act No 132/2010. The Court's decision concludes that conditions of law required for a decision on winding-up proceedings are fulfilled. The bank's assets amount to approximately ISK 1 138 billion (based on current recovery estimates and the currency rate of ISK pr. 30 September 2010) with liabilities which amount to approximately ISK 3 427 billion. Accordingly, the bank is insolvent and unable to discharge in full its debts to creditors, and the possibility has been excluded that the payment difficulties are temporary in nature, cf. point 3 of the second paragraph of Article 101 of Act No 161/2002. The Court's decision also confirms that in accordance with the cited provision, as it stands following the enactment of Act No 132/2010,

measures taken in the course of an undertaking's moratorium on debts after the entry into force of Act No 44/2009 shall remain unaltered and that this signifies, inter alia, that the appointment of the Resolution Committee and the Winding-up Board of the bank shall remain in effect, and the same applies to all measures based on Articles 101, 102, 103 and 103(a) of Act No 161/2002, cf. point 2 of Interim Provision V of the same Act. This also confirms that the ranking of claims and other legal effects normally determined by the date that a decision on winding-up proceedings is pronounced shall in this instance be determined by the date of entry into force of Act No 44/2009, i.e. 22 April 2009.

Reykjavík, 25 November 2010.

Winding-up Board of Landsbanki Íslands hf.

Halldór H. BACKMAN, *Supreme Court Attorney*

Herdís HALLMARSDÓTTIR, *Supreme Court Attorney*

Kristinn BJARNASON, *Supreme Court Attorney*

Resolution Committee of Landsbanki Íslands hf.

Lárentsínus KRISTJÁNSSON, *Supreme Court Attorney*

Einar JÓNSSON, *District Court Attorney*

Extract from the decision concerning VEF banka pursuant to Directive 2001/24/EC of the European Parliament and of the Council on the reorganisation and winding-up of credit institutions

(2010/C 341/06)

Notification of the winding-up of the public limited liability company 'VEF banka'.

Based on the decision of the Riga Regional Court of 15 November 2010, the public limited liability company 'VEF banka' (registration number 50003063781) is to be wound up as from 15 November 2010.

Claims by creditors and other individuals, and all other claims, must be lodged with the 'VEF banka' liquidator Ilze Bagatska (liquidator's business address: Antonijas iela 5-5, Rīga, LV-1010, LATVIJA, tel. +371 67216271), within three months of the day on which notification of the winding-up of 'VEF banka' is published in the *Official Gazette 'Latvijas Vēstnesis'*.

The body competent to review complaints about these winding-up proceedings is the Riga Regional Court (address: Brīvības bulvāris 34, Rīga, LV-1886, LATVIJA).

Ilze BAGATSKA

'VEF banka' liquidator

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

Invitation to submit comments pursuant to Article 1(2) in Part I of Protocol 3 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice on State aid issues concerning the recapitalisation of Sjóvá insurance company in Iceland

(2010/C 341/07)

By means of Decision No 373/10/COL of 22 September 2010, reproduced in the authentic language on the pages following this summary, the EFTA Surveillance Authority initiated proceedings pursuant to Article 1(2) in Part I of Protocol 3 to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice. The Icelandic authorities have been informed by means of a copy of the decision.

By means of this notice, the EFTA Surveillance Authority gives the EFTA States, EU Member States and interested parties notice to submit their comments on the measure in question within one month of the date of publication to:

EFTA Surveillance Authority
Registry
Rue Belliard/Belliardstraat 35
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

The comments will be communicated to the Icelandic authorities. The identity of the interested party submitting the comments may be withheld following a request in writing stating the reasons for the request.

SUMMARY

Procedure

The Authority became aware of the Icelandic State intervention in one of the biggest Icelandic insurance companies, Sjóvá-Almennar tryggingar hf. (Sjóvá), in the summer of 2009 through the Icelandic media. The Authority adopted an information injunction decision, Decision No 77/10/COL, pursuant to Article 10(3) of Part II of Protocol 3, on 10 March 2010, requesting that all relevant information would be provided. On 7 June 2010, the Authority received a complaint from a competitor against alleged State aid granted when the State intervened in Sjóvá. The Icelandic authorities have provided some information in the case.

Following a series of transactions, the Icelandic State had acquired 73 percent of the shares of Sjóvá in May 2010. The shares were paid for with government-owned bonds worth ISK 11,6 billion.

The bonds were initially sold to SAT Holding (a subsidiary of Glitnir Bank), the owner of Sjóvá, in July 2009. They were used in the recapitalisation of Sjóvá, a measure needed to keep the insurer in business. The SAT Holding was given up to 18 months to pay the State for these bonds and no interest was set for this period. Alternatively, SAT Holding could at any point decide to pay the State with shares in Sjóvá, an option it actually used in May 2010.

Assessment of the measure

The Icelandic authorities have argued that the State acted as a private market investor/creditor when intervening in Sjóvá.

The conditions under which the bonds were transferred (payment in 18 months without interests or, alternatively, transfer of 73,03 % shareholding in Sjóvá) do not in the Authority's preliminary view correspond to what would normally have been available on the market. In July 2009, Iceland was undergoing a severe financial crisis. Sjóvá was short of ISK 15,5 billion that was required to comply with regulatory requirements of minimum equity. Glitnir Bank was under winding-up procedure. It is the

Authority's view that neither a firm in such financial difficulties nor a bank under winding-up procedure would have been able to raise the necessary funding on the market under the conditions.

Regarding the investment in new equity in Sjóvá, the Icelandic authorities have argued that there was a substantial private participation in the recapitalisation of the company, the private investors in this case being Glitnir Bank (through SAT Holding) and Íslandsbanki. The State was not as such a creditor of Sjóvá. The State was not acting to protect its own assets, as it was not among the company's creditors. Therefore, in the Authority's view, the actions of the State in those circumstances cannot be compared with a private market investor or creditor seeking settlement of outstanding claims.

For these reasons, the Authority preliminarily concluded that the market economy investor principle cannot be considered applicable in this case.

The Icelandic authorities have submitted that their intervention, if considered to be State aid, complies with Article 61(3)(b) of the EEA Agreement as well as to the exemption in Article 61(3)(c) and the Authority's Guidelines on aid for rescuing and restructuring firms in difficulty, which are based on the latter exemption.

While State aid to undertakings in difficulties is normally assessed under Article 61(3)(c) of the EEA Agreement, the Authority may, under Article 61(3)(b) of the Agreement allow State aid 'to remedy a serious disturbance in the economy of an EC Member State or an EFTA State'. The Icelandic authorities did not submit information to allow the Authority to assess the measure under Article 61(3)(c). Nor have they demonstrated that the systemic effects that might have resulted from a bankruptcy of Sjóvá could have reached a size constituting 'a serious disturbance in the economy' of Iceland within the meaning of Article 61(3)(b) of the EEA Agreement.

Conclusion

In light of the above considerations, the Authority decided to open the formal investigation procedure in accordance with Article 1(2) of the EEA Agreement. Interested parties are invited to submit their comments within one month from publication of this notice in the *Official Journal of the European Union*.

EFTA SURVEILLANCE AUTHORITY DECISION

No 373/10/COL

of 22 September 2010

to initiate the formal investigation procedure with regard to the recapitalisation of Sjóvá insurance company

(Iceland)

THE EFTA SURVEILLANCE AUTHORITY ('THE AUTHORITY'),

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), in particular to Articles 61 to 63 and Protocol 26,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice ('the Surveillance and Court Agreement'), in particular to Article 24,

Having regard to Protocol 3 to the Surveillance and Court Agreement ('Protocol 3'), in particular to Article 1(3) of Part I and Articles 4(4), 6 and 13(1) of Part II,

Having regard to the Authority's State Aid Guidelines on the application and interpretation of Articles 61 and 62 of the EEA Agreement, in particular Part VIII, Temporary Rules regarding Financial Crisis, and the chapter on aid for rescuing and restructuring firms in difficulty [1],

Having regard to the Authority's Decision No 77/10/COL of 10 March 2010 on an information injunction against Iceland to provide information on the State intervention in Sjóvá,

Whereas:

I. **FACTS**

1. **Procedure**

The Authority became aware of the Icelandic State intervention in the insurance company Sjóvá-Almennar tryggingar hf. (Sjóvá) in the summer of 2009 through the Icelandic media. Subsequently the Authority included this case in the agenda of an annual meeting on pending cases in the field of State aid between the

[1] Available at: http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/

Authority and the Icelandic authorities which was held in Reykjavik on 5 November 2009. At the meeting the Icelandic authorities provided brief information concerning the background and history of the case.

Due to the complexity of the intervention and the circumstances surrounding it, the Authority asked the Icelandic authorities at the meeting on 5 November 2009 to provide written detailed information.

In a letter to the Icelandic authorities dated 16 November 2009 (Event No 536644), the Authority summarised the points of discussion at the meeting on 5 November 2009 and repeated its request for detailed information in writing regarding the State intervention in Sjóvá. Moreover, the Authority invited the Icelandic authorities to put forward their views regarding possible State aid issues involved in the case. The Authority requested that this information be provided no later than 16 December 2009.

The Authority sent a reminder letter to the Icelandic authorities, dated 14 January 2010 (Event No 543092) requesting that the information be sent to the Authority by 29 January 2010.

No written information was received and subsequently the Authority adopted an information injunction decision, pursuant to Article 10(3) of Part II of Protocol 3, on 10 March 2010 (Event No 548842), requesting:

> '… all documentation, information and data necessary to permit the Authority to assess the existence of State aid in the State intervention in Sjóvá as well as its compatibility with the State aid rules of the EEA Agreement. In particular, but not exclusively, the Authority requires the Icelandic authorities to provide it with a detailed description of the capital injection in Sjóvá including copies of all relevant documents and moreover a detailed explanation of how the Central Bank of Iceland came into possession of the assets of Sjóvá.
>
> Moreover, the Icelandic authorities are requested, also no later than 11 April 2010, to provide all information and data necessary to assess the compatibility of the measure with the State aid rules of the EEA Agreement.
>
> The Icelandic authorities are invited to provide their comments and view regarding any possible and potential State aid issues involved in this case within the same deadline, i.e. 11 April 2010.'

On 11 April 2010, the Icelandic authorities submitted a reply (Event No 553315).

On 7 June 2010, the Authority received a complaint (Event No 559496) against alleged State aid granted when the State intervened in Sjóvá.

2. **Description of the case**

2.1. *Background*

Sjóvá is one of Iceland's leading insurance companies ([2]). The company was taken over by Glitnir Bank ([3]) (Glitnir) in 2003 and its operations were merged with those of the bank. In 2005, the financial group Moderna/Milestone Finance ([4]) bought 66,6 % of Sjóvá's shares from Glitnir and acquired full ownership as from 2006. Sjóvá's operations were then separated from those of Glitnir.

2.2. *The State intervention and the events leading to it*

The events leading to the State intervention and the State intervention itself are rather complex and will be described below in chronological order according to information available to the Authority.

([2]) According to a memorandum from the Financial Supervisory Authority (FME) dated 29 June 2009, the market shares of insurance companies in Iceland, based on their share in total premium income, was at the time as follows: Vátryggingafélag Íslands (VÍS) 35,3 %, Sjóvá 29,5 %, Tryggingamiðstöðin (TM) 27 % and Vörður 8 %.

([3]) Until 2006, the bank was named Íslandsbanki, when its name was changed to Glitnir banki. Following its collapse in October 2008, Glitnir has been managed by a Resolution Committee and has entered a winding-up procedure. In October 2008, a new bank was founded under emergency legislation to take over domestic assets and liabilities of Glitnir Bank. That bank was initially named Nýi Glitnir, but its name was changed to Íslandsbanki in February 2009.

([4]) Moderna Finance AB was a Swedish holding company owned by the Icelandic company Milestone hf. While Moderna Finance acquired financial undertakings in Sweden and Luxembourg, its biggest Icelandic assets were Sjóvá and the investment bank Askar Capital hf. The car financing company Avant is a subsidiary of Askar Capital. Milestone and affiliated companies were for a period among the major shareholders in Glitnir Bank, achieving their highest share of ownership of 16-18 % of total shares in Glitnir in early 2007. Following Milestone's acquisition of Sjóvá and a major change of the ownership structure in Glitnir, Milestone's holdings in Glitnir declined. Milestone was also among the biggest borrowers from Glitnir. Further information on Sjóvá and Milestone and their ties with Glitnir Bank are available in the report of the Icelandic Parliament's Special Investigation Commission (SIC) available at http://rna.althingi.is/ (Icelandic version) and http://sic.althingi.is/ (excerpts in English).

2.2.1. Intervention by the Financial Supervisory Authority

Early in 2008, the Icelandic Financial Supervisory Authority (the FME) started an in-depth investigation into the financial position of Sjóvá on the basis of its annual report for the fiscal year 2007. It transpired that the company had insufficient capital reserves to meet the minimum required to continue insurance operations ([5]) due to losses on its investment activities, which had grown substantially.

Following the investigation, from October 2008 to September 2009, Sjóvá was subjected to special supervision by the FME under Article 90 of the Act on Insurance Activities No 60/1994 ([6]). Furthermore, in December 2008, the FME appointed a special auditor to review Sjóvá's activities.

In March 2009, the FME referred 'several issues relating to the business activities of the company' to the Special Prosecutor ([7]). The Authority is not aware of the substance of the ongoing criminal investigation or whether it has any relevance to this case.

2.2.2. Glitnir takes over Sjóvá — division of the company

In March 2009, Sjóvá was taken over ([8]) by its biggest creditor, Glitnir Bank (Glitnir). Glitnir had been under moratorium since 24 November 2008 and managed by a Resolution Committee appointed by the FME. Sjóvá's creditors had previously been managing the company since October 2008, when it had been put under the special supervision of the FME.

In April 2009, Glitnir and Íslandsbanki ([9]) approached the Icelandic State requesting its assistance in refinancing and restructuring Sjóvá, having exhausted all alternative market solutions to rescue the company.

The Authority has received a presentation document prepared by Íslandsbanki in April 2009 and addressed to the Ministry of Finance. This document outlined a plan to restructure Moderna Finance AB, and its subsidiaries Askar Capital and Sjóvá. It furthermore contains plans to split up old Sjóvá by transferring insurance operation to a new company, leaving the less viable investment activities in the old company. After restructuring, the insurance company would then be sold to new investors.

During the summer of 2009, assets and liabilities were to be divided into 1) SA tryggingar hf., a new company to be incorporated, which would receive the insurance portfolio activities from old Sjóvá upon approval by the FME, and 2) SJ Eignarhaldsfélag (SJE), a holding company in which the toxic assets of old Sjóvá would be placed.

On 20 June 2009, Sjóvá on the one hand and Glitnir, Íslandsbanki, and SAT Eignarhaldsfélag hf. (a holding company wholly owned by Glitnir, hereinafter referred to as SAT Holding) on behalf of SA tryggingar hf. ([10]) on the other hand signed an Asset Transfer Agreement, according to which all assets and liabilities of Sjóvá related to the company's insurance operations, including the insurance portfolio, were transferred to SA tryggingar hf., in accordance with Article 86 of the Act on Insurance Activities No 60/1994. Following the transaction the new company, SA tryggingar hf., was renamed Sjóvá.

According to its Articles of Association, dated 20 June 2009, the shareholders of the new company (Glitnir, Íslandsbanki and SAT Holding) were to contribute new equity of ISK 16 billion, required to continue insurance operations, as follows ([11]):

Company	Amount	Form of payment	Share-holding
Glitnir	ISK 2,8 billion	Bond issued by Avant with interest of REIBOR plus 3,75 % with the following collaterals: — third priority (in parallel with a bond issued by Askar Capital, see table in 2.2.3 below) in Avant's portfolio — first priority in Glitnir's claim against Milestone, equivalent of 54,9 % of total claims against Milestone	17,67 %

([5]) Minimum guarantee fund of ISK 2 billion as defined in the Icelandic legislation.
([6]) Now Article 86 of Act No 56/2010.
([7]) The role of the Special Prosecutor is to investigate suspicions of criminal actions in relation to the collapse of the Icelandic banks according to Act No 135/2008.
([8]) Together with other Icelandic subsidiaries of Moderna Finance AB: Askar Capital and its subsidiary, Avant.
([9]) The Authority assumes that Íslandsbanki became involved as it was also a major creditor of Sjóvá.
([10]) An unregistered company to be incorporated under Icelandic law.
([11]) Subject to FME's approval, which was granted on 22 September 2009, see below.

Company	Amount	Form of payment	Share-holding
Íslandsbanki	ISK 1,5 billion	Various bonds issued by 10 different companies and municipalities	9,30 %
SAT Holding	ISK 11,6 billion	Bond issued by Askar Capital and bond issued by Landsvirkjun (the National Power Company), see table in 2.2.3 below	73,03 %

It is clear, however, that the recapitalisation of Sjóvá was not finalised on 20 June 2009, as the assets to be provided by SAT Holding, amounting to some 73 % of the new equity, were at that time not owned by SAT Holding but by the State. The transaction was later finalised when the State decided to undertake the measures described below.

2.2.3. Description of the intervention by the State

On 27 June 2009, a meeting was held in the Ministry of Finance on the ongoing work on financial restructuring of Sjóvá ([12]). This meeting was followed by an agreement dated 8 July 2009 on the transfer of bonds ([13]) ('Samningur um kröfukaup') owned by the Icelandic State to SAT Holding.

At this point Sjóvá's equity was ISK 13,5 billion in the negative. A minimum positive equity of ISK 2 billion was required according to law. In order to fulfil the minimum equity requirements, a capital injection of at least ISK 15,5 billion was therefore required.

The agreement between the State and SAT Holding covers the following two bonds that were in the possession of the State, valued by an external expert on 16 June 2009 ([14]):

Asset	Estimated value	Description and securities
Claim against Askar Capital	ISK 6 071 443 539	An indexed loan agreement with 3 % interest. The loan had come into the possession of the State when it took over Central Bank collateral in 2008. The loan is secured by: — third priority collateral in Avant's (*) portfolio (in parallel with a bond issued by Avant to Glitnir, see table in 2.2.2 above, book value of the portfolio was ISK 26 billion and Landsbanki Íslands' first priority lien ISK 16 billion), and — first priority collateral in indexed bonds issued by Landsvirkjun (the National Power Company) of nominal value ISK 4,7 billion.
Bond issued by Landsvirkjun (the National Power Company)	ISK 5 558 479 575	Issued in 2005 payable in 2020, with State guarantee, indexed and 3 % interest. The bond came into the possession of the State as collateral against lending made by the Central Bank to Landsbanki Íslands.

(*) See footnote 4 above.

The purchase price was ISK 11,6 billion and SAT Holding was to pay for the bonds within 18 months, i.e. before year-end 2010, and no interest was to be charged during that period. In other words, the State granted a period of grace of 18 months.

As a security for the payment of the purchase price of the bonds, the State was granted first priority collateral in SAT Holding's shares in Sjóvá.

([12]) According to an FME memorandum dated 29 June 2009, the meeting took place on Saturday 27 June 2009. The Prime Minister and the Minister for Finance took part in the meeting together with their assistants. Other participants were the Chairman of the Board of Directors of FME and the two FME officials who wrote the memorandum. The Authority has no information concerning the extent to which the State had been involved before this date other than the presentation given to the Ministry of Finance in April 2009. Yet the FME memorandum refers to a close cooperation between Glitnir, Íslandsbanki and the Ministry for Finance and refers to a memorandum from the Minister for Finance dated 26 June 2009 and a memorandum dated 27 June 2009 on the insurance company. The Authority has not received these memoranda.

([13]) For the purpose of this decision, the assets transferred to SAT Holding by the State will be referred to as bonds.

([14]) The Icelandic authorities have not yet provided the Authority with a copy of the valuation, referred to in the agreement.

The agreement provided for the option of payment by the delivery of SAT Holding's original 73,03 % shareholding in Sjóvá to the State, which would be considered payment in full. SAT Holding could exercise this option without prior consent of the State.

2.2.4. Glitnir sells its shares in Sjóvá to its subsidiary SAT Holding

The FME considered that Glitnir, in moratorium and undergoing winding-up proceedings, was not eligible to own a qualifying holding in Sjóvá. Subsequently, on 16 September 2009, Glitnir sold its 17,67 % shareholding in Sjóvá to Glitnir's subsidiary, SAT Holding.

Following the above transaction, shareholders in Sjóvá were:

Company	Ownership (%)
Íslandsbanki	9,30 %
SAT Holding	90,70 %

On 22 September 2009, the FME finally issued an insurance operation licence to Sjóvá and lifted the special supervision Sjóvá had been under since October 2008. The portfolio transfer appears to have taken place on 1 October 2009.

2.2.5. The State becomes Sjóvá's biggest shareholder through an option exercised by SAT Holding

At year-end 2009, the management of claims owned by the Ministry of Finance and the Central Bank of Iceland (CBI) was merged, and transferred to a new entity, CBI asset management (ESI). From that time, ESI took over management of the claims.

On 3 May 2010, SAT Holding exercised the option to transfer 73,03 % of shares in Sjóvá to the State in lieu of repaying the debt. From that point in time, shareholders in Sjóvá are:

Company	Ownership (%)
Íslandsbanki	9,30 %
SAT Holding	17,67 %
ESI (the State)	73,03 %

3. **Position of the Icelandic authorities**

The Icelandic authorities are of the view that the Icelandic State has behaved as a private market investor/creditor when contributing to the rescue of Sjóvá. They claim that the State's decision was taken following commitments by Glitnir and Íslandsbanki to contribute equity to Sjóvá amounting to ISK 2,8 billion and ISK 1,5 billion, respectively, or a total of ISK 4,4 billion, which they consider to be a substantial private investor participation amounting to 28 % of the total recapitalisation of Sjóvá.

Furthermore, the Icelandic authorities submit that the assets provided by the State were collateral that it had obtained against loans made to Landsbanki Íslands, and: 'As such the assets were rooted in the collapse of the financial system and there was no new capital to be contributed as equity'. The Icelandic authorities further claim that: 'Given how the claims against Askar and Landsvirkjun came into the possession of the State, and the conditions for release of such claims on the current market, by its use in the restructuring of Sjóvá, the State was acting in the same capacity and under the same conditions as a private investor. The use of the assets in question was consistent with the conduct of a private investor, endeavouring to put assets to use under prevailing market uncertainties'.

In the Icelandic authorities' opinion, the measures undertaken by Glitnir, Íslandsbanki and the Icelandic State were an attempt to prevent a serious disruption and loss for the Icelandic economy, which would have resulted from the bankruptcy of Sjóvá.

With reference to Article 61(3)(b) and (c) of the EEA Agreement, the Icelandic authorities have furthermore submitted, should the Authority consider that the State participation in the recapitalisation of Sjóvá contained elements of State aid, that the measures are compatible with the functioning of the Agreement.

They claim that the grant of aid was an emergency measure to save a financial institution whose bankruptcy would have had 'immense spill-over effects for insurance markets as well as the economy as a whole, and (was) likely to result in economic losses for the State'. Furthermore, the Icelandic authorities claim that the intervention was based on the implementation of a restructuring plan suitable to restore the long-term viability of Sjóvá.

II. **ASSESSMENT**

1. **The recipients of the potential aid**

With transfer of bonds issued by Landsvirkjun and Askar Capital, Sjóvá and SAT Holding benefitted from a capital contribution from the State.

2. **The market economy investor principle**

As described above, the State provided a capital contribution to Sjóvá through a transfer of bonds (issued by Landsvirkjun and Askar Capital). This capital contribution was channelled through Glitnir's subsidiary, SAT Holding, as the bonds first were transferred to SAT Holding, which subsequently used them as an equity contribution in Sjóvá.

If the transaction was carried out in accordance with the market economy investor principle, i.e., if the State transferred the bonds to SAT Holding on conditions that would have been acceptable for a private seller, the transaction would not involve the grant of State aid.

Considering that Glitnir Bank and Íslandsbanki approached the State after having 'exhausted alternative market solutions to rescue the insurance operations of Sjóvá', it was clear that corresponding market solutions were not available for Sjóvá to obtain necessary recapitalisation.

The conditions under which the bonds were transferred; payment in 18 months without interests or, alternatively, transfer of 73,03 % shareholding in Sjóvá, do not in the Authority's preliminary view correspond to what would normally have been available on the market. The Authority recalls that at the time of the agreement, in July 2009, Iceland was undergoing a severe financial crisis. Companies in Iceland were not able to raise capital on the market. Neither SAT Holding, a subsidiary of a bank under winding-up procedure, nor a company that was in as severe financial difficulties as Sjóvá was, would have been able to raise the necessary funding on the market under the conditions the State agreed to. In principle, it is very difficult to apply the market economy investor principle to companies in difficulties ([15]). The Icelandic authorities have themselves acknowledged that Sjóvá was in severe financial difficulties. The company was short of ISK 15,5 billion that was required to comply with regulatory requirements of minimum equity.

Regarding the investment in new equity in Sjóvá, the Icelandic authorities have argued that there was a substantial private participation in the recapitalisation of the company, the private investors in this case being Glitnir Bank (through SAT Holding) and Íslandsbanki. However, it shall be noted first of all that at the time of conclusion of the asset transfer agreement on 20 June 2009 and the agreement on the transfer of bonds on 8 July 2009, Íslandsbanki was fully State-owned ([16]). Furthermore, it is the Authority's understanding that Glitnir and Íslandsbanki were among the main creditors of Sjóvá. The State was not as such a creditor of Sjóvá. The State was not acting to protect its own assets, as it was not among the company's creditors ([17]). Therefore the actions of the State in those circumstances cannot be compared with a private market investor or creditor seeking settlement of outstanding claims. Even in cases with an apparently genuine private investor behaviour from the State, the Commission has taken the view that the circumstances surrounding the financial crisis are so unusual that in general the market investor principle cannot be applied ([18]).

For these reasons, the Authority preliminarily concludes that the market economy investor principle cannot be applied to the State's transfer of bonds for the recapitalisation of Sjóvá.

([15]) See the Authority's guidelines on aid for rescuing and restructuring firms in difficulty. See amongst others, Commission Decision C 4/10 (ex NN 64/09) — France, aid in favour of Trèves.

([16]) The change of ownership of Íslandsbanki took place on 13 October 2009, when the Glitnir Resolution Committee decided, on behalf of its creditors, to exercise the option provided for in its agreement with the Icelandic State and take over 95 % of share capital in Íslandsbanki.

([17]) It should be noted that both a press release issued by the Resolution Committee of Glitnir on 8 July 2009 (http://www.glitnirbank.com) and a press release published by Sjóvá on the same day (http://www.sjova.is) explicitly state that the State was protecting its own claims against Sjóvá: 'With its participation, the government intends to protect the State's claims against Sjóvá, as well as the interests of a large number of insurance customers'. However, in an email which the Icelandic authorities sent to the Authority on 25 March 2010 (Event 551375) it was clarified that the Icelandic State never had any claims against Sjóvá, but only against Askar Capital.

([18]) See, inter alia, Commission Decision N 69/09 Sweden — Recapitalisation scheme for fundamentally sound banks.

3. **The presence of State aid**

Article 61(1) of the EEA Agreement reads as follows:

> 'Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.'

3.1. *Presence of State resources*

In this case the State contributed to the recapitalisation of Sjóvá by transferring to SAT Holding two bonds in its possession valuated by an external expert to ISK 11,6 billion (approx. EUR 76 million) with a period of grace, to be used as equity in Sjóvá. State resources were thus involved.

3.2. *Favouring certain undertakings or the production of certain goods*

Firstly, to constitute State aid, a measure must confer advantages that relieve undertakings of charges that are normally borne from their budgets. Secondly, the measure must be selective in that it favours 'certain undertakings or the production of certain goods'.

According to the agreement dated 8 July 2009, described above under I.2.2.3, SAT Holding was granted a period of grace of 18 months and could pay the State for those bonds without being charged any interests for the delayed payment. More significantly, the agreement provided for the option of payment by the transfer of SAT Holding's 73,03 % shareholding in Sjóvá to the State. Prior consent of the seller was not required to exercise this option.

Furthermore, the provisions of the agreement are such that it is not only an agreement on transfer of the bonds but ultimately an agreement that the State would inject new equity to Sjóvá amounting to the value of the bonds sold, as SAT Holding could exercise the option at any time. Intervention by the State in Sjóvá's recapitalisation in July 2009 must therefore also be viewed as a decision by the State to inject new equity to Sjóvá and become its biggest shareholder.

It is the Authority's understanding that alternative funding could not have been obtained from the market. Therefore, on the basis of the information at its disposal, the Authority considers that the State's participation in the recapitalisation of Sjóvá through the transfer of bonds involved an advantage within the meaning of Article 61(1) of the EEA Agreement to the extent it made financing available and/or it reduced the financial costs for SAT Holding as well as Sjóvá.

The Authority's view is reinforced by the fact that public policy considerations, taken together with the needs of Sjóvá, appear to have determined the State intervention, rather than the possible return for the State as an investor.

A further potential State aid measure could arise, according to the information currently available to the Authority. The presentation document prepared by Íslandsbanki in April 2009 and described above under I.2.2.2 contains Glitnir's proposal to 'close the gap' in Sjóvá by, as the first step, requesting the Ministry of Finance to accept that Glitnir's security in the loan to Avant will be upgraded to second priority. According to the document, this was considered necessary for the FME to accept Glitnir's contribution to Sjóvá's equity. However, this appears to contradict other information from the Icelandic authorities and Sjóvá's Articles of Association dated 20 June 2009 (see I.2.2.2 above), which refer to third parallel security in Avant portfolio for both Glitnir's and the State's claims. Consequently, the Icelandic authorities are invited to clarify whether and how Glitnir's proposal regarding the upgrade of its claim against Avant was actually enforced. If that was not the case, it should be clarified whether FME's acceptance of Glitnir's claim on Avant as an equity contribution to Sjóvá was based on different securities. The Icelandic authorities are also invited to submit any relevant information on other issues considered relevant for the assessment of this case.

3.3. *Distortion of competition and effect on trade between the Contracting Parties*

The measures under assessment involve undertakings active on markets where there is competition and trade between parties in EEA States. The measures are therefore likely to distort competition and affect trade between the Contracting Parties.

3.4. *Conclusion on the presence of State aid*

Based on the above, the Authority has come to the preliminary conclusion that the State's contribution to the recapitalisation of Sjóvá through the transfer of bonds involves State aid within the meaning of Article 61(1) of the EEA Agreement.

4. **Procedural requirements**

The Icelandic authorities did not notify the State intervention to the Authority. The Authority therefore is of the preliminary view that the Icelandic authorities have not respected their obligations pursuant to Article 1(3) of Part I of Protocol 3.

5. **Compatibility of the aid**

The Icelandic authorities have submitted that their intervention, if considered to be State aid, complies with Article 61(3)(b) of the EEA Agreement as well as to the exemption in Article 61(3)(c) and the Authority's Guidelines on aid for rescuing and restructuring firms in difficulty, which are based on the latter exemption. They consider that the measures are 'appropriate, as they are targeted and well designed to ensure Sjóvá's swift return to viability by the exit of all non-core business pursued by its predecessor …'. The Icelandic authorities have asserted that the financial restructuring of Sjóvá has already been completed. They argue that the company's financial difficulties were brought about by its involvement in non-insurance related activities such as investment operations. These activities will not be pursued by the new, restructured company, which will focus on insurance operations. However, the Icelandic authorities did not notify the capital contribution and they did not provide a restructuring plan for the company. Thus, the Authority is not in the position to assess the measure under the Guidelines on aid for rescuing and restructuring firms in difficulty.

The Icelandic authorities have submitted that Sjóvá was in serious financial difficulties at the time of the State intervention. The Authority does not doubt that and understands that these difficulties were linked to those of the Milestone/Moderna Finance group. While State aid to undertakings in difficulties is normally assessed under Article 61(3)(c) of the EEA Agreement, the Authority may, under Article 61(3)(b) of the Agreement allow State aid 'to remedy a serious disturbance in the economy of an EC Member State or an EFTA State'.

Historically, it is clear from case law that the exemption in Article 61(3)(b) of the EEA Agreement needs to be applied restrictively ([19]). However, following the onset of the global financial crisis in the autumn of 2008, EU governments have made available unprecedented amounts in State aid through a combination of national schemes and ad hoc interventions in financial institutions ([20]). This aid was assessed under a set of temporary guidelines regarding the financial crisis ([21]), adopted by the European Commission, and subsequently by the Authority:

— the Banking Guidelines ('on the application of State aid rules to measures taken in relation to financial institutions') adopted by the Authority on 29 January 2009,

— the Recapitalisation Guidelines ('on the recapitalisation of financial institutions in the current financial crisis') adopted by the Authority on 29 January 2009,

— the Impaired Assets Guidelines ('the Treatment of Impaired Assets in the EEA Banking Sector') adopted by the Authority on 22 April 2009, and

— the Restructuring Guidelines ('the return to viability and the assessment of restructuring in the financial sector in the current crisis under the State aid rules') adopted by the Authority on 25 November 2009 ([22]).

It remains to be determined in the course of the investigation initiated by this decision whether and to what extent guidelines based on Article 61(3)(b) of the EEA Agreement in relation to the financial crisis are relevant in the case of an ailing insurance company such as Sjóvá. The Icelandic authorities have not put forward any information specific to this case to substantiate their view that the measure should be assessed as a measure to remedy a serious disturbance in the economy. They have limited their reasoning to referring to the widely documented and evidenced effects of the financial difficulties of Iceland, and referred to an assessment of the FME on the grave consequences of not rescuing the insurance part of Sjóvá, without this assessment being provided to the Authority.

([19]) Case law stresses that the exemption needs to be applied restrictively and must tackle a disturbance in the entire economy of a Member State (and not a sector or a region), cf. Joined Cases T-132/96 and T-143/96 Freistaat Sachsen and Volkswagen AG Commission [1999] ECR II-3663, p. 167. Followed in Commission Decision in Case C-47/1996 Crédit Lyonnais, OJ 1998 L 221/28, point 10.1, Commission Decision in Case C 28/02 Bankgesellshaft Berlin, OJ 2005 L 116, p. 1, points 153 et seq and Commission Decision in Case C 50/06 BAWAG, point 166. See Commission Decision of 5 December 2007 in Case NN 70/07, Northern Rock (OJ C 43, 16.2.2008, p. 1), Commission Decision 30 April 2008 in Case NN 25/08, Rescue aid to WestLB (OJ C 189, 26.7.2008, p. 3), Commission Decision of 4 June 2008 in Case C 9/08 SachsenLB (OJ C 71, 18.3.2008, p. 14).

([20]) Between October 2008 and April 2010, EU governments made available EUR 4,131 trillion in crisis aid through a combination of national schemes and ad hoc interventions — an amount equivalent to 32,5 % of EU-27 GDP, see State Aid Scoreboard, Table 1 and Annex 3. The figure only includes aid to financial services sector, not general aid measures designed to stimulate the 'real' economy.

([21]) Here, referred to together as the 'financial crisis guidelines'.

([22]) The full text of the Guidelines can be found at http://www.eftasurv.int/state-aid/legal-framework/state-aid-guidelines/

The Icelandic authorities have not submitted information to demonstrate that the systemic effects that might have resulted from a bankruptcy of Sjóvá could have reached a size constituting 'a serious disturbance in the economy' of Iceland within the meaning of Article 61(3)(b) of the EEA Agreement. Limited information has been submitted regarding the operations of Sjóvá; on the causes of the difficulties and the restructuring itself. This information is not sufficient to enable the Authority to assess the measure under Article 61(3)(b) and the financial crisis guidelines.

In the case at hand, neither an exemption under Article 61(3)(b) nor (c) of the EEA Agreement, and application of the relevant guidelines based on these provisions, can be excluded at this stage. However, the information provided by the Icelandic authorities so far is too limited to allow the Authority to assess whether the measure would be compatible under these exemptions.

Based on the above, the Authority is not in a position to establish whether the State participation in recapitalising Sjóvá involves measures that can be approved under Article 61(3)(b) or (c) of the EEA Agreement.

With reference to the considerations above, the Authority invites the Icelandic authorities to submit any information and documentation relevant to determine whether the aid in question can be assessed on the basis of Article 61(3)(b) and the financial crisis guidelines or Article 61(3)(c) and the Guidelines on aid for rescuing and restructuring firms in difficulty.

6. **Conclusion**

Based on the information submitted by the Icelandic authorities, the Authority has come to the preliminary conclusion that the Icelandic State's participation in the recapitalisation of the insurance company Sjóvá constitute aid within the meaning of Article 61(1) of the EEA Agreement. Furthermore, the Authority has doubts as to weather these measures comply with Article 61(3) of the EEA Agreement, in conjunction with the requirements laid down in the financial crisis guidelines and the Rescue and restructuring aid guidelines. The Authority, therefore, has doubts as to whether the above measures are compatible with the functioning of the EEA Agreement.

Consequently, and in accordance with Article 4(4) of Part II of Protocol 3, the Authority is obliged to open the formal investigation procedure provided for in Article 1(2) of Part I of Protocol 3. The decision to open a formal investigation procedure is without prejudice to the final decision of the Authority, which may conclude that the measures in question are compatible with the functioning of the EEA Agreement.

In light of the foregoing considerations, the Authority, acting under the procedure laid down in Article 1(2) of Part I of Protocol 3, invites the Icelandic authorities to submit their comments, as well as all documents, information and data needed for assessment of the compatibility of the State participation in the recapitalisation in Sjóvá, within one month of the date of receipt of this Decision.

In light of the foregoing considerations, within one month of receipt of this Decision, the Authority request the Icelandic authorities to provide all documents, information and data needed for assessment of the compatibility of the State intervention in Sjóvá.

The Authority requests the Icelandic authorities to immediately forward a copy of this decision to the potential recipients of the aid.

The Authority must remind the Icelandic authorities that, according to Article 14 of Part II of Protocol 3, any incompatible aid unlawfully granted to the beneficiaries will have to be recovered, unless, exceptionally, such recovery would be contrary to a general principle of EEA law,

HAS ADOPTED THIS DECISION:

Article 1

The formal investigation procedure provided for in Article 1(2) of Part I of Protocol 3 is opened into the participation of the Icelandic State in the recapitalisation of Sjóvá insurance company.

Article 2

The Icelandic authorities are invited, pursuant to Article 6(1) of Part II of Protocol 3, to submit their comments on the opening of the formal investigation procedure within one month from the notification of this Decision.

Article 3

The Icelandic authorities are requested to provide within one month from notification of this Decision, all documents, information and data needed for assessment of the compatibility of the aid measure.

Article 4

This Decision is addressed to the Republic of Iceland.

Article 5

Only the English language version of this Decision is authentic.

Decision made in Brussels, on 22 September 2010.

For the EFTA Surveillance Authority

Per SANDERUD
President

Sverrir Haukur GUNNLAUGSSON
College Member

THE EEA JOINT COMMITTEE

Decisions of the EEA Joint Committee for which the constitutional requirements under Article 103 of the EEA Agreement have been fulfilled

(2010/C 341/08)

Since March 2000, Decisions of the EEA Joint Committee indicate in a footnote whether their date of entry into force depends on the fulfilment of constitutional requirements by any of the Contracting Parties. Such requirements were notified as regards the Decisions listed below. The Contracting Parties in question have now notified the other Contracting Parties that they have completed their internal procedures. The dates of entry into force of the Decisions are as indicated.

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
20/2007	27.4.2007	9.8.2007 OJ L 209, p. 36 Supp No 38, p. 25	Directive 2006/46/EC of the European Parliament and of the Council of 14 June 2006 amending Council Directives 78/660/EEC on the annual accounts of certain types of companies, 83/349/EEC on consolidated accounts, 86/635/EEC on the annual accounts and consolidated accounts of banks and other financial institutions and 91/674/EEC on the annual accounts and consolidated accounts of insurance undertakings	1.8.2010
127/2007	28.9.2007	21.2.2008 OJ L 47, p. 58 Supp No 9, p. 44	Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC Commission Decision 2002/623/EC of 24 July 2002 establishing guidance notes supplementing Annex II to Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC Council Decision 2002/811/EC of 3 October 2002 establishing guidance notes supplementing Annex VII to Directive 2001/18/EC of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC Council Decision 2002/812/EC of 3 October 2002 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council the summary information format relating to the placing on the market of genetically modified organisms as or in products Council Decision 2002/813/EC of 3 October 2002 establishing, pursuant to Directive 2001/18/EC of the European Parliament and of the Council, the summary notification information format for notifications concerning the deliberate release into the environment of genetically modified organisms for purposes other than for placing on the market Commission Decision 2003/701/EC of 29 September 2003 establishing pursuant to Directive 2001/18/EC of the European Parliament and of the Council a format for presenting the results of the deliberate release into the environment of genetically modified higher plants for purposes other than placing on the market Commission Decision 2004/204/EC of 23 February 2004 laying down detailed arrangements for the operation of the registers for recording information on genetic modifications in GMOs, provided for in Directive 2001/18/EC of the European Parliament and of the Council	1.11.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
133/2007	26.10.2007	10.4.2008 OJ L 100, p. 27 Supp No 19, p. 34	No acts	1.5.2010
134/2007	26.10.2007	10.4.2008 OJ L 100, p. 33 Supp No 19, p. 39	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety Commission Regulation (EC) No 1304/2003 of 23 July 2003 on the procedure applied by the European Food Safety Authority to requests for scientific opinions referred to it Regulation (EC) No 1642/2003 of the European Parliament and of the Council of 22 July 2003 amending Regulation (EC) No 178/2002 Commission Decision 2004/478/EC of 29 April 2004 concerning the adoption of a general plan for food/feed crisis management Commission Regulation (EC) No 2230/2004 of 23 December 2004 laying down detailed rules for the implementation of European Parliament and Council Regulation (EC) No 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority's mission Commission Regulation (EC) No 575/2006 of 7 April 2006 amending Regulation (EC) No 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority Council Decision 2006/478/EC of 19 June 2006 appointing half of the members of the Management Board of the European Food Safety Authority	1.5.2010
135/2007	26.10.2007	10.4.2008 OJ L 100, p. 44 Supp No 19, p. 51	Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption Directive 2002/33/EC of the European Parliament and of the Council of 21 October 2002 amending Council Directives 90/425/EEC and 92/118/EEC as regards health requirements for animal by-products Commission Regulation (EC) No 808/2003 of 12 May 2003 amending Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption Commission Regulation (EC) No 809/2003 of 12 May 2003 on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the processing standards for category 3 material and manure used in composting plants Commission Regulation (EC) No 810/2003 of 12 May 2003 on transitional measures under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards processing standards for category 3 material and manure used in biogas plants Commission Regulation (EC) No 811/2003 of 12 May 2003 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the intra-species recycling ban for fish, the burial and burning of animal by-products and certain transitional measures Commission Regulation (EC) No 446/2004 of 10 March 2004 repealing a number of Decisions concerning animal by-products Commission Regulation (EC) No 668/2004 of 10 March 2004 amending certain Annexes to Regulation (EC) No 1774/2002 of the European Parliament and of the Council, as regards the importation from third countries of animal by-products	1.5.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Regulation (EC) No 878/2004 of 29 April 2004 laying down transitional measures in accordance with Regulation (EC) No 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes Commission Regulation (EC) No 92/2005 of 19 January 2005 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products and amending its Annex VI as regards biogas transformation and processing of rendered fats Commission Regulation (EC) No 93/2005 of 19 January 2005 amending Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards processing of animal by-products of fish origin and commercial documents for the transportation of animal by-products Commission Regulation (EC) No 2067/2005 of 16 December 2005 amending Regulation (EC) No 92/2005 as regards alternative means of disposal and use of animal by-products Commission Regulation (EC) No 209/2006 of 7 February 2006 amending Regulations (EC) No 809/2003 and (EC) No 810/2003 as regards the extension of the validity of the transitional measures for composting and biogas plants under Regulation (EC) No 1774/2002 of the European Parliament and of the Council Commission Regulation (EC) No 1192/2006 of 4 August 2006 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards lists of approved plants in Member States Commission Regulation (EC) No 1678/2006 of 14 November 2006 amending Regulation (EC) No 92/2005 as regards alternative means of disposal of and use of animal by-products Commission Regulation (EC) No 1877/2006 of 18 December 2006 amending Regulation (EC) No 878/2004 laying down transitional measures in accordance with Regulation (EC) No 1774/2002 for certain animal by-products classified as Category 1 and 2 materials and intended for technical purposes Commission Regulation (EC) No 2007/2006 of 22 December 2006 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the importation and transit of certain intermediate products derived from Category 3 material intended for technical uses in medical devices, in vitro diagnostics and laboratory reagents and amending that Regulation	
136/2007	26.10.2007	10.4.2008 OJ L 100, p. 49 Supp No 19, p. 55	Commission Decision 2003/322/EC of 12 May 2003 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the feeding of certain necrophagous birds with certain category 1 materials Commission Decision 2003/324/EC of 12 May 2003 as regards a derogation from the intra-species recycling ban for fur animals under Regulation (EC) No 1774/2002 of the European Parliament and of the Council Commission Decision 2004/407/EC of 26 April 2004 on transitional sanitary and certification rules under Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards imports from certain third counties of photographic gelatine Commission Decision 2004/434/EC of 29 April 2004 adapting Decision 2003/324/EC as regards a derogation from the intra-species recycling ban for fur animals under Regulation (EC) No 1774/2002 of the European Parliament and of the Council by reason of the accession of Estonia	1.5.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Decision 2004/455/EC of 29 April 2004 adapting Decision 2003/322/EC implementing Regulation (EC) No 1774/2002 as regards the feeding of certain necrophagous birds with certain Category 1 materials by reason of the accession of Cyprus Commission Regulation (EC) No 79/2005 of 19 January 2005 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the use of milk, milk-based products and milk-derived products, defined as Category 3 material in that Regulation Commission Regulation (EC) No 416/2005 of 11 March 2005 amending Annex XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council, as regards the importation from Japan of certain animal by-products intended for technical purposes Commission Decision 2005/830/EC of 25 November 2005 amending Decision 2003/322/EC as regards the feeding of certain necrophagous birds with certain category 1 material Commission Regulation (EC) No 181/2006 of 1 February 2006 implementing Regulation (EC) No 1774/2002 as regards organic fertilisers and soil improvers other than manure and amending that Regulation Commission Regulation (EC) No 197/2006 of 3 February 2006 on transitional measures under Regulation (EC) No 1774/2002 as regards the collection, transport, treatment, use and disposal of former foodstuffs Commission Regulation (EC) No 208/2006 of 7 February 2006 amending Annexes VI and VIII to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards processing standards for biogas and composting plants and requirements for manure Commission Decision 2006/311/EC of 21 April 2006 amending Commission Decision 2004/407/EC as regards imports of photographic gelatine	
137/2007	26.10.2007	10.4.2008 OJ L 100, p. 53 Supp No 19, p. 58	Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption Directive 2004/41/EC of the European Parliament and of the Council of 21 April 2004 repealing certain directives concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption and amending Council Directives 89/662/EEC and 92/118/EEC and Council Decision 95/408/EC Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules Commission Regulation (EC) No 1688/2005 of 14 October 2005 implementing Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards special guarantees concerning salmonella for consignments to Finland and Sweden of certain meat and eggs Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs	1.5.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for *Trichinella* in meat Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs Commission Regulation (EC) No 776/2006 of 23 May 2006 amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards Community reference laboratories Commission Decision 2006/677/EC of 29 September 2006 setting out the guidelines laying down criteria for the conduct of audits under Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls to verify compliance with feed and food law, animal health and animal welfare rules Commission Regulation (EC) No 1662/2006 of 6 November 2006 amending Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin Commission Regulation (EC) No 1663/2006 of 6 November 2006 amending Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption Commission Regulation (EC) No 1664/2006 of 6 November 2006 amending Regulation (EC) No 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and repealing certain implementing measures Commission Regulation (EC) No 1665/2006 of 6 November 2006 amending Regulation (EC) No 2075/2005 laying down specific rules on official controls for *Trichinella* in meat Commission Regulation (EC) No 1666/2006 of 6 November 2006 amending Regulation (EC) No 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council Commission Decision 2006/765/EC of 6 November 2006 repealing certain implementing acts concerning food hygiene and health conditions for the production and placing on the market of certain products of animal origin intended for human consumption	
138/2007	26.10.2007	10.4.2008 OJ L 100, p. 62 Supp No 19, p. 66	Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene	1.5.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
141/2007	26.10.2007	10.4.2008 OJ L 100, p. 68 Supp No 19, p. 69	Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC	1.11.2010
1/2008	1.2.2008	12.6.2008 OJ L 154, p. 1 Supp No 33, p. 1	Commission Regulation (EC) No 1882/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs Commission Decision 2007/363/EC of 21 May 2007 on guidelines to assist Member States in preparing the single integrated multi-annual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council	1.5.2010
42/2008	25.4.2008	21.8.2008 OJ L 223, p. 33 Supp No 52, p. 6	Commission Regulation (EC) No 646/2007 of 12 June 2007 implementing Regulation (EC) No 2160/2003 of the European Parliament and of the Council as regards a Community target for the reduction of the prevalence of *Salmonella enteritidis* and *Salmonella typhimurium* in broilers and repealing Regulation (EC) No 1091/2005 Commission Decision 2007/407/EC of 12 June 2007 on a harmonised monitoring of antimicrobial resistance in *Salmonella* in poultry and pigs Commission Decision 2007/411/EC of 14 June 2007 prohibiting the placing on the market of products derived from bovine animals born or reared within the United Kingdom before 1 August 1996 for any purpose and exempting such animals from certain control and eradication measures laid down in Regulation (EC) No 999/2001 and repealing Decision 2005/598/EC Commission Decision 2007/453/EC of 29 June 2007 establishing the BSE status of Member States or third countries or regions thereof according to their BSE risk Commission Decision 2007/570/EC of 20 August 2007 amending Decision 2003/634/EC approving programmes for the purpose of obtaining the status of approved zones and of approved farms in non-approved zones with regard to viral haemorrhagic septicaemia (VHS) and infectious haematopoietic necrosis (IHN) in fish	1.5.2010
46/2008	25.4.2008	21.8.2008 OJ L 223, p. 40 Supp No 52, p. 13	Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods Council Directive 2007/61/EC of 26 September 2007 amending Directive 2001/114/EC relating to certain partly or wholly dehydrated preserved milk for human consumption	1.5.2010
58/2008	25.4.2008	21.8.2008 OJ L 223, p. 58 Supp No 52, p. 31	Directive 2007/63/EC of the European Parliament and of the Council of 13 November 2007 amending Council Directives 78/855/EEC and 82/891/EEC as regards the requirement of an independent expert's report on the occasion of merger or division of public limited liability companies	1.12.2009
59/2008	25.4.2008	21.8.2008 OJ L 223, p. 60 Supp No 52, p. 33	Directive 2007/36/EC of the European Parliament and of the Council of 11 July 2007 on the exercise of certain rights of shareholders in listed companies	1.11.2010
65/2008	6.6.2008	25.9.2008 OJ L 257, p. 27 Supp No 58, p. 9	Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast)	1.11.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Directive 2006/49/EC of the European Parliament and of the Council of 14 June 2006 on the capital adequacy of investment firms and credit institutions (recast)	
66/2008	6.6.2008	25.9.2008 OJ L 257, p. 29 Supp No 58, p. 11	Commission Directive 2007/18/EC of 27 March 2007 amending Directive 2006/48/EC of the European Parliament and of the Council as regards the exclusion or inclusion of certain institutions from its scope of application and the treatment of exposures to multilateral development banks	1.11.2010
73/2008	6.6.2008	25.9.2008 OJ L 257, p. 37 Supp No 58, p. 19	Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste	1.4.2010
79/2008	4.7.2008	23.10.2008 OJ L 280, p. 7 Supp No 64, p. 1	Directive 2007/44/EC of the European Parliament and of the Council of 5 September 2007 amending Council Directive 92/49/EEC and Directives 2002/83/EC, 2004/39/EC, 2005/68/EC and 2006/48/EC as regards procedural rules and evaluation criteria for the prudential assessment of acquisitions and increase of holdings in the financial sector	1.11.2010
95/2008	26.9.2008	20.11.2008 OJ L 309, p. 12 Supp No 70, p. 1	Commission Regulation (EC) No 688/2006 of 4 May 2006 amending Annexes III and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the monitoring of transmissible spongiform encephalopathies and specified risk material of bovine animals in Sweden Commission Regulation (EC) No 722/2007 of 25 June 2007 amending Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies Commission Regulation (EC) No 727/2007 of 26 June 2007 amending Annexes I, III, VII and X to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies Commission Regulation (EC) No 1275/2007 of 29 October 2007 amending Annex IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies Commission Decision 2007/667/EC of 15 October 2007 authorising the use of at risk bovine animals until the end of their productive lives in Germany following official confirmation of the presence of BSE	1.5.2010
101/2008	26.9.2008	20.11.2008 OJ L 309, p. 24 Supp No 70, p. 12	Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the gas transmission networks	1.4.2010
109/2008	26.9.2008	20.11.2008 OJ L 309, p. 39 Supp No 70, p. 28	Commission Decision 2008/49/EC of 12 December 2007 concerning the implementation of the Internal Market Information System (IMI) as regards the protection of personal data	9.9.2010
112/2008	7.11.2008	18.12.2008 OJ L 339, p. 100 Supp No 79, p. 8	Regulation (EC) No 842/2006 of the European Parliament and of the Council of 17 May 2006 on certain fluorinated greenhouse gases	1.4.2010
122/2008	7.11.2008	18.12.2008 OJ L 339, p. 114 Supp No 79, p. 23	Commission Regulation (EC) No 1379/2007 of 26 November 2007 amending Annexes IA, IB, VII and VIII of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, for the purposes of taking account of technical progress and changes agreed under the Basel Convention	1.4.2010
20/2009	5.2.2009	19.3.2009 OJ L 73, p. 59 Supp No 16, p. 30	Commission Decision 2008/627/EC of 29 July 2008 concerning a transitional period for audit activities of certain third country auditors and audit entities	1.11.2009

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
21/2009	17.3.2009	28.5.2009 OJ L 130, p. 1 Supp No 28, p. 1	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97 Commission Regulation (EC) No 1082/2003 of 23 June 2003 laying down detailed rules for the implementation of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals Commission Regulation (EC) No 499/2004 of 17 March 2004 amending Regulation (EC) No 1082/2003 as regards the time limit and the model for reporting in the bovine sector Commission Regulation (EC) No 911/2004 of 29 April 2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards eartags, passports and holding registers Commission Regulation (EC) No 644/2005 of 27 April 2005 authorising a special identification system for bovine animals kept for cultural and historical purposes on approved premises as provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council Commission Decision 2004/764/EC of 22 October 2004 concerning an extension of the maximum period laid down for the application of eartags to certain bovine animals kept in nature reserves in the Netherlands Commission Decision 2006/28/EC of 18 January 2006 on extension of the maximum period for applying eartags to certain bovine animals Commission Decision 2006/132/EC of 13 February 2006 recognising the fully operational character of the Italian database for bovine animals	1.5.2010
30/2009	17.3.2009	28.5.2009 OJ L 130, p. 23 Supp No 28, p. 21	Commission Regulation (EC) No 1494/2007 of 17 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the form of labels and additional labelling requirements as regards products and equipment containing certain fluorinated greenhouse gases Commission Regulation (EC) No 1497/2007 of 18 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases Commission Regulation (EC) No 1516/2007 of 19 December 2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases	1.4.2010
41/2009	24.4.2009	25.6.2009 OJ L 162, p. 16 Supp No 33, p. 1	Commission Regulation (EC) No 1237/2007 of 23 October 2007 amending Regulation (EC) No 2160/2003 of the European Parliament and of the Council and Decision 2006/696/EC as regards the placing on the market of eggs from *Salmonella* infected flocks of laying hens Council Regulation (EC) No 1560/2007 of 17 December 2007 amending Regulation (EC) No 21/2004 as regards the date of introduction of electronic identification for ovine and caprine animals Commission Decision 2007/616/EC of 5 September 2007 amending Decisions 2001/881/EC and 2002/459/EC as regards the list of border inspection posts	1.5.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Decision 2007/843/EC of 11 December 2007 concerning approval of *Salmonella* control programmes in breeding flocks of *Gallus gallus* in certain third countries in accordance with Regulation (EC) No 2160/2003 of the European Parliament and of the Council and amending Decision 2006/696/EC, as regards certain public health requirements at import of poultry and hatching eggs Commission Decision 2007/848/EC of 11 December 2007 approving certain national programmes for the control of salmonella in flocks of laying hens of *Gallus gallus* Commission Decision 2007/849/EC of 12 December 2007 approving amendments to the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Finland Commission Decision 2007/873/EC of 18 December 2007 approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Bulgaria Commission Decision 2007/874/EC of 18 December 2007 approving the national programme for the control of salmonella in breeding flocks of *Gallus gallus* submitted by Romania	
45/2009	9.6.2009	25.6.2009 OJ L 162, p. 23 Supp No 33, p. 8	Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market	1.5.2010
52/2009	24.4.2009	25.6.2009 OJ L 162, p. 34 Supp No 33, p. 23	Commission Regulation (EC) No 669/2008 of 15 July 2008 on completing Annex IC to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste	1.4.2010
61/2009	29.5.2009	3.9.2009 OJ L 232, p. 13 Supp No 47, p. 14	Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency Directive 2004/27/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/83/EC on the Community code relating to medicinal products for human use Directive 2004/28/EC of the European Parliament and of the Council of 31 March 2004 amending Directive 2001/82/EC on the Community code relating to veterinary medicinal products Directive 2004/24/EC of the European Parliament and of the Council of 31 March 2004 amending, as regards traditional herbal medicinal products, Directive 2001/83/EC on the Community code relating to medicinal products for human use Commission Regulation (EC) No 2049/2005 of 15 December 2005 laying down, pursuant to Regulation (EC) No 726/2004 of the European Parliament and of the Council, rules regarding the payment of fees to, and the receipt of administrative assistance from, the European Medicines Agency by micro, small and medium-sized enterprises Commission Regulation (EC) No 507/2006 of 29 March 2006 on the conditional marketing authorisation for medicinal products for human use falling within the scope of Regulation (EC) No 726/2004 of the European Parliament and of the Council	23.12.2009
62/2009	29.5.2009	3.9.2009 OJ L 232, p. 18 Supp No 47, p. 18	Commission Directive 2005/28/EC of 8 April 2005 laying down principles and detailed guidelines for good clinical practice as regards investigational medicinal products for human use, as well as the requirements for authorisation of the manufacturing or importation of such products Commission Regulation (EC) No 1277/2005 of 27 July 2005 laying down implementing rules for Regulation (EC) No 273/2004 of the European Parliament and of the Council on drug precursors and for Council Regulation (EC) No 111/2005 laying down rules for the monitoring of trade between the Community and third countries in drug precursors	1.3.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Council Regulation (EC) No 1905/2005 of 14 November 2005 amending Regulation (EC) No 297/95 on fees payable to the European Medicines Agency	
107/2009	22.10.2009	17.12.2009 OJ L 334, p. 4 Supp No 68, p. 4	Regulation (EC) No 544/2009 of the European Parliament and of the Council of 18 June 2009 amending Regulation (EC) No 717/2007 on roaming on public mobile telephone networks within the Community and Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services	1.4.2010
116/2009	22.10.2009	17.12.2009 OJ L 334, p. 19 Supp No 68, p. 19	Commission Recommendation 2009/385/EC of 30 April 2009 complementing Recommendations 2004/913/EC and 2005/162/EC as regards the regime for the remuneration of directors of listed companies	1.11.2010
129/2009	4.12.2009	11.3.2010 OJ L 62, p. 18 Supp No 12, p. 17	Commission Regulation (EC) No 658/2007 of 14 June 2007 concerning financial penalties for infringement of certain obligations in connection with marketing authorisations granted under Regulation (EC) No 726/2004 of the European Parliament and of the Council	1.8.2010
150/2009	4.12.2009	11.3.2010 OJ L 62, p. 51 Supp No 12, p. 50	Commission Regulation (EC) No 308/2009 of 15 April 2009 amending, for the purposes of adaptation to scientific and technical progress, Annexes IIIA and VI to Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste	1.4.2010
160/2009	4.12.2009	11.3.2010 OJ L 62, p. 67 Supp No 12, p. 65	Council Regulation (EC) No 2062/94 of 18 July 1994 establishing a European Agency for Safety and Health at Work as amended by Council Regulations (EC) No 1643/95, (EC) No 1654/2003 and (EC) No 1112/2005	15.4.2010
7/2010	29.1.2010	22.4.2010 OJ L 101, p. 14 Supp No 19, p. 14	Commission Regulation (EC) No 506/2007 of 8 May 2007 imposing testing and information requirements on the importers or manufacturers of certain priority substances in accordance with Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances Commission Regulation (EC) No 465/2008 of 28 May 2008 imposing, pursuant to Council Regulation (EEC) No 793/93, testing and information requirements on importers and manufacturers of certain substances that may be persistent, bioaccumulating and toxic and are listed in the European Inventory of Existing Commercial Chemical Substances Commission Regulation (EC) No 466/2008 of 28 May 2008 imposing testing and information requirements on the importers and manufacturers of certain priority substances in accordance with Council Regulation (EEC) No 793/93 on the evaluation and control of the risks of existing substances Directive 2008/103/EC of the European Parliament and of the Council of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market	1.11.2010
11/2010	29.1.2010	22.4.2010 OJ L 101, p. 21 Sup No 19, p. 21	Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community	1.10.2010
12/2010	29.1.2010	22.4.2010 OJ L 101, p. 22 Supp No 19, p. 23	Commission Decision 2009/460/EC of 5 June 2009 on the adoption of a common safety method for assessment of achievement of safety targets, as referred to in Article 6 of Directive 2004/49/EC of the European Parliament and of the Council Commission Decision 2009/561/EC of 22 July 2009 amending Decision 2006/679/EC as regards the implementation of the technical specification for interoperability relating to the control-command and signalling subsystem of the trans-European conventional rail system	1.10.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
17/2010	1.3.2010	10.6.2010 OJ L 143, p. 1 Supp No 30, p. 1	Commission Regulation (EC) No 479/2007 of 27 April 2007 amending Regulation (EC) No 2076/2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 Commission Regulation (EC) No 1243/2007 of 24 October 2007 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin Commission Regulation (EC) No 1244/2007 of 24 October 2007 amending Regulation (EC) No 2074/2005 as regards implementing measures for certain products of animal origin intended for human consumption and laying down specific rules on official controls for the inspection of meat Commission Regulation (EC) No 1245/2007 of 24 October 2007 amending Annex I to Regulation (EC) No 2075/2005, as regards the use of liquid pepsin for the detection of *Trichinella* in meat Commission Regulation (EC) No 1246/2007 of 24 October 2007 amending Regulation (EC) No 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption Commission Regulation (EC) No 1441/2007 of 5 December 2007 amending Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs	1.5.2010
18/2010	1.3.2010	10.6.2010 OJ L 143, p. 4 Supp No 30, p. 4	Council Regulation (EC) No 301/2008 of 17 March 2008 adapting Annex I to Regulation (EC) No 882/2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules Commission Regulation (EC) No 737/2008 of 28 July 2008 designating the Community reference laboratories for crustacean diseases, rabies and bovine tuberculosis, laying down additional responsibilities and tasks for the Community reference laboratories for rabies and bovine tuberculosis and amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council Commission Regulation (EC) No 1019/2008 of 17 October 2008 amending Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs Commission Regulation (EC) No 1020/2008 of 17 October 2008 amending Annexes II and III to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and Regulation (EC) No 2076/2005 as regards identification marking, raw milk and dairy products, eggs and egg products and certain fishery products Commission Regulation (EC) No 1021/2008 of 17 October 2008 amending Annexes I, II and III to Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption and Regulation (EC) No 2076/2005 as regards live bivalve molluscs, certain fishery products and staff assisting with official controls in slaughterhouses Commission Regulation (EC) No 1022/2008 of 17 October 2008 amending Regulation (EC) No 2074/2005 as regards the total volatile basic nitrogen (TVB-N) limits	1.5.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Regulation (EC) No 1023/2008 of 17 October 2008 amending Regulation (EC) No 2076/2005 as regards the extension of the transitional period granted to food business operators importing fish oil intended for human consumption Commission Regulation (EC) No 1029/2008 of 20 October 2008 amending Regulation (EC) No 882/2004 of the European Parliament and of the Council to update a reference to certain European standards Commission Regulation (EC) No 1250/2008 of 12 December 2008 amending Regulation (EC) No 2074/2005 as regards certification requirements for import of fishery products, live bivalve molluscs, echinoderms, tunicates and marine gastropods intended for human consumption Commission Decision 2008/337/EC of 24 April 2008 amending Decision 2006/968/EC implementing Council Regulation (EC) No 21/2004 as regards guidelines and procedures for the electronic identification of ovine and caprine animals Commission Decision 2008/654/EC of 24 July 2008 on guidelines to assist Member States in preparing the annual report on the single integrated multiannual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council	
19/2010	12.3.2010	10.6.2010 OJ L 143, p. 8 Supp No 30, p. 9	Commission Regulation (EC) No 832/2007 of 16 July 2007 amending Regulation (EC) No 197/2006 as regards uses of former foodstuffs and the extension of the validity of the transitional measures relating to such foodstuffs Commission Regulation (EC) No 829/2007 of 28 June 2007 amending Annexes I, II, VII, VIII, X and XI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the placing on the market of certain animal by-products Commission Regulation (EC) No 1432/2007 of 5 December 2007 amending Annexes I, II and VI to Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards the marking and transport of animal by-products Commission Regulation (EC) No 1576/2007 of 21 December 2007 amending Regulation (EC) No 92/2005 implementing Regulation (EC) No 1774/2002 of the European Parliament and of the Council as regards means of disposal or uses of animal by-products	1.5.2010
23/2010	12.3.2010	10.6.2010 OJ L 143, p. 16 Supp No 30, p. 19	Commission Directives 96/3/Euratom, ECSC, EC, 98/28/EC and 2004/4/EC reincorporated	1.5.2010
27/2010	12.3.2010	10.6.2010 OJ L 143, p. 20 Supp No 30, p. 26	Commission Regulation (EC) No 303/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases Commission Regulation (EC) No 304/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases Commission Regulation (EC) No 305/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gases from high-voltage switchgear	1.11.2010

Decision number	Date of adoption	Publication reference	Legal act(s) integrated	Date of entry into force
			Commission Regulation (EC) No 306/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment Commission Regulation (EC) No 307/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases Commission Regulation (EC) No 308/2008 of 2 April 2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, the format for notification of the training and certification programmes of the Member States	
29/2010	12.3.2010	10.6.2010 OJ L 143, p. 24 Supp No 30, p. 31	Directive 2008/110/EC of the European Parliament and of the Council of 16 December 2008 amending Directive 2004/49/EC on safety on the Community's railways (Railway Safety Directive)	1.10.2010

List of natural mineral waters recognised by Iceland and Norway

(Annuls and replaces the text published in OJ C 28, 4.2.2010, p. 24, and EEA Supplement No 5, 4.2.2010, p. 1)

(2010/C 341/09)

In accordance with Article 1 of Directive 2009/54/EC of the European Parliament and of the Council of 18 June 2009 on the exploitation and marketing of natural mineral waters [1], as incorporated in point 54zzzzd of Chapter XII of Annex II to the EEA Agreement, a list of recognised natural mineral waters shall be published.

List of natural mineral waters recognised by Iceland

Trade Name	Name of source	Place of exploitation
Icelandic Glacial	Ölfus Spring	Hlíðarendi, Ölfus, Selfoss

List of natural mineral waters recognised by Norway

Trade Name	Name of source	Place of exploitation
Best naturlig mineralvann	Kastbrekka	Kambrekka/Trondheim
Bonaqua Silver	Telemark kilden	Fyresdal
Farris	Kong Olavs kilde	Larvik
Fjellbekk	Ivar Aasen kilde	Volda
Isbre	Isbre kilden	Buhaugen, Osa, Ulvik
Isklar	Isklar kildene	Vikebygd i Ullensvang
Modal	Modal kilden	Fyresdal
Naturlig mineralvann fra Villmark kilden på Rustad Gård	Villmark kilden på Rustad gård	Rustad/Elverum
Olden	Blåfjell kilden	Olderdalen
Osa	Osa kilden	Ulvik/Hardanger

[1] OJ L 164, 26.6.2009, p. 45.

V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for proposals — EACEA/41/10 for the implementation of Erasmus Mundus 2009-2013 in 2011

(2010/C 341/10)

Action 1 — Joint Programmes

Action 2 — Partnerships

Action 3 — Promotion of European Higher Education

PROGRAMME OBJECTIVES

The Erasmus Mundus programme's overall aim is to promote European higher education, to help improve and enhance the career prospects of students and to promote intercultural understanding through co-operation with third countries, in accordance with EU external policy objectives in order to contribute to the sustainable development of third countries in the field of higher education.

The programme's specific objectives are:

— to promote structured cooperation between higher education institutions and an offer of enhanced quality in higher education with a distinct European added value, attractive both within the European Union and beyond its borders, with a view to creating centres of excellence,

— to contribute to the mutual enrichment of societies by developing the qualifications of women/men so that they possess appropriate skills, particularly as regards the labour market, and are open-minded and internationally experienced through promoting mobility for the most talented students and academics from third countries to obtain qualifications and/or experience in the European Union and for the most talented European students and academics towards third countries,

— to contribute towards the development of human resources and the international cooperation capacity of higher education institutions in third countries through increased mobility streams between the European Union and third countries,

— to improve accessibility and enhance the profile and visibility of European higher education around the world as well as its attractiveness for third country nationals and citizens of the Union.

The Erasmus Mundus Programme Guide and the relevant application forms for the three actions are available at the following address:

http://eacea.ec.europa.eu/erasmus_mundus/funding/higher_education_institutions_en.php

A. **Action 1 — Erasmus Mundus Joint Programmes**

This action that aims at fostering cooperation between higher education institutions and academic staff in Europe and third countries with a view to creating poles of excellence and providing highly trained human resources is composed of two sub-actions:

— Action 1A — Erasmus Mundus Master Courses (EMMCs) and

— Action 1B — Erasmus Mundus Joint Doctorates (EMJDs)

The aim of the sub-actions is to support postgraduate programmes of outstanding academic quality, jointly developed by consortia of European and, where relevant, third-country universities and that could contribute to the increased visibility and attractiveness of the European higher education sector. Such joint programmes must involve mobility between the consortia universities and lead to the award of recognised joint, double or multiple degrees.

A.1. *Eligible participants and consortium composition*

The conditions applicable to eligible participants and to the composition of the consortium are specified in the Programme Guide under Sections 4.2.1 for Action 1A and 5.2.1 for Action 1B.

A.2. *Eligible activities*

Eligible activities are specified in the Programme Guide under sections 4.2.2 for Action 1A and 5.2.2 for Action 1B. No thematic priorities have been identified for this call.

A.3. *Award criteria*

Action 1A and 1B applications will be assessed against the following award criteria:

— Action 1A — Erasmus Mundus Master Courses (EMMCs)

Criteria	Weight
1. Academic quality	30 %
2. Course integration	25 %
3. Course management, visibility and sustainability measures	20 %
4. Students' facilities and follow-up	15 %
5. Quality assurance and evaluation	10 %
Total	**100 %**

— Action 1B — Erasmus Mundus Joint Doctorates (EMJDs)

Criteria	Weight
1. Academic and research quality	25 %
2. Partnership experience and composition	25 %
3. European integration and functioning of the programme	20 %
4. Provisions for candidates granted an EMJD fellowship	15 %
5. Management, sustainability and quality assurance of the programme	15 %
Total	**100 %**

A.4. *Budget*

This call for proposals has no direct budgetary impact in 2011. It aims at selecting:

— for Action 1A (EMMCs): around 10 new applications and up to 22 renewal applications,

— for Action 1B (EMJDs): around 10 new applications.

For each of the selected applications, a five-year Framework Partnership Agreement (FPA) will be issued in the summer of 2011. These FPAs will give rise to the award of annual Specific Grant Agreements starting from the academic year 2012/13 which will include, on the one hand, a financial support to the consortia implementing the joint programmes and, on the other, a yearly defined number of individual scholarships for European and third-country students, doctoral candidates and scholars.

A.5. *Submission deadline*

The submission deadline for Action 1A Erasmus Mundus Master Courses (EMMCs) and Action 1B Erasmus Mundus Joint Doctorates (EMJDs) is 29 April 2011 at 12.00 (midday) Central European Time.

The Agency has established a system for the electronic submission of all applications. For this call for proposals, applicants must send their application using an electronic form available as of February 2011.

This form (including annexes) is considered as the definitive application.

Only applications submitted by the deadline and in accordance with the requirements specified on the relevant application forms will be accepted. Applications submitted on paper, by fax or directly by e-mail will not be examined.

In order to facilitate the identification of experts with the relevant academic and research expertise, applicants for Action 1A (Erasmus Mundus Master Courses — EMMCs) and 1B (Erasmus Mundus Joint Doctorates — EMJDs) are invited to submit a short description of their joint programme (one page maximum including the title, field/area(s) covered, core partners and short summary of the programme structure and key features) preferably one month in advance of the above mentioned deadline (i.e. by 31 March 2011). A template of this summary sheet with the corresponding submission procedure can be downloaded from the following address:

http://eacea.ec.europa.eu/erasmus_mundus/funding/higher_education_institutions_en.php

B. **Action 2 — Erasmus Mundus Partnerships**

This action aims at fostering structured cooperation between European and third-country higher education institutions through the promotion of mobility at all level of studies for students (undergraduate and masters), doctoral candidates, researchers, academic and administrative staff (not all regions and lots may include all types of mobility flow).

Action 2 — Erasmus Mundus Partnerships (EMA2) is divided into two strands:

— Erasmus Mundus Action 2 — STRAND 1 — Partnerships with countries covered by the ENPI, DCI, EDF and IPA instruments [1] (former External Cooperation Window)

— Erasmus Mundus Action 2 — STRAND 2 — Partnerships with countries and territories covered by the Industrialised Countries Instrument (ICI)

B.1. *Eligible participants, countries and partnership composition*

The conditions applicable to the eligible participants and to the composition of the partnerships are specified in the Programme Guide under Section 6.1.2.a for EMA2-STRAND 1 and under Section 6.2.2.a for EMA2-STRAND 2, and in the 'Guidelines to the call for proposals EACEA 41/10' under Section 5.3.1 for EMA2-STRAND 1 and under Section 5.3.2 for EMA2-STRAND 2.

B.2. *Eligible activities*

Eligible activities are specified in the 'Erasmus Mundus 2009-2013 Programme Guide' under section 6.1.2.b for EMA2-STRAND 1 and under Section 6.2.2.b for EMA2-STRAND 2 and in the 'Guidelines to the call for proposals EACEA 41/10' under Section 5.3.1 for EMA2-STRAND 1 and under Section 5.3.2 for EMA2-STRAND 2.

[1] ENPI — European Neighbourhood and Partnership Instrument
DCI — Development Cooperation Instrument
IPA — Instrument of Pre-accession Assistance
EDF — The European Development Fund (EDF) is the main instrument for providing European Union assistance for development cooperation under the Cotonou Agreement: 'the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part and the European Community and its Member States of the other part'.

B.3. *Award criteria*

Applications under EMA2-STRAND 1 will be assessed against the following award criteria:

Criteria	Weight
1. Relevance	25 %
2. Quality	65 %
2.1. Partnership composition and cooperation mechanisms	20 %
2.2. Organisation and implementation of the mobility	25 %
2.3. Students'/staff facilities and follow-up	20 %
3. Sustainability	10 %
Total	**100 %**

Applications under EMA2-STRAND 2 will be assessed against the following award criteria:

Criteria	Weight
1. Relevance	25 %
2. Contribution to excellence	25 %
3. Quality	50 %
3.1. Partnership composition and cooperation mechanisms	15 %
3.2. Organisation and implementation of the mobility	20 %
3.3. Students'/staff facilities and follow-up	15 %
Total	**100 %**

B.4. *Budget* ([2])

The overall available amount under this call for proposals is approximately EUR 95,6 million, aiming at a minimum mobility flow of 3 265 individuals.

The available budget for EMA2-STRAND 1 is EUR 89,3 million aiming at a minimum mobility of 3 125 individuals.

The available budget for EMA2-STRAND 2 is EUR 6,3 million aiming at a minimum mobility of 140 individuals.

B.5. *Submission deadline*

The submission deadline for the Erasmus Mundus Action 2 — Partnerships is **29 April 2011 (as per postmark).**

The grant application shall be sent by registered mail to the following address:

Education, Audiovisual and Culture Executive Agency
Call for proposals EACEA/41/10 — Action 2
Attn Mr Joachim Fronia
BOUR 02/29
Avenue du Bourget 1
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

Only applications submitted by the deadline and in accordance with the requirements specified on the application form will be accepted. Applications submitted by fax or e-mail only will not be accepted.

([2]) This amount is conditioned to the adoption of the EU budget for 2011.

Where an applicant sends several different applications, each one must be sent in a separate envelope.

C. **Action 3 — Promotion of European Higher Education**

This action aims at promoting European higher education through measures enhancing its attractiveness, profile, image, visibility and accessibility. Action 3 provides support to transnational initiatives, studies, projects, events and other activities related to the international dimension of all aspects of higher education. These include promotion, accessibility, quality assurance, credit recognition, recognition of European qualifications abroad and mutual recognition of qualifications with third countries, curriculum development, mobility, quality of services, etc.

Action 3 activities may take various forms (conferences, seminars, workshops, studies, analyses, pilot projects, prizes, international networks, production of material for publication, development of information, communication and technology tools) and may take place anywhere in the world.

C.1. *Eligible participants and consortium composition*

The conditions applicable to eligible participants and to the composition of the consortium are specified in the Programme Guide under Section 7.2.1.

C.2. *Eligible activities*

Eligible activities are specified in the Programme Guide under Section 7.2.2.

For the purposes of this call for proposals, projects should address one of the following priorities:

— projects dealing with promotion of European higher education in certain geographical areas (priority will be given to areas which so far have been less represented in Erasmus Mundus projects: e.g. Africa and industrialised countries),

— projects that aim to improve services for international students and doctoral candidates,

— projects addressing the international dimension of Quality Assurance,

— projects that aim to strengthen relations between European higher education and research,

— projects promoting European study opportunities for doctoral candidates,

— projects promoting the Erasmus Mundus programme towards European students.

Projects which foresee the following activities will not be financed:

activities implemented in the context of the Internationalisation of ERASMUS Thematic Networks.

C.3. *Award criteria*

Action 3 applications will be assessed against the following award criteria:

Criteria	Weight
1. Relevance of the project to the Erasmus Mundus programme	25 %
2. The expected impact of the project to help enhance the attractiveness of European higher education worldwide	25 %
3. Arrangements for dissemination of project results and experiences, quality assurance and plans for sustainability and the long-term exploitation of results	15 %
4. Consortium composition and cooperation mechanisms	15 %
5. Work plan and budget	20 %
Total	**100 %**

C.4. *Budget* ([3])

This call for proposals aims at selecting around six projects. The total budget earmarked for the co-financing of projects under the present Call for proposals is EUR 1,3 million. Grant amounts will vary considerably according to the size of the projects selected (usually between EUR 100 000 and EUR 350 000). The financial contribution from the Agency cannot exceed 75 % of the total eligible costs.

C.5. *Submission deadline*

The submission deadline for the Erasmus Mundus Action 3 projects to enhance the attractiveness of European higher education is **29 April 2011 (as per postmark).**

The grant application must be sent by registered mail to the following address:

Education, Audiovisual and Culture Executive Agency
Call for proposals EACEA/41/10 — Action 3
Attn Mr Joachim Fronia
BOUR 02/29
Avenue du Bourget 1
1040 Bruxelles/Brussel
BELGIQUE/BELGIË

Only applications submitted by the deadline and in accordance with the requirements specified on the application form will be accepted. Applications submitted by fax or e-mail only will not be accepted.

([3]) See footnote 2.

EUROPEAN PERSONNEL SELECTION OFFICE (EPSO)

NOTICE OF OPEN COMPETITION

(2010/C 341/11)

The European Personnel Selection Office (EPSO) is organising open competition EPSO/AST/112/10 — ASSISTANTS (AST 3) in the following fields:

1. Statistics
2. Finance/Accounting
3. Human Resources
4. Information and Communication Technology (ICT)

The competition notice is published in 23 languages in Official Journal C 341 A of 16 December 2010.

Further details can be found on the EPSO website: http://eu-careers.eu

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

EUROPEAN COMMISSION

Communication from the French Government concerning Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons [1]

(Notice regarding applications for exclusive licences to prospect for oil and gas, designated the 'Dicy Licences')

(Text with EEA relevance)

(2010/C 341/12)

On 21 June 2010, Realm Energy International, a company with registered offices at 2nd Floor, Berkeley Square House, Berkeley Square, London W1J 6BD, UNITED KINGDOM, applied for an exclusive five-year licence, designated the 'Dicy Licence', to prospect for oil and gas in an area of approximately 705 km^2 covering part of the departments of Loiret and Yonne.

The perimeter of the area covered by this licence consists of the meridian and parallel arcs connecting in turn the points defined below by their geographical coordinates, the meridian of origin being the Paris meridian.

Point	Longitude grad east	Latitude grad north
A	01,00	53,50
B	01,20	53,50
C	01,20	53,20
D	00,60	53,20
E	00,60	53,40
F	00,70	53,40
G	00,70	53,36
H	00,68	53,36
I	00,68	53,35
J	00,64	53,35
K	00,64	53,27
L	00,67	53,27
M	00,67	53,28

[1] OJ L 164, 30.6.1994, p. 3.

Point	Longitude grad east	Latitude grad north
N	00,73	53,28
O	00,73	53,30
P	01,10	53,30
Q	01,10	53,40
R	01,00	53,40

Submission of applications and criteria for awarding rights

The initial applicants and competing applicants must prove that they meet the requirements for obtaining the licence, as specified in Articles 4 and 5 of Decree No 2006-648 of 2 June 2006 concerning mining rights and underground storage rights (*Journal officiel de la République française*, 3 June 2006).

Interested companies may, within 90 days of the publication of this notice, submit a competing application in accordance with the procedure summarised in the 'Notice regarding the granting of mining rights for hydrocarbons in France' published in *Official Journal of the European Communities* C 374 of 30 December 1994, p. 11, and established by Decree No 2006-648 of 2 June 2006 concerning mining rights and underground storage rights (*Journal officiel de la République française*, 3 June 2006).

Competing applications must be sent to the Minister responsible for mines at the address below. Decisions on the initial application and competing applications will be taken within two years of the date on which the French authorities received the initial application, i.e. by 21 August 2010 at the latest.

Conditions and requirements regarding performance of the activity and cessation thereof

Applicants are referred to Articles 79 and 79.1 of the French Mining Code and to Decree No 2006-649 of 2 June 2006 on mining and underground storage operations and the regulations governing mining and underground storage (*Journal officiel de la République française*, 3 June 2006).

Further information is available from the Ministry of Ecology, Energy, Sustainable Development and Marine Affairs:

Direction générale de l'énergie et du climat, direction de l'énergie, sous-direction de la sécurité d'approvisionnement et nouveaux produits énergétiques, bureau exploration et production des hydrocarbures, Grande Arche de la Défense — Paroi Nord, 92055 La Défense Cedex, FRANCE (Tel. +33 140819529).

The abovementioned laws and regulations can be consulted on the Légifrance website: http://www.legifrance.gouv.fr

European Personnel Selection Office (EPSO)

PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION POLICY

European Commission

EN

[1] Text with EEA relevance

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