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[1] Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

EN

(Continued on inside back cover)

I

(Legislative acts)

DECISIONS

DECISION No 862/2010/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 22 September 2010

on the participation of the Union in a Joint Baltic Sea Research and Development Programme (BONUS) undertaken by several Member States

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 185 and 188, second paragraph, thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee [1],

Acting in accordance with the ordinary legislative procedure [2],

Whereas:

(1) Decision No 1982/2006/EC of the European Parliament and of the Council of 18 December 2006 concerning the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) [3] (the Seventh Framework Programme) provides for Community participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes, within the meaning of Article 169 of the Treaty establishing the European Community (EC Treaty).

(2) Council Decision 2006/971/EC of 19 December 2006 concerning the Specific Programme Cooperation implementing the Seventh Framework Programme of the European Community for research, technological development and demonstration activities (2007 to 2013) [4] encourages a cross-thematic approach to research topics relevant to one or more themes of the Seventh Framework Programme, and in this context identified an initiative under Article 169 of the EC Treaty in the field of Joint Baltic Sea research as one of the fields suitable for Community participation in jointly implemented national research programmes.

(3) The Baltic Sea ecosystem, a semi-land locked European inland sea, is one of the world's largest brackish water bodies and has been seriously affected by many natural pressures and pressures caused by human activity, such as pollution from dumped chemical weapons, for example war gases dating back to the Second World War, and from heavy metal compounds, organic substances, radioactive material, and heating oil and petroleum spills. The development of agriculture in the Baltic Sea drainage basin has likewise caused excessive inputs of fertilisers and organic material leading to advanced eutrophication, and the introduction of non-endemic alien organisms into the environment. The unsustainable exploitation of fish stocks and climate change are causing the loss of original biodiversity. Those factors, as well as continuing human activity, including infrastructure projects directly on and in the immediate vicinity of the coast and in the Baltic Sea drainage basin, and ecologically unsustainable tourism, are degrading the natural environment. All this is seriously reducing the capacity of the Baltic Sea to sustainably provide the goods and services upon which people depend directly and indirectly for social, cultural and economic benefits.

[1] Opinion of 29 April 2010 (not yet published in the Official Journal).
[2] Position of the European Parliament of 16 June 2010 (not yet published in the Official Journal) and decision of the Council of 12 July 2010.
[3] OJ L 412, 30.12.2006, p. 1.
[4] OJ L 400, 30.12.2006, p. 86.

(4) The European Council of 14 December 2007 highlighted concern for the status of the environment in the Baltic Sea, as reflected in the Communication from the Commission of 10 June 2009 to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions concerning the European Union Strategy for the Baltic Sea Region. Moreover, the Council invited the Commission to present a proposal for an initiative under Article 169 of the EC Treaty for the Baltic Sea Region.

(5) Science should contribute to addressing such challenges and finding solutions to the urgent environmental problems in the Baltic Sea. However, the gravity of the present situation calls for a qualitative and quantitative stepping-up of current research in the Baltic region through the development and implementation of a fully-integrated approach whereby the relevant research programmes of all the bordering States can be streamlined and focused in order to address the complex and urgent issues in a coordinated, efficient and effective manner.

(6) At present, a number of research and development programmes or activities undertaken by Member States individually at national level to support research and development in the Baltic Sea region are not sufficiently coordinated at Union level to achieve the critical mass required in strategic research and development areas.

(7) Furthermore, existing sector-specific research structures, which have evolved throughout a long history of national policies, are deeply rooted in national governance systems and prevent the development and funding of the multi-disciplinary, inter-disciplinary and trans-disciplinary environmental research needed to address the Baltic Sea challenges.

(8) While there is a long tradition of Baltic Sea research cooperation with countries both within and outside the Baltic Sea area, collaborative efforts have so far lacked adequate financial resources for the optimal exploitation of the research potential due to the unequal economic and development situation in those countries as well as highly diverse national research agendas, research themes and priorities.

(9) The Commission, in its work programme for 2007-2008 of 11 June 2007 for the implementation of the Specific Programme Cooperation, provided financial support to BONUS ERA-NET and ERA-NET PLUS in the field of Baltic Sea environmental research in order to strengthen cooperation between environmental research funding agencies in the Baltic region and facilitate the transition to a joint research and development programme in the Baltic Sea to be implemented on the basis of Article 169 of the EC Treaty.

(10) By and large, BONUS ERA-NET and ERA-NET PLUS have worked well and it is thus important to ensure the continuity of the research efforts in order to address the pressing environmental challenges.

(11) In line with the approach of the Seventh Framework Programme and as acknowledged in the consultations with stakeholders undertaken during BONUS ERA-NET, there is a need for policy-driven research programmes in the Baltic region.

(12) Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden (the Participating States) have agreed to jointly undertake the Joint Baltic Sea Research and Development Programme BONUS ('BONUS'). BONUS aims to support scientific development and innovation by providing the necessary legal and organisational framework for trans-national cooperation between the Baltic Sea States on environmental research in the Baltic Sea region.

(13) While largely focused on environmental research, BONUS cuts across a number of related Union research programmes on a range of human activities having accumulated impacts on ecosystems such as fisheries, aquaculture, agriculture, infrastructure (including in the field of energy), transport, training and mobility of researchers as well as socioeconomic issues. BONUS is of considerable relevance to a number of Union policies and directives including the Union Strategy for the Baltic Sea Region; the Common Fisheries Policy; the Common Agricultural Policy, Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy [1]; Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for Community action in the field of marine environmental policy (Marine Strategy Framework Directive) [2], as well as international commitments of the Union such as the HELCOM Baltic Sea Action Plan. As a result, many other areas of Union policy will benefit from BONUS.

[1] OJ L 327, 22.12.2000, p. 1.
[2] OJ L 164, 25.6.2008, p. 19.

(14) In order to increase the impact of BONUS, the Participating States have agreed to the Union participating in it.

(15) BONUS should include a strategic phase, followed by the implementation phase, to provide an opportunity to carry out a wide stakeholder consultation on a strategically-driven research agenda also capable of tackling emerging research needs. During the strategic phase of BONUS, the involvement of additional sector-oriented funding agencies should be sought to further enhance the integration of research addressing cross-sectoral end-user needs and to ensure the effective use and uptake of results for policy and resource management arrangements across a wide array of economic sectors.

(16) At the end of the strategic phase, the Commission should verify that the Strategic Research Agenda, Stakeholders Consultation Platforms and implementation modalities are in place for BONUS to enter the implementation phase. The Commission may, if appropriate, make recommendations for improving the Strategic Research Agenda. The transition to the implementation phase should be seamless and without delays.

(17) Participating States have agreed to contribute EUR 50 million to BONUS. In-kind contributions in the form of access to and use of infrastructures (in-kind infrastructure contribution) should be allowed, provided that they do not represent a significant part of the entire contribution. They should be subject to an evaluation of their value and their utility for carrying out BONUS projects.

(18) The Union participation in BONUS should not exceed EUR 50 million for its entire duration and match, within that limit, the contribution of the Participating States in order to increase their interest in carrying out BONUS jointly. Most of the Union financial contribution should be allocated to the implementation phase. A ceiling should be defined for each phase. The ceiling for the implementation phase should be increased by any amount remaining after implementation of the strategic phase.

(19) The joint implementation of BONUS requires a dedicated implementation structure, as provided for in Decision 2006/971/EC. The Participating States have agreed on such a dedicated implementation structure and set up the Baltic Organisations' Network for Funding Science (BONUS EEIG) to implement BONUS. BONUS EEIG should be the recipient of the Union financial contribution. While reminding the Participating States that the principle of a real common pot is important, each Participating State will decide, in accordance with the funding rules and procedures common to BONUS, whether to administer its own contribution or whether its contribution will be administered by BONUS EEIG. BONUS EEIG should also ensure that the implementation of BONUS complies with the principle of sound financial management.

(20) The Union financial contribution should be subject to formal commitments from the competent national authorities of the Participating States and the payment of their financial contributions.

(21) The payment of the Union contribution for the strategic phase should be subject to the conclusion of a grant agreement between the Commission on behalf of the Union and BONUS EEIG that should be governed by Regulation (EC) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007 to 2013) ([1]) in order to facilitate and simplify its management.

(22) The payment of the Union contribution for the implementation phase should be subject to the conclusion of an implementation agreement between the Commission on behalf of the Union and BONUS EEIG, containing the detailed arrangements for the use of the Union financial contribution. This part of the Union financial contribution should be managed under indirect centralised management in accordance with Articles 54(2)(c) and 56 of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ([2]) (Financial Regulation), and Articles 35, 38(2) and 41 of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities ([3]).

(23) Any interest accruing on the contributions paid to BONUS EEIG should be considered to be its revenue and assigned to the implementation of BONUS.

([1]) OJ L 391, 30.12.2006, p. 1.
([2]) OJ L 248, 16.9.2002, p. 1.
([3]) OJ L 357, 31.12.2002, p. 1.

(24) In order to protect its financial interests, the Union should have the right to reduce, withhold or terminate its financial contribution in the event that BONUS is implemented inadequately, partially or late, or the Participating States do not contribute, or contribute partially or late, to the financing of BONUS, on the terms set out in the agreements to be concluded between the Union and BONUS EEIG.

(25) In order to efficiently implement BONUS, during the implementation phase, financial support should be granted to participants in BONUS projects selected at the central level under the responsibility of BONUS EEIG following calls for proposals. The grant and payment of such financial support to participants in BONUS should be transparent, unbureaucratic and in accordance with common rules in line with the Seventh Framework Programme.

(26) Whilst the Joint Research Centre is a department of the Commission, its institutes nevertheless possess research capabilities that are relevant to BONUS and could contribute to its implementation. It is therefore appropriate to define the role of the Joint Research Centre in terms of its eligibility for funding.

(27) In order to assure equal treatment, the evaluation of proposals should follow the same principles applicable to proposals submitted under the Seventh Framework Programme. Therefore the evaluation of proposals should be performed centrally under the responsibility of BONUS EEIG by independent experts with a good knowledge of local conditions on the basis of transparent and common criteria, and funding should be allocated in accordance with a centrally approved ranking list. Ranking and priority order should be approved by BONUS EEIG strictly following the outcome of the independent evaluation, which should be binding.

(28) Any Member State and any country associated with the Seventh Framework Programme should be entitled to join BONUS.

(29) In line with the objectives of the Seventh Framework Programme, participation by any other countries in BONUS, in particular those countries bordering the Baltic Sea or providing its drainage basin, should be possible where such participation is provided for by the relevant international agreement and where both the Commission and the Participating States agree to it. In accordance with the Seventh Framework Programme, the Union should have the right to agree on the conditions relating to its financial contribution to BONUS with regard to the participation by other countries in accordance with the rules and conditions set out in this Decision.

(30) Appropriate measures should be taken to prevent irregularities and fraud and the necessary steps should be taken to recover funds lost, wrongly paid or incorrectly used in accordance with Council Regulations (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests [1] and (Euratom/EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interest against fraud and other irregularities [2] and Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF) [3].

(31) The research activities carried out under BONUS should conform to ethical principles in accordance with the general principles of the Seventh Framework Programme, and follow the principles of gender mainstreaming and gender equality, and sustainable development.

(32) In the light of an interim evaluation conducted by the Commission, assisted by independent experts with a good knowledge of local conditions, the Commission should assess the quality and efficiency of the implementation of BONUS and progress towards the objectives set, and should conduct a final evaluation.

(33) The participants in BONUS should communicate and disseminate their results widely, in particular to other similar regional marine research projects and make the information publicly available.

(34) The successful implementation of the projects already carried out under BONUS ERA-NET and BONUS ERA-NET PLUS brought to light the disastrous condition of the Baltic Sea. The state of the Baltic Sea environment should therefore continue to be subject to further research activities,

[1] OJ L 312, 23.12.1995, p. 1.
[2] OJ L 292, 15.11.1996, p. 2.
[3] OJ L 136, 31.5.1999, p. 1.

HAVE ADOPTED THIS DECISION:

Article 1

Union financial contribution

1. The financial contribution of the Union to the Joint Baltic Sea Research and Development Programme BONUS ('BONUS') undertaken jointly by Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden (the Participating States), shall be provided under the conditions set out in this Decision.

2. The Union shall make a financial contribution not exceeding EUR 50 million for the entire duration of BONUS in accordance with Regulation (EC) No 1906/2006 during the strategic phase and in accordance with Article 54(2)(c) of the Financial Regulation during the implementation phase. Within that ceiling, the Union financial contribution shall match the contribution of the Participating States.

3. The Union financial contribution shall be paid jointly from the budget appropriations allocated to all the relevant themes of the Specific Programme Cooperation.

Article 2

Implementation of BONUS

1. BONUS shall be implemented by the Baltic Organisations' Network for Funding Science (BONUS EEIG).

2. BONUS shall be implemented in two phases, namely, a strategic phase followed by an implementation phase in accordance with Annex I.

3. The strategic phase of BONUS shall last up to 18 months. It shall prepare the implementation phase. During the strategic phase, BONUS EEIG shall carry out the following tasks:

(a) preparation of the Strategic Research Agenda defining the part on scientific content of BONUS focusing on calls for proposals, in conformity with the objectives set in the Seventh Framework Programme;

(b) setting up of the Stakeholder Consultation Platforms with the aim of strengthening and institutionalising the involvement of stakeholders from all relevant sectors;

(c) preparation of the implementation modalities, including legal and financial rules and procedures, provisions governing the intellectual property rights arising from BONUS activities, human resources and communication aspects.

4. The implementation phase shall last for a minimum period of 5 years. During the implementation phase the calls for proposals shall be published with a view to funding projects which address the objectives of BONUS. Those calls for proposals shall be targeted at multi-partner and trans-national projects, encouraging an adequate participation of small and medium-sized enterprises, and include research, technological development, training and dissemination activities. Projects shall be selected according to the principles of equal treatment, transparency, independent evaluation, co-financing, no-profit, non-retroactivity and financing not cumulated with other Union sources. The grant and payment of financing to participants in BONUS shall comply with common rules in line with the Seventh Framework Programme.

Article 3

Conditions for the Union financial contribution

1. The Union financial contribution for the strategic phase shall not exceed EUR 1,25 million and match, within that limit, the contribution of the Participating States. The commitment of the Union to contribute to the strategic phase shall be conditional upon an equivalent commitment from the Participating States.

2. The Union financial contribution for the implementation phase shall not exceed EUR 48,75 million and match, within that limit, the contribution of the Participating States. That ceiling may be increased by any amount remaining after the implementation of the strategic phase. During the implementation phase, up to 25 % of the contribution from the Participating States may consist in providing in-kind infrastructure contribution.

3. The Union financial contribution for the implementation phase shall be conditional upon:

(a) the establishment by the Participating States of the Strategic Research Agenda, Stakeholders Consultation Platforms and the implementation modalities referred to in Article 2(3), as well as the progress made towards the achievement of objectives and deliverables set out in Annex I, section 2. The Commission may, if appropriate, make recommendations for improving the Strategic Research Agenda;

(b) demonstration by BONUS EEIG of its capacity to implement BONUS, including receiving, allocating and monitoring the Union financial contribution under indirect centralised management in accordance with Articles 54(2)(c) and 56 of the Financial Regulation and Articles 35, 38(2) and 41 of Regulation (EC, Euratom) No 2342/2002 and in accordance with the principle of sound financial management;

(c) the maintenance and application of an appropriate and efficient governance model for BONUS in conformity with Annex II;

(d) the efficient carrying out of the activities relating to the implementation phase of BONUS set out in Annex I by BONUS EEIG, which entails the launch of calls for proposals for the award of grants;

(e) a commitment by each Participating State to contribute its share of the financing to BONUS and the effective payment of their financial contribution, in particular the funding of participants in BONUS projects selected following the calls for proposals;

(f) compliance with the State aid rules of the Union, and in particular with the Community Framework for State Aid for Research and Development and Innovation ([1]);

(g) ensuring a high level of scientific excellence, observance of ethical principles in accordance with the general principles of the Seventh Framework Programme, and adherence to the principles of gender mainstreaming and gender equality, and to the principle of sustainable development.

Article 4

Participation of the Joint Research Centre

1. The Joint Research Centre shall be eligible for funding by BONUS under the same conditions as those for eligible entities of the Participating States.

2. The own resources of the Joint Research Centre, which are not covered by funding from BONUS, shall not be considered as part of the Union financial contribution within the meaning of Article 1.

Article 5

Agreements between the Union and BONUS EEIG

1. The detailed arrangements for the management and control of funds and the protection of the Union's financial interests during the strategic phase shall be laid down in a grant agreement to be concluded between the Commission on behalf of the Union and BONUS EEIG in accordance with the rules set out in this Decision and in Regulation (EC) No 1906/2006.

([1]) OJ C 323, 30.12.2006, p. 1.

2. The detailed arrangements for the management and control of funds and the protection of the Union's financial interests during the implementation phase shall be laid down in an implementation agreement and annual financial agreements to be concluded between the Commission on behalf of the Union and BONUS EEIG.

The implementation agreement shall in particular include the following:

(a) a definition of the tasks delegated;

(b) provision for the protection of Union funds;

(c) the conditions and detailed arrangements for performing the tasks, including funding rules and upper funding limits applicable to BONUS projects, appropriate provisions for demarcating responsibilities and implementing controls;

(d) rules on reporting to the Commission on how the tasks are performed;

(e) the conditions under which the performance of tasks ceases;

(f) detailed arrangements for Commission scrutiny;

(g) conditions governing the use of a separate bank account and the treatment of the interest yielded;

(h) provisions ensuring the visibility of Union action in relation to the other activities of BONUS EEIG;

(i) an undertaking to refrain from any act that may give rise to a conflict of interests within the meaning of Article 52(2) of the Financial Regulation;

(j) provisions governing the intellectual property rights arising from the implementation of BONUS as referred to in Article 2;

(k) the criteria to be used in the interim and final evaluations, including those referred to in Article 13.

3. The Commission shall make an ex-ante assessment of BONUS EEIG in order to obtain evidence of the existence and proper operation of the procedures and systems referred to in Article 56 of the Financial Regulation.

Article 6

Interest generated from contributions

The interest accrued on the financial contributions allocated to BONUS shall be considered as revenue of BONUS EEIG and shall be assigned to BONUS.

Article 7

Reduction, withholding or termination of the Union financial contribution

Where BONUS is not implemented or is implemented inadequately, partially or late, the Union may reduce, withhold or terminate its financial contribution, taking into account the progress in the implementation of BONUS.

Where the Participating States do not contribute or contribute only partially or late to the financing of BONUS, the Union may reduce its financial contribution, taking into account the amount of public funding allocated by the Participating States under the terms of the grant agreement referred to in Article 5(1).

Article 8

Protection of the Union's financial interests by the Participating States

In implementing BONUS, the Participating States shall take the legislative, regulatory, administrative or other measures necessary for protecting the Union's financial interests. In particular, the Participating States shall take the necessary measures to ensure full recovery of any amounts due to the Union in accordance with the Financial Regulation and Regulation (EC, Euratom) No 2342/2002.

Article 9

Control by the Commission and the Court of Auditors

The Commission and the Court of Auditors of the European Union shall be entitled to carry out all the checks and inspections necessary to ensure the proper management of the Union funds and to protect the Union's financial interest against any fraud or irregularity. To this end, the Participating States and BONUS EEIG shall make available all the relevant documents to the Commission and the Court of Auditors.

Article 10

Mutual information

The Commission shall communicate all relevant information to the European Parliament, the Council and the Court of Auditors. The Participating States shall be invited to submit to the Commission, through BONUS EEIG, any additional information requested by the European Parliament, the Council or the Court of Auditors concerning the financial management of BONUS EEIG that is consistent with the overall reporting requirements set out in Article 13.

Article 11

Participation of other Member States and associated countries

Any Member State and any country associated with the Seventh Framework Programme may join BONUS in accordance with the criteria set out in Article 3(1) and Article 3(3)(e) and (f). Member States and associated countries that have joined BONUS shall be regarded as Participating States for the purposes of this Decision.

Article 12

Participation of other countries

The Participating States and the Commission may agree to the participation of any other country subject to the criteria set out in Article 3(1) and Article 3(3)(e) and (f), provided that such participation is provided for by the relevant international agreement.

The Participating States and the Commission shall define the conditions under which legal entities established or resident in such country shall be eligible for BONUS funding.

Article 13

Annual reporting and evaluation

The Commission shall include a report of the activities of BONUS in the annual report on the Seventh Framework Programme presented to the European Parliament and the Council pursuant to Article 190 of the Treaty on the Functioning of the European Union.

The Commission shall carry out an interim evaluation of BONUS no later than 31 December 2014. That evaluation shall cover progress towards the objectives set out in Article 2 and Annex I, as well as the recommendations of BONUS on the most appropriate ways to further enhance integration and the quality and efficiency of the implementation, including scientific, management and financial integration and whether the level of the financial contributions of the Participating States is appropriate, given the potential demand from their national research communities. The Commission shall communicate the conclusions of its interim evaluation, accompanied by its observations, to the European Parliament and the Council.

At the end of Union participation in BONUS but no later than 31 December 2017, the Commission shall conduct a final evaluation of BONUS. The Commission shall submit the results of that evaluation to the European Parliament and the Council.

Article 14

Entry into force

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

Article 15

Addressees

This Decision is addressed to the Member States.

Done at Strasbourg, 22 September 2010.

For the European Parliament	*For the Council*
The President	*The President*
J. BUZEK	O. CHASTEL

ANNEX I

OBJECTIVES AND IMPLEMENTATION OF BONUS

1. Objectives of BONUS

BONUS shall enhance the Baltic Sea Region's research capacity to underpin the development and implementation of 'fit-for-purpose' regulations, policies and management practices, to respond effectively to the major environmental and key societal challenges which the region faces and will face in the coming years and to improve the efficiency and effectiveness of the Baltic Sea Region's fragmented environmental research programming and approach by integrating the research activities in the Baltic Sea System into a durable, cooperative, interdisciplinary well-integrated and focused multi-national programme.

BONUS shall also contribute to the establishment and structuring of the ERA in the Baltic Sea Region.

In order to achieve those objectives it is necessary to improve the efficiency and effectiveness of the Baltic Sea Region's fragmented environmental research programming by integrating research activities into a durable, cooperative, interdisciplinary well-integrated and focused multi-national programme in support of the region's sustainable development. To this end BONUS shall:

(a) establish a policy-driven Strategic Research Agenda;

(b) increase sustainable cross-border and cross-sectoral public research programme coordination and integration;

(c) raise the research capacity of the new Baltic Member States of the Union;

(d) establish appropriate Stakeholder Consultation Platforms including representation from all relevant sectors;

(e) mobilise additional financial resources from enhanced cross-sectoral Baltic Sea System research collaboration;

(f) establish appropriate implementation modalities enabling an effective implementation of BONUS through a joint management legal entity and governance structure;

(g) launch cross-thematic, strategically focused and multi-partner joint calls for proposals.

2. Strategic phase

2.1. *Objective*

The strategic phase shall prepare the implementation phase. It shall deal with the strategic development of BONUS to ensure that an optimal integration of Baltic Sea System research can be achieved. It shall seek to strengthen the involvement of stakeholders and user groups to ensure that the research is relevant to policy and management, and that the prioritisation of research themes is driven by policy needs and the full involvement of scientists and their respective research institutions, as well as the broad stakeholder communities shall be actively sought.

2.2. *Deliverables*

BONUS EEIG shall send to the Commission the deliverables set out in the following paragraphs no later than 15 months from the start of the strategic phase.

The Commission shall provide advice and assistance at the request of BONUS EEIG during the preparation of those deliverables. BONUS EEIG shall report on the progress at the request of the Commission.

2.2.1. The Strategic Research Agenda

The Strategic Research Agenda shall be developed and agreed upon in consultation among Participating States, a broad range of stakeholders and the Commission. It shall be the basis for a policy-driven programme. It shall broaden the research focus to embody, in addition to the marine ecosystem, a basin-wide approach that addresses the key issues affecting the quality and productivity of the Baltic Sea Region ecosystems.

It shall include a description of the baseline and state-of-the-art of Baltic Sea System research, provide a clear strategic vision and roadmap of how to achieve the stated objectives and set out indicative policy-driven call topics, their budgets, publication timetable and the expected duration of projects. In addition, it shall include measures to address emerging research needs, advance the pan-Baltic integration of research, and include a joint roadmap for the shared use and possible planning for future investments in regional infrastructure capacities.

2.2.2. The Stakeholder Consultation Platforms

On the basis of a comprehensive analysis of relevant BONUS stakeholders at the local, national, regional, and European levels, Stakeholder Consultation Platforms and mechanisms shall be established with the aim of strengthening and institutionalising the involvement of stakeholders from all relevant sectors for the identification of critical gaps, the prioritisation of research themes and the enhancement of research output uptake. This shall include participation by scientists, including from other relevant non-marine natural sciences and from social and economic science disciplines, to ensure the required multi-disciplinarity in developing the Strategic Research Agenda, its strategic vision and research priorities.

A Forum of Sector Research (a body of representatives from ministries and other actors dealing with Baltic Sea System research and governance) shall be established as a permanent body in support of BONUS and be responsible for discussing its planning, outcomes and emerging research needs from the decision-making perspective. The Forum shall facilitate and advance the pan-Baltic integration of research, including the joint use and planning of infrastructure capacities, assist in highlighting research needs, advance the utilisation of the research results and facilitate the integration of research funding.

2.2.3. The Implementation Modalities

The Implementation Modalities shall include all aspects of securing the successful implementation of the Strategic Research Agenda. They shall, where appropriate, follow the rules of the Seventh Framework Programme. They shall consist, *inter alia*, of the following elements:

(a) adopting measures (drafting documents, establishing procedures, hiring and training staff) required by the Financial Regulation for indirect centralised management;

(b) obtaining formal commitments from Participating States amounting to at least EUR 48,75 million, out of which a maximum of 25 % may be in the form of an in-kind infrastructure contribution;

(c) providing a realistic and evidence-based estimate of the value of the in-kind infrastructure contribution of Participating States;

(d) compiling an exhaustive list of all infrastructures, including contacts for their owners, operators or other responsible authorities, and publishing it and updating it whenever necessary;

(e) ensuring that common implementation modalities are agreed and in place for the grant agreements with BONUS beneficiaries to be concluded centrally by BONUS EEIG, including common and agreed rules for participation, model grant agreement, guidelines for applicants, participants and independent evaluators, and modalities for the audit of beneficiaries, including the possibility for the Commission and the Court of Auditors to carry out such audits;

(f) developing an appropriate governance structure for the management of BONUS in all phases of the project lifecycle;

(g) ensuring that adequate funding is provided to strengthen BONUS EEIG in terms of human resources and multidisciplinary expertise in order to enable it to support the strategic aspects, as well as the efficient implementation of BONUS;

(h) developing a financing structure for funding BONUS projects;

(i) developing a communication and dissemination strategy which as far as possible ensures that the results and data follow the standards of the European Marine Observation and Data Network.

With regard to in-kind infrastructure contributions, a specific approach and rules shall be developed during the strategic phase whereby the Participating States commit themselves to providing to BONUS beneficiaries access to and use of infrastructure (notably research ships) free of charge. Costs for the use of such infrastructure shall not be eligible project costs. In this regard, BONUS EEIG shall conclude relevant agreements with the Participating States or the infrastructure owners, which shall:

(a) define the methodology for evaluating in-kind infrastructure contributions;

(b) ensure that BONUS EEIG, the Commission and the Court of Auditors can audit the access to and use of the infrastructure and costs arising from it;

(c) stipulate that the contracting parties shall report annually on the costs incurred in providing the access to or use of the infrastructure to BONUS beneficiaries.

2.2.4. Union Funding of the Strategic Phase

Eligible costs shall be reimbursed up to 50 % and shall be those actual costs incurred by BONUS EEIG and recorded in its accounts necessary for the fulfilment of the objective identified in point 1. Costs may be eligible as of 1 January 2010 and shall be further defined in the grant agreement for the strategic phase.

3. **Implementation Phase**

Provided that the conditions as referred to in Article 3(3)(a) are in place and the ex-ante audit of BONUS EEIG is positive, the Commission and BONUS EEIG shall conclude the Implementation Agreement.

3.1. *Objectives*

During the implementation phase joint calls for proposals shall be published and carried out with a view to funding strategically targeted BONUS projects addressing the objectives of BONUS. The topics shall be taken from from BONUS Strategic Research Agenda, respect as far as possible the established roadmap and cover research, technological development and training and/or dissemination activities.

3.2. *Implementation of BONUS Projects*

BONUS projects shall be implemented via multi-partner trans-national projects involving at least three independent eligible legal entities from three different Member States or associated countries, of which at least two shall be from the Participating States.

Legal entities from Member States and associated countries may receive BONUS funding. Any consortium submitting a proposal for a BONUS project may include participants from a third country provided that it can realistically ensure that it has the necessary resources to fully cover the costs for its participation.

Each call for proposals shall clearly indicate the scientific topics. Those topics shall be identified by BONUS EEIG in consultation with the Commission. When identifying the topics, they shall take account of emerging needs, the results and outcomes of the previously implemented projects and of the wide stakeholder consultations undertaken during the strategic phase and throughout BONUS.

BONUS EEIG shall publish the calls for proposals as widely as possible, using specific information support, particularly Internet sites on the Seventh Framework Programme and address all relevant stakeholders through the specialised press and brochures. The calls for proposals shall remain open for at least 3 months. Proposed projects shall be submitted centrally to BONUS EEIG by the applicants in response to the calls and in a single-stage evaluation procedure.

Proposed projects shall be evaluated and selected centrally on the basis of an independent review in the light of defined eligibility and selection and award criteria. The core evaluation criteria shall be scientific excellence, the quality of the implementation and the expected impact of the project. The calls for proposals shall embody the core evaluation criteria. Additional criteria may be introduced on condition that they are published in the call for proposals, are non-discriminatory and do not prevail over the core evaluation criteria.

BONUS EEIG shall ensure that each proposal received is evaluated with the assistance of at least three independent experts appointed by it on the basis of the criteria set out in Regulation (EC) No 1906/2006. A rating shall be given for each project proposal. The independent experts shall examine the projects against the evaluation criteria and score them on a scale from 0 to 5 per criterion according to the rules for submission of proposals, and the related evaluation, selection and award procedures of the Seventh Framework Programme.

BONUS EEIG shall establish a funding list strictly in accordance with the results of the independent evaluation. The ranking list established by the independent experts shall be considered binding for the allocation of BONUS funds.

The administrative management of the grants awarded to the selected BONUS projects shall be handled centrally under the responsibility of BONUS EEIG.

3.3. *Further Activities*

Besides the management of BONUS set out in points 3.1 and 3.2., BONUS EEIG shall also engage in the following activities:

(a) regular updating of the Strategic Research Agenda and prioritisation of research themes to take account of emerging needs and the results and outcome of the previously implemented projects and on the basis of the wide stakeholder consultation procedures referred to in point 2.2.2;

(b) facilitating access for trans-national and multidisciplinary research teams from BONUS-funded projects to unique research infrastructures and facilities;

(c) promoting an effective science-policy interface to ensure an optimal uptake of research results;

(d) securing funding by the Participating States that would ensure sustainability of BONUS without Union funding in the post BONUS period;

(e) increased collaboration between the regional environmental research programmes and the relevant science communities in the other European sea basins;

(f) communication and dissemination activities;

(g) BONUS EEIG shall proactively engage in the sharing of best practices with the other European regional sea basins, as well as good articulation at the European level to secure harmonisation and streamlining.

3.4. *Contributions during the Implementation Phase*

The implementation phase of BONUS shall be co-funded by the Participating States and the Union over a minimum period of 5 years until the full lifecycle of all BONUS-funded projects has ended, provided that commitments from the Union are met up to 2013 and all obligations to report to the Commission are fulfilled. The Union financial contribution during the implementation phase shall match the cash and in-kind infrastructure contributions of the Participating States to BONUS projects made through BONUS EEIG as well as the running costs incurred by BONUS EEIG in the implementation phase. These running costs may not exceed EUR 5 million.

BONUS EEIG shall be the recipient and administrator of the Union financial contribution. A Participating State may decide to administer its own national funding and to devote its cash contribution exclusively to domestic research that is selected at central level or to have its cash contribution administered centrally by BONUS EEIG.

Subject to the conditions agreed in the annual financial agreements referred to in Article 5(2), the Union financial contribution shall be disbursed on the basis of evidence of payment of the cash contribution of the Participating States to BONUS beneficiaries or to BONUS EEIG and of provision of in-kind infrastructure contributions for BONUS projects.

The proper use of BONUS funding by the beneficiaries shall be the responsibility of BONUS EEIG, and shall be established by the independent financial auditing of projects to be carried out by BONUS EEIG, or on its behalf.

3.5. *Funding of BONUS Projects*

Subject to Article 3(3)(f), funding of BONUS projects shall cover up to 100 % of the eligible costs to be calculated according to common funding rules and common funding rates, as established by BONUS EEIG in the Implementation Modalities and agreed by the Commission in the Implementation Agreement.

ANNEX II

GOVERNANCE OF BONUS

BONUS shall be managed by BONUS EEIG through its Secretariat. BONUS EEIG has established the following structures for the purposes of BONUS:

(a) Steering Committee;

(b) Secretariat;

(c) Advisory Board;

(d) Forum of Sector Research; and

(e) Forum of Project Coordinators.

(a) *The Steering Committee* shall be the highest authority of BONUS EEIG, forming its decision-making body and board governing its secretariat. The Steering Committee shall be composed of senior officers of the research funding and management institutions appointed by the members of BONUS EEIG. It shall be presided by the Chairperson, a position that shall be rotated annually between BONUS EEIG members. The previous, current and future chairpersons shall form the Executive Committee that supports the Secretariat in matters of strategic importance. Taking account of proposals by the Secretariat, the Steering Committee shall decide on the strategic orientation of BONUS, including the decisions on defining and updating BONUS, on the planning of calls for proposals, on the budget profile, on the eligibility and selection criteria, on the pool of evaluators, on the approval of the ranking list of BONUS projects to be funded, on the monitoring of progress of the funded BONUS projects and on the supervision of the adequate and orderly work of the Secretariat in relation to BONUS.

(b) *The Secretariat* shall be headed by the Executive Director, who shall implement the decisions of the Steering Committee and shall act as the principal representative of BONUS to both the Commission and the various national funding agencies. The Secretariat shall be responsible for the overall coordination and monitoring of activities of BONUS, the publication, evaluation and outcome of the calls for proposals and the monitoring of the funded projects, both from the contractual as well as scientific point of view and for reporting on progress to the Steering Committee. It shall also be responsible for the planning and organisation of consultations with stakeholders and the Advisory Board and their subsequent integration and streamlining into the Strategic Research Agenda and the promotion of effective science-policy interfaces.

(c) *The Advisory Board* shall assist the Steering Committee and Secretariat. It shall be composed of scientists of high international standing, representatives of relevant stakeholders, including for example, tourism, renewable energies, fisheries and aquaculture, maritime transport, biotechnology and technology providers and including both industry and civil society organisations with an interest in those sectors, other integrated Baltic research programmes and other European regional seas. It shall provide independent advice, guidance and recommendations regarding scientific and policy-related issues of BONUS, including advice on the objectives, priorities and direction of BONUS, ways of strengthening the performance of BONUS and delivery and the quality of its research outputs, capacity building, networking, and the relevance of the work to achieving the objectives of BONUS. It shall also assist in the use and dissemination of the results of BONUS.

(d) *The Forum of Sector Research* shall be composed of representatives from ministries and other actors dealing with Baltic Sea System research and governance. It shall convene once a year as a consultation meeting that discusses the outcomes of BONUS and emerging research needs from the decision-making perspective. It shall serve as the forum for advancing the pan-Baltic integration of research, including relevant sectorally-funded research and the use and planning of joint infrastructures.

(e) *The Forum of Project Coordinators* shall be composed of coordinators of projects funded through BONUS. It shall assist the Secretariat in matters dealing with the scientific coordination of BONUS and the integration and synthesis of the research results.

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 863/2010

of 29 September 2010

amending Regulation (EC) No 967/2006 as regards deadlines applicable to export and levying of sugar produced in excess of quota

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([1]) and in particular Articles 134 and 161(3), in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EC) No 967/2006 of 29 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 318/2006 as regards sugar production in excess of the quota ([2]) establishes deadlines that are applicable to export and levying of out of quota sugar.

(2) Article 19(2)(c) of Regulation (EC) No 967/2006 lays down that in case of exporting the production in excess of the quota, manufacturers shall submit the requested proofs of export to the competent authority of the Member State before 1 April following the marketing year in which the surplus was produced.

(3) Where certain destinations are not eligible for exporting sugar and/or isoglucose produced in excess of quota, manufacturers are requested to submit proof of arrival at destination in accordance with Article 4c of Commission Regulation (EC) No 951/2006 ([3]). Experience has shown that in the case of certain destinations it may take longer to obtain all necessary documents. It is therefore appropriate to provide for the possibility to extend the deadline in such cases.

(4) Where the deadline to submit proofs of export to the competent authority of the Member State is extended, the deadline for the Member State to notify the total levy to be paid by manufacturers and the deadline for manufacturers to pay the levy should also be adjusted. Similarly, the deadline fixed for Member States to establish and communicate to the Commission the surplus quantities should be modified.

(5) Articles 3, 4 and 19 of Regulation (EC) No 967/2006 should therefore be amended accordingly.

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 967/2006 is amended as follows:

1. in Article 3(2) the following second subparagraph is added:

'Should Member States make use of the possibility foreseen in Article 19(3), the deadlines laid down in the first subparagraph shall be 1 November and 1 December respectively.';

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 176, 30.6.2006, p. 22.
([3]) OJ L 178, 1.7.2006, p. 24.

2. in Article 4(3) the following second subparagraph is added:

'Should Member States make use of the possibility foreseen in Article 19(3), the deadline laid down in the first subparagraph shall be 31 December.';

3. Article 19 is amended as follows:

(a) paragraph 2(c)(ii) is replaced by the following:

'(ii) the documents referred to in Articles 31 and 32 of Regulation (EC) No 376/2008 and, if certain destinations are not eligible for exports of out-of-quota sugar and/or isoglucose, the documents referred to in Article 4c of Regulation (EC) No 951/2006, required to release the security.';

(b) the following paragraph 3 is added:

'3. Where certain destinations are not eligible for exporting sugar and/or isoglucose produced in excess of quota, Member States may, upon the written request of the manufacturer, extend the deadline of 1 April laid down in paragraph 2(c) by up to 6 months for submitting the documents referred to in paragraph 2(c)(ii).'.

Article 2

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

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

Done at Brussels, 29 September 2010.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 864/2010

of 29 September 2010

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 September 2010.

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

Done at Brussels, 29 September 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MA	84,4
	MK	52,7
	TR	50,2
	ZZ	62,4
0707 00 05	TR	128,7
	ZZ	128,7
0709 90 70	TR	115,8
	ZZ	115,8
0805 50 10	AR	126,2
	CL	124,0
	EG	66,3
	IL	120,5
	MA	157,0
	TR	97,5
	UY	128,7
	ZA	102,7
	ZZ	115,4
0806 10 10	TR	118,2
	ZA	56,9
	ZZ	87,6
0808 10 80	AR	56,1
	AU	217,4
	BR	48,8
	CL	112,7
	CN	82,6
	NZ	95,9
	US	85,0
	ZA	82,8
	ZZ	97,7
0808 20 50	CN	81,6
	ZA	88,6
	ZZ	85,1
0809 30	TR	187,5
	ZZ	187,5
0809 40 05	BA	53,5
	IL	173,4
	MK	45,0
	ZZ	90,6

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

COMMISSION REGULATION (EU) No 865/2010

of 29 September 2010

fixing the minimum selling price for butter for the seventh individual invitation to tender within the tendering procedure opened by Regulation (EU) No 446/2010

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [1], and in particular Article 43(j), in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EU) No 446/2010 [2] has opened the sales of butter by a tendering procedure, in accordance with the conditions provided for in Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention [3].

(2) In the light of the tenders received in response to individual invitations to tender, the Commission should fix a minimum selling price or should decide not to fix a minimum selling price, in accordance with Article 46(1) of Regulation (EU) No 1272/2009.

(3) In the light of the tenders received for the seventh individual invitation to tender, a minimum selling price should be fixed for butter stored in France due to the very small quantity stored in that Member State. For butter stored in other Member States than France, no minimum selling price should be fixed.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the seventh individual invitation to tender for selling of butter within the tendering procedure opened by Regulation (EU) No 446/2010, in respect of which the time limit for the submission of tenders expired on 21 September 2010, the minimum selling price for butter stored in France shall be EUR 356,00/100 kg.

In the framework of that individual invitation to tender no minimum selling price shall be fixed for butter stored in other Member States than France.

Article 2

This Regulation shall enter into force on 30 September 2010.

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

Done at Brussels, 29 September 2010.

For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 126, 22.5.2010, p. 17.
[3] OJ L 349, 29.12.2009, p. 1.

DECISIONS

COUNCIL IMPLEMENTING DECISION

of 27 September 2010

authorising the Federal Republic of Germany and the Grand Duchy of Luxembourg to apply a measure derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax

(2010/579/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [1], and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letters registered with the Secretariat-General of the Commission on 15 October and 18 November 2009 respectively, the Federal Republic of Germany and the Grand Duchy of Luxembourg requested authorisation to apply a measure derogating from the provisions of Directive 2006/112/EC in relation to the renovation and maintenance of a border bridge.

(2) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 25 February 2010 of the requests made by the Federal Republic of Germany and the Grand Duchy of Luxembourg. By letter dated 2 March 2010, the Commission informed the Federal Republic of Germany and the Grand Duchy of Luxembourg that it had all the information necessary to consider the requests.

(3) The purpose of the measure is, for supplies of goods and services, intra-Community acquisitions of goods and importations of goods intended for the renovation and subsequent maintenance of a cross-border bridge over the Mosel, to regard that bridge and its building site, as entirely on the territory of the Grand Duchy of Luxembourg in accordance with an agreement between the two countries.

(4) In absence of such a measure, it would be necessary to ascertain whether the place of taxation was the Federal Republic of Germany or the Grand Duchy of Luxembourg. Work at the border bridge carried out on German territory would be subject to value added tax in Germany while work carried out in the Grand Duchy of Luxembourg would be subject to value added tax in Luxembourg. In addition, the bridge crosses a jointly managed territory (condominium) and work in this area could not be attributed exclusively to the territory of one of the two Member States to determine a single place of supply.

(5) The purpose of the measure is therefore to simplify the procedure for charging value added tax on the renovation and the maintenance of the bridge in question.

(6) The derogation will have no negative impact on the Union's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 5 of Directive 2006/112/EC, the Federal Republic of Germany and the Grand Duchy of Luxembourg are hereby authorised, in respect of the existing border bridge over the river Mosel linking the German B 419 and the Luxembourg N 1 motorways between Wellen and Grevenmacher, to consider that bridge and its building site as entirely on the territory of the Grand Duchy of Luxembourg for the purposes of supplies of goods and services, intra-Community acquisitions of goods and importations of goods intended for the renovation or subsequent maintenance of that bridge.

[1] OJ L 347, 11.12.2006, p. 1.

Article 2

This Decision is addressed to the Federal Republic of Germany and the Grand Duchy of Luxembourg.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

COUNCIL IMPLEMENTING DECISION

of 27 September 2010

authorising the Kingdom of the Netherlands to apply a measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax

(Only the Dutch version is authentic)

(2010/580/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [1], and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter registered with the Secretariat-General of the Commission on 29 January 2010, the Kingdom of the Netherlands requested authorisation to apply special tax measures in the ready-to-wear clothing industry as previously authorised for a limited period by Decision 2007/740/EC [2].

(2) In accordance with Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States, by letter dated 25 February 2010, of the request made by the Kingdom of the Netherlands. By letter dated 2 March 2010, the Commission notified the Kingdom of the Netherlands that it had all the information necessary to consider the request.

(3) The arrangement would authorise the Kingdom of the Netherlands to apply, in the ready-to-wear clothing industry, a scheme for shifting the subcontractor's obligation to pay over VAT to the tax authorities from the subcontractor to the clothing firm (the contractor). The scheme would constitute a reverse charge procedure confined to upstream operations in the commercial chain, and hence it would not apply to operators who sell to the final consumer. The procedure aims at combating frauds of a specific nature in the domestic manufacturing market.

(4) Such arrangements have proven in the past to be an effective prevention measure in a sector in which collecting VAT is made difficult by the problems of identifying and supervising the activities of subcontractors. The requested measure is therefore to be considered as a measure to prevent certain types of tax evasion and avoidance in the ready-to-wear clothing industry.

(5) The location for the manufacture of ready-to-wear clothes is influenced by low labour costs and subcontractors relocate easily from one country to another. Therefore, Decision 2007/740/EC required the Kingdom of the Netherlands to monitor and evaluate the impact of those factors on the effectiveness of the derogation and to submit a report to the Commission by 31 July 2009.

(6) That report indicated that the incidence of fraud has considerably diminished and that the number of ready-to-wear clothing firms qualifying for the reverse charge procedure under Decision 2007/740/EC has steadily declined as a result of the derogating measure and international market developments. Consequently, stability is gradually returning to the ready-to-wear clothing sector in the Kingdom of the Netherlands.

(7) In order to complete that process, the Kingdom of the Netherlands has requested the measure to be extended for a limited period and has announced, at the same time, that a final decision on the possible abolishment of the measure would be taken in 2011. It is therefore appropriate that the derogation continue to apply until 31 December 2012.

(8) In the event that the Kingdom of the Netherlands were to consider another extension of the derogating measure beyond 2012, a new evaluation report should be submitted to the Commission together with that extension request no later than 1 April 2012.

(9) The derogation will not have an adverse effect on the European Union's own resources accruing from value added tax nor does it affect the amount of VAT charged at the final stage of consumption,

[1] OJ L 347, 11.12.2006, p. 1.

[2] Council Decision of 13 November 2007 authorising the Kingdom of the Netherlands to apply a measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax (OJ L 300, 17.11.2007, p. 71).

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 193 of Directive 2006/112/EC, the Kingdom of the Netherlands is hereby authorised to apply until 31 December 2012, in the ready-to-wear clothing industry, a scheme for shifting the subcontractors' obligations to pay over VAT to the tax authorities from the subcontractor to the clothing firm (the contractor).

Article 2

Any request for extending the measure beyond 2012 shall be accompanied by the submission of a report to the Commission by the Kingdom of the Netherlands, concerning in particular the effectiveness of the measure and any evidence of the relocation of subcontractors in the ready-to-wear clothing industry to other countries, and shall be sent no later than 1 April 2012.

Article 3

This Decision shall take effect on the day of its notification.

It shall apply as from 1 January 2010.

Article 4

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

COUNCIL IMPLEMENTING DECISION

of 27 September 2010

authorising the Republic of Poland to introduce a special measure derogating from Article 26(1)(a) and Article 168 of Directive 2006/112/EC on the common system of value added tax

(2010/581/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ([1]), and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter registered with the Secretariat-General of the Commission on 16 November 2009, Poland requested authorisation to introduce a special measure derogating from the provisions of Directive 2006/112/EC governing the right to deduct input tax ('the special measure').

(2) In accordance with the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States of the request made by Poland by letter dated 14 December 2009. By letter dated 17 December 2009, the Commission notified Poland that it had all the information that it considered necessary to consider the request.

(3) Poland applies a limitation of the VAT deduction for passenger cars. However, some motor vehicles other than passenger cars are, by the nature of their design, also suited to use for both private and business purposes.

(4) Currently, where a taxable person intends to use for private purposes a vehicle other than a passenger car on which he has deducted the input tax in full or in part on the purchase, intra-Community acquisition, import, hire or lease, he is required to account for output tax on that use. However, the private use is difficult for the taxable person to establish with any degree of accuracy, and for the tax authorities to monitor.

(5) In order to simplify the procedure for collecting value added tax (VAT) and to prevent tax evasion and avoidance, Poland seeks a derogation in order to restrict the right of deduction of VAT with respect to motor vehicles other than passenger cars which may be used for both business and private purposes to 60 % of the VAT incurred on their purchase, intra-Community acquisition, import, hire or lease, up to a maximum of PLN 6 000, intended to prevent the excessive deduction of VAT with respect to luxury cars, which are more likely to be used for private purposes. The taxable person would subsequently no longer be required to account for output tax on the private use of the vehicle.

(6) The special measure should only apply to motor vehicles other than passenger cars with a maximum load capacity of over 500 kg and a maximum weight of 3,5 tonnes. Vehicles intended to perform a specific function such as roadside assistance vehicles, hearses, and loading vehicles, and vehicles for resale or hire should not fall under the derogation.

(7) The authorisation should be valid for a limited period and should therefore expire on 31 December 2013. In light of the experience gained up to that date an assessment may be made whether or not the derogation remains justified.

(8) The derogation has no negative impact on the Union's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 168 of Directive 2006/112/EC, the Republic of Poland is hereby authorised to restrict to 60 % the right to deduct VAT on the purchase, intra-Community acquisition, import, hire or lease of motor vehicles other than passenger cars, up to a maximum of PLN 6 000.

This restriction shall only apply to motor vehicles other than passanger cars with a maximum authorised carrying capacity of over 500 kg and a maximum weight of 3,5 tonnes.

([1]) OJ L 347, 11.12.2006, p. 1.

Article 2

Article 1 shall not apply to the following categories of vehicles:

(a) vehicles purchased for resale, hire or lease;

(b) vehicles, which in accordance with criteria established in fiscal provisions can be considered as vehicles intended in principle for the carriage of goods;

(c) vehicles intended to perform a specific function;

(d) vehicles designed for the carriage of at least 10 persons, including the driver.

Article 3

By way of derogation from Article 26(1)(a) of Directive 2006/112/EC, the Republic of Poland is authorised not to treat as a supply of services for consideration the private use by a taxable person or his staff or, more generally, for purposes other than those of his business, of a vehicle for which the restriction referred to in Article 1 of this Decision applies.

Article 4

This Decision shall take effect on the day of its notification.

It shall expire on 31 December 2013.

Article 5

This Decision is addressed to the Republic of Poland.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

COUNCIL IMPLEMENTING DECISION

of 27 September 2010

authorising the French Republic and the Italian Republic to introduce a special measure derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax

(2010/582/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [1], and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letters registered with the Secretariat-General of the Commission on 19 June 2009 and 19 November 2009 respectively, Italy and France requested authorisation to introduce a special tax measure in relation to the operation, maintenance and safety of the existing Col de Tende Road Tunnel, as well as the construction, operation, maintenance and safety of a new tunnel to run alongside the existing one ('the measure').

(2) In accordance with the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 14 December 2009 of the requests made by France and Italy. By letter dated 17 December 2009 the Commission notified France and Italy that it had all the information necessary to consider the requests.

(3) The Col de Tende Road Tunnel is a permanent road link between France and Italy. An agreement of 12 March 2007 between those two Member States has designated Italy as being responsible for the operation, maintenance and safety of the existing tunnel, as well as for the construction, operation, maintenance and safety of the new tunnel which, when completed, will carry traffic in the opposite direction to the existing tunnel.

(4) Through the measure, the entire site of the existing tunnel, and the perimeter and construction site of the new tunnel, will be deemed to be on the territory of Italy for the purposes of supplies of goods, services, intra-Community acquisitions of goods and imports intended for the relevant construction, operation, maintenance and safety of the two tunnels. In the absence of such a measure, it would be necessary, according to the principle of territoriality, to ascertain for each supply whether the place of taxation was within France or Italy.

(5) The purpose of the measure is therefore to simplify the procedure for charging value added tax on the operation, maintenance and safety of the existing tunnel, as well as the construction, operation, maintenance and safety of the new tunnel.

(6) The derogation has no negative impact on the Union's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 5 of Directive 2006/112/EC, the French Republic and the Italian Republic are authorised to consider the entire site of the existing Col de Tende Road Tunnel, along with the construction site of the new Col de Tende Road Tunnel which will run alongside the existing tunnel, as being on the territory of Italy for the purposes of supplies of goods, services, intra-Community acquisitions of goods and imports intended for the construction and subsequent operation, maintenance and safety of the new tunnel, as well as the operation, maintenance and safety of the existing tunnel.

Article 2

This Decision shall take effect on the day of its notification.

Article 3

This Decision is addressed to the French Republic and the Italian Republic.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

[1] OJ L 347, 11.12.2006, p. 1.

COUNCIL IMPLEMENTING DECISION

of 27 September 2010

authorising Romania to introduce a special measure derogating from Article 193 of Directive 2006/112/EC on the common system of value added tax

(2010/583/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax [1], and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter registered with the Secretariat-General of the Commission on 23 September 2009, Romania requested authorisation to introduce a special measure derogating from Article 193 of Directive 2006/112/EC.

(2) In accordance with the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States by letter dated 14 December 2009 of the request made by Romania. By letter dated 17 December 2009, the Commission notified Romania that it had all the information it considered necessary for appraisal of the request.

(3) Article 193 of Directive 2006/112/EC provides that the taxable person supplying the goods or services is, as a general rule, liable for the payment of the value added tax (VAT) to the tax authorities. The purpose of the derogation requested by Romania is to make the recipient of supplies of goods or services liable for VAT in two specific types of circumstances. The first case covered is where taxable persons supply wood products as defined in the national legislation. The second is where goods and/or services are supplied by taxable persons, with the exception of retailers, while under an insolvency procedure.

(4) Insolvent businesses are often prevented by financial difficulties from paying the VAT on their supplies of goods or services to the competent authorities. The recipient of such goods or services can nonetheless in principle deduct the VAT even though it has not been paid to the competent authorities by the supplier.

(5) Since retailers would find it difficult to ascertain the tax status of their customers at the point of sale, the reverse charge should not apply to retailers while under an insolvency procedure.

(6) Romania also encounters problems in the timber market because of the nature of the market and the businesses involved. The market has a large number of small enterprises which the Romanian authorities have found difficult to control. The most common form of tax evasion involves the supplier invoicing for supplies then disappearing without paying the tax to the competent authorities but leaving the customer in receipt of a valid invoice for the right of tax deduction.

(7) By designating the recipient as the person liable for the payment of the VAT in the case of supplies of wood products by taxable persons and in the case of supplies of goods and the provision of services by taxable persons, with the exception of retailers, while under an insolvency procedure, the derogation removes the difficulties encountered without affecting the amount of tax due. This has the effect of preventing certain types of evasion or avoidance.

(8) The measure is proportionate to the objectives pursued since it is not intended to apply generally, but only to specific operations and sectors which pose considerable problems in charging the tax or of tax evasion or avoidance.

(9) The authorisation should be limited in time until 31 December 2013. In light of the experience gained up to that date an assessment may be made on whether or not the derogation remains justified.

(10) The derogation has no adverse impact on the Union's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 193 of Directive 2006/112/EC, Romania is hereby authorised until 31 December 2013 to designate the taxable person to whom the supplies of goods or services referred to in Article 2 of this Decision are made as the person liable for the payment of the tax.

[1] OJ L 347, 11.12.2006, p. 1.

Article 2

The derogation provided for in Article 1 shall apply to:

a) supplies of wood products by taxable persons including standing timber, round or cleft working wood, fuel wood, timber products, as well as square edged or chipped wood and wood in the rough, processed or semi-manufactured wood;

b) supplies of goods and the provision of services by taxable persons, with the exception of retailers, while under an insolvency procedure.

Article 3

This Decision is addressed to Romania.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

COUNCIL IMPLEMENTING DECISION

of 27 September 2010

authorising the Republic of Latvia to apply a measure derogating from Article 287 of Directive 2006/112/EC on the common system of value added tax

(2010/584/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 291(2) thereof,

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ([1]) ('the VAT Directive'), and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By letter registered with the Secretariat General of the Commission on 17 February 2010, Latvia requested authorisation for a measure derogating from Article 287(10) of the VAT Directive in order to exempt taxable persons whose annual turnover is no higher than EUR 50 000 ('the measure'). The measure would release those taxable persons from certain or all of the value added tax ('VAT') obligations referred to in Chapters 2 to 6 of Title XI of the VAT Directive.

(2) In accordance with the second subparagraph of Article 395(2) of the VAT Directive, the Commission informed the other Member States by letter dated 4 May 2010 of the request made by Latvia. By letter dated 7 May 2010, the Commission notified Latvia that it had all the information necessary to consider the request.

(3) A special scheme for small enterprises is an option which is already available to Member States under Title XII of the VAT Directive. The measure derogates from Title XII of the VAT Directive only insofar as the taxable person's annual turnover threshold for the special scheme is higher than that currently allowed for Latvia under Article 287(10) of the VAT Directive, which is EUR 17 200.

(4) A higher threshold for the special scheme may significantly reduce the VAT obligations of the smallest businesses, whilst that special scheme is optional for taxable persons and allows businesses to opt for the normal VAT arrangements.

(5) In its proposal for a Directive simplifying value added tax obligations of 29 October 2004 ([2]), the Commission included provisions aimed at allowing Member States to set the annual turnover ceiling for the VAT exemption scheme at up to EUR 100 000 or the equivalent in national currency, with the possibility of updating this amount each year. The request submitted by Latvia is in line with this proposal.

(6) The derogation will have no impact on the Union's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 287(10) of Directive 2006/112/EC, the Republic of Latvia is authorised to exempt from VAT taxable persons whose annual turnover is no higher than the equivalent in national currency of EUR 50 000 at the conversion rate on the day of its accession to the European Union.

Article 2

This Decision shall take effect on the day of its notification.

It shall expire on either the date of entry into force of a Directive amending the amounts of the annual turnover ceilings below which taxable persons may qualify for VAT exemption or on 31 December 2013, whichever date is earlier.

Article 3

This Decision is addressed to the Republic of Latvia.

Done at Brussels, 27 September 2010.

For the Council
The President
K. PEETERS

([1]) OJ L 347, 11.12.2006, p. 1.

([2]) OJ C 24, 29.1.2005, p. 8.

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 43/10/COL

of 10 February 2010

amending the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the Agreement on the European Economic Area listing border inspection posts in Iceland and Norway agreed for veterinary checks on live animals and animal products from third countries and repealing EFTA Surveillance Authority Decision 301/08/COL of 21 May 2008

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, in particular Article 109 and Protocol 1 thereof,

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(d) and Protocol 1 thereof,

Having regard to points 4(B)(1) and (3) and point (5)(b) of the Introductory Part of Chapter I of Annex I to the EEA Agreement,

Having regard to the Act referred to at point 1.1.4 of Chapter I of Annex I to the EEA Agreement (Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries), as amended and adapted to the EEA Agreement and in particular to Article 6(2) thereof,

Having regard to the Act referred to at point 1.1.5 of Chapter I of Annex I to the EEA Agreement (Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC), as amended and adapted to the EEA Agreement and in particular to Article 6(4) thereof,

Having regard to the Act referred to at point 1.2.111 of Chapter I of Annex I to the EEA Agreement (Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries), as amended, and in particular to Article 3(5) thereof,

Whereas:

The EFTA Surveillance Authority by Decision 301/08/COL of 21 May 2008 repealed the EFTA Surveillance Authority Decision 378/07/COL of 12 September 2007 and drew up a new list of border inspections posts in Iceland and Norway approved for veterinary checks on live animal and animal products from third countries.

The Government of Norway has requested that the approval for chilled goods -HC-T(1)(2)(3)- for the inspection centre in *Honningsvåg* (under BIP *Honningsvåg Port*) is withdrawn from the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the EEA Agreement and replace it by the approval for frozen products only -HC-T(FR)(1)(2)(3)-.

The Government of Norway has requested that the inspection centres *Harøysund* (under BIP *Kristiansund Port*) and *Vannøy* (under BIP *Tromsø Port*) be withdrawn from the list contained in point 39 of Part 1.2 of Chapter I of Annex I to the EEA Agreement.

The EFTA Surveillance Authority by its Decision 494/09/COL referred the matter to the EFTA Veterinary Committee assisting the EFTA Surveillance Authority. The measures provided for in this Decision are in accordance with the opinion of the EFTA Veterinary Committee assisting the EFTA Surveillance Authority,

HAS ADOPTED THIS DECISION:

Article 1

Veterinary checks on live animals and animal products brought into Iceland and Norway from third countries shall be carried out by the competent national authorities at the agreed border inspections posts listed in the Annex to this Decision.

Article 2

The EFTA Surveillance Authority Decision No 301/08/COL of 21 May 2008 is hereby repealed.

Article 3

This Decision shall enter into force on 10 February 2010.

Article 4

This Decision is addressed to Iceland and Norway.

Article 5

Only the English version is authentic.

Done at Brussels, 10 February 2010.

For the EFTA Surveillance Authority

Per SANDERUD	Sverrir Haukur GUNNLAUGSSON
President	*College Member*

ANNEX

LIST OF AGREED BORDER INSPECTION POSTS

Country: Iceland

1	2	3	4	5	6
Akureyri	IS AKU 1	P		HC-T(1)(2)(3), NHC(16)	
Hafnarfjörður	IS HAF 1	P		HC(1)(2)(3), NHC-NT(2)(6)(16)	
Húsavík	IS HUS 1	P		HC-T(FR)(1)(2)(3)	
Ísafjörður	IS ISA 1	P		HC-T(FR)(1)(2)(3)	
Keflavík Airport	IS KEF 4	A		HC(1)(2)(3)	O(15)
Reykjavík Eimskip	IS REY 1a	P		HC(1)(2)(3), NHC-NT (2)(6)(16)	
Reykjavík Samskip	IS REY 1b	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3), NHC-NT(2)(6)(16)	
Þorlákshöfn	IS THH 1	P		HC-T(FR)(1)(2)(3), HC-NT(6), NHC-NT(6)	

Country: Norway

1	2	3	4	5	6
Borg	NO BRG 1	P		HC, NHC	E(7)
Båtsfjord	NO BJF 1	P		HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Egersund	NO EGE 1	P		HC-NT(6), NHC-NT(6)(16)	
Hammerfest	NO HFT 1	P	Rypefjord	HC-T(FR)(1)(2)(3), HC-NT(1)(2)(3)	
Honningsvåg	NO HVG 1	P	Honningsvåg	HC-T(FR)(1)(2)(3)	
			Gjesvær	HC-T(1)(2)(3)	
Kirkenes	NO KKN 1	P		HC-T(FR)(1)(2)(3)	
Kristiansund	NO KSU 1	P	Kristiansund	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3) HC-NT(6), NHC-NT(6)	
Måløy	NO MAY 1	P	Gotteberg	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Trollebø	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
Oslo	NO OSL 1	P		HC, NHC	
Oslo	NO OSL 4	A		HC, NHC	U, E, O
Sortland	NO SLX 1	P	Melbu	HC-T(FR)(1)(2)(3)	
			Sortland	HC-T(FR)(1)(2)(3)	
Storskog	NO STS 3	R		HC, NHC	U, E, O

1	2	3	4	5	6
Tromsø	NO TOS 1	P	Bukta	HC-T(FR)(1)(2)(3)	
			Solstrand	HC-T(FR)(1)(2)(3)	
Vadsø	NO VOS 1	P		HC-T(FR)(1)(2)(3)	
Ålesund	NO AES 1	P	Breivika	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	
			Ellingsøy	HC-T(FR)(1)(2)(3)	
			Skutvik	HC-T(FR)(1)(2)(3), NHC-T(FR)(2)(3)	

1 = Name
2 = TRACES Code
3 = Type
A = Airport
F = Rail
P = Port
R = Road
4 = Inspection centre
5 = Products
HC = All products for Human Consumption
NHC = Other Products
NT = No temperature requirements
T = Frozen/chilled products
T(FR) = Frozen products
T(CH) = Chilled products
6 = Live Animals
U = Ungulates: cattle, pigs, sheep, goats, wild and domestic solipeds
E = Registered equidae as defined in Council Directive 90/426/EEC
O = Other animals
5-6 = Special remarks
(1) = Checking in line with the requirements of Commission Decision 93/352/EEC taken in execution of Article 19(3) of Council Directive 97/78/EC
(2) = Packed products only
(3) = Fishery products only
(4) = Animal proteins only
(5) = Wool hides and skins only
(6) = Only liquid fats, oils, and fish oils
(7) = Icelandic ponies (from April to October only)
(8) = Equidae only
(9) = Tropical fish only
(10) = Only cats, dogs, rodents, lagomorphs, live fish, reptiles and other birds than ratites
(11) = Only feedstuffs in bulk
(12) = For (U) in the case of solipeds, only those consigned to a zoo; and for (O), only day old chicks, fish, dogs, cats, insects, or other animals consigned to a zoo
(13) = Nagylak HU: This is a border inspection post (for products) and crossing point (for Live animals) on the Hungarian Romanian border, subject to transitional measures as negotiated and laid down in the Treaty of Accession for both products and live animals. See Commission Decision 2003/630/EC
(14) = Designated for transit across the European Community for consignments of certain products of animal origin for human consumption, coming to or from Russia under the specific procedures foreseen in relevant Community legislation
(15) = Aquaculture animals only
(16) = Fish meal only

III *Other acts*

EUROPEAN ECONOMIC AREA

EN

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