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⁽¹⁾ Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 25/2011

of 14 January 2011

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215(2) thereof,

Having regard to Decision 2010/656/CFSP of 29 October 2010 renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾, as amended by Decision 2011/18/CFSP of 14 January 2011 ⁽²⁾,

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

Whereas:

(1) Decision 2010/656/CFSP, as amended, provides for the adoption of restrictive measures against certain persons who, while not designated by the United Nations (UN) Security Council or the Sanctions Committee, are obstructing the process of peace and national reconciliation in Côte d'Ivoire and in particular those who are jeopardising the proper outcome of the electoral process, as well as against legal persons, entities or bodies owned or controlled by such persons and persons, entities or bodies acting on their behalf or at their direction.

(2) These measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, regulatory action at the level of the Union is necessary in order to implement them.

(3) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union

and notably the right to an effective remedy and to a fair trial and the right to the protection of personal data. This Regulation should be applied in accordance with those rights and principles. This Regulation also fully respects the obligations of Member States under the Charter of the United Nations and the legally binding nature of the UN Security Council Resolutions.

(4) The power to amend the lists in Annexes I and IA to Regulation (EC) No 560/2005 should be exercised by the Council, in view of the specific threat to international peace and security posed by the situation in Côte d'Ivoire, and to ensure consistency with the process for amending and reviewing Annexes I and II to Decision 2010/656/CFSP.

(5) The procedure for amending the lists in Annexes I and IA to Regulation (EC) No 560/2005 should include providing designated natural or legal persons, entities or bodies with the grounds for listing, so as to give them an opportunity to submit observations. Where observations are submitted, or substantial new evidence is presented, the Council should review its decision in light of those observations and inform the person, entity or body concerned accordingly.

(6) For the implementation of this Regulation, and in order to create maximum legal certainty within the Union, the names and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources are to be frozen in accordance with this Regulation, should be made public. Any processing of personal data should respect Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾ and Directive

⁽¹⁾ OJ L 285, 30.10.2010, p. 28.

⁽²⁾ See page 36 of this Official Journal.

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽¹⁾.

- (7) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

'Article 2

1. All funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities and bodies listed in Annex I or in Annex IA shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I or in Annex IA.

3. The participation, knowing and intentional, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

4. Annex I shall consist of the natural or legal persons, entities and bodies referred to in Article 5(1)(a) of Decision 2010/656/CFSP as amended.

5. Annex IA shall consist of the natural or legal persons, entities and bodies referred to in Article 5(1)(b) of Decision 2010/656/CFSP as amended.;

- (2) the following Article is inserted:

'Article 2a

1. Annexes I and IA shall include the grounds for listing of listed persons, entities and bodies, as provided by the UN Security Council or by the Sanctions Committee for Annex I.

2. Annexes I and IA shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned, as provided by the UN Security Council or by the Sanctions Committee for Annex I. With regard to natural persons, such

information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business. Annex I shall also include the date of designation by the UN Security Council or by the Sanctions Committee.;

- (3) Articles 3 and 4 are replaced by the following:

'Article 3

1. By way of derogation from Article 2, the competent authorities of the Member States, as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:

- (a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources.

If it concerns a person, entity or body listed in Annex I, Member States shall notify their intention to authorise access to such funds and economic resources to the Sanctions Committee. They shall not authorise such access if they have received a negative decision by the Sanctions Committee within two working days of such notification.

2. By way of derogation from Article 2 and provided it concerns a person, entity or body listed in Annex I, the competent authorities of the Member States, as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that Member States have notified that determination to the Sanctions Committee and that the determination has been approved by that Committee, under the conditions envisaged by paragraph 14(e) of UN Security Council Resolution 1572 (2004).

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

3. By way of derogation from Article 2 and provided it concerns a person, entity or body listed in Annex IA, the competent authorities of the Member States, as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that the Member State has notified the grounds on which it considers that a specific authorisation should be granted to all other Member States and to the Commission at least two weeks prior to authorisation.

Article 4

By way of derogation from Article 2, the competent authorities of the Member States, as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources in question are the subject of a judicial, administrative or arbitral lien established prior to the date on which the person, entity or body referred to in Article 2 became subject to this Regulation, or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources in question will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a person, entity or body listed in Annex I or in Annex IA;
- (d) recognising the lien or judgment is not contrary to public policy in the Member State concerned; and
- (e) if it concerns a person, entity or body listed in Annex I, Member States have notified the lien or judgment to the Sanctions Committee.;

(4) Article 7 is replaced by the following:

'Article 7

Article 2(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.;

(5) the following Article is inserted:

'Article 9a

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

(6) Article 11 is replaced by the following:

'Article 11

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.;

(7) the following Article is inserted:

'Article 11a

1. Where the UN Security Council or the Sanctions Committee lists a natural or legal person, entity or body, the Council shall include such natural or legal person, entity or body in Annex I.

2. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 2(1), it shall amend Annex IA accordingly.

3. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraphs 1 and 2, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

4. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

5. Where the United Nations decides to delist a natural or legal person, entity or body, or to amend the identifying data of a listed natural or legal person, entity or body, the Council shall amend Annex I accordingly.

6. The list in Annex IA shall be reviewed in regular intervals and at least every 12 months.;

(8) the following Article is inserted:

'Article 12a

Where there is, in this Regulation, a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.;

(9) Article 13 is replaced by the following:

'Article 13

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Union who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.;

(10) the text set out in Annex I is inserted into Regulation (EC) No 560/2005 as Annex IA;

(11) Annex II to Regulation (EC) No 560/2005 is replaced by the text set out in Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 14 January 2011.

For the Council
The President
J. MARTONYI

ANNEX I

'ANNEX IA

List of natural and legal persons, entities or bodies not designated by the UN Security Council or the Sanctions Committee, referred to in Articles 2, 4 and 7*A. Natural persons*

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Mr Pascal Affi N'Guessan	Born 1 January 1953 in Bouadikro passport number: PD-AE 09DD00013	President of the Ivorian Popular Front (FPI); Obstruction of the peace and reconciliation processes; public incitement to hatred and violence.
2.	Lieutenant-Colonel Nathanaël Ahouman Brouha	Born 6 June 1960	Commander of the Security Group of the Presidency of the Republic (GSPR). Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
3.	Mr Gilbert Marie Aké N'Gbo	Born 8 October 1955 in Abidjan Passport number: 08 AA 61107 (due to expire on 2 April 2014)	Supposedly Prime Minister and Minister for Planning and Development; Participation in the illegitimate government of Mr Laurent Gbagbo.
4.	Mr Pierre Israël Amessan Brou		Director General of Radio Télévision Ivoi- rienne (RTI); Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
5.	Mr Frank Anderson Kouassi		President of the National Audiovisual Communication Council (CNCA); Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.; senior official refusing to place himself under the authority of the democratically elected President.
6.	Ms Nadiani Bamba	Born 13 June 1974 in Abidjan Passport number: PD - AE 061 FP 04	Director of the Cyclone group which publishes the newspaper "Le Temps"; Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
7.	Mr Kadet Bertin	Born around 1957 in Mama	Security adviser to Mr Gbagbo; Obstruction of the peace and reconciliation processes; senior official refusing to place himself under the authority of the demo- cratically elected President. Instigator of campaigns of intimidation and repression.

	Name (and any aliases)	Identifying information	Grounds for designation
8.	General Dogbo Blé	Born 2 February 1959 in Daloa	Head of the Republican Guard. Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
9.	Mr Paul Antoine Bohoun Bouabré	Born 9 February 1957 in Issia Passport number: PD AE 015 FO 02	Former Minister of State, senior official in the FPI: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election.
10.	Sub-prefect Oulaï Delefosse	Born 28 October 1968	Leader in the Great West Patriotic Resistance Union (UPRGO): Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
11.	Admiral Vagba Faussignau	Born 31 December 1954 in Bobia	Commander of the Ivorian Navy - deputy chief of staff: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President;
12.	Pastor Gammi		Head of the Ivorian Movement for the Liberation of Western Côte d'Ivoire (MILOCI): Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
13.	Mr Laurent Gbagbo	Born 31 May 1945 in Gagnoa	Supposedly President of the Republic: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election.
14.	Ms Simone Gbagbo	Born 20 June 1949 in Moossou	President of the Ivorian Popular Front (FPI) group in the National Assembly. Obstruction of the peace and reconciliation processes; public incitement to hatred and violence.
15.	General Guiai Bi Poin	Born 31 December 1954 in Gounela	Head of the Security Operations Command Centre (CECOS). Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
16.	Mr Denis Maho Glofiei	Born in Val de Marne, France	Leader in the Great West Liberation Front (FLGO). Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.

	Name (and any aliases)	Identifying information	Grounds for designation
17.	Captain Anselme Séka Yapo	Born 2 May 1973 in Adzopé	Bodyguard to Ms Gbagbo. Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
18.	Mr Désiré Tagro	Born 27 January 1959 in Issia Passport number: PD – AE 065FH08	Secretary-General of Mr Laurent Gbagbo's supposed "Presidency". Participation in the illegitimate government of Mr Laurent Gbagbo, refusal to accept the result of the presidential election. Implicated in violent repression of the popular risings of February, November and December 2010.
19.	Mr Yao N'Dré	Born 29 December 1956	President of the Constitutional Council: Obstruction of the peace and reconciliation processes, refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
20.	Mr Yanon Yapo		Supposedly Keeper of the Seals, Minister for Justice and Human Rights Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo
21.	Mr Alain Dogou	Born 16 July 1964 in Aboisso Passport number: PD-AE/053FR05 (due to expire on 27 May 2011)	Supposedly Minister for Defence and Civic Service Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
22.	Mr Emile Guiriéoulou	Born 1 January 1949 in Guiglo Passport number: PD-AE/008GO03 (due to expire on 14 March 2013)	Supposedly Minister for the Interior: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
23.	Mr Charles Désiré Noël Laurent Dallo	Born 23 December 1955 in Gagnoa Passport number: 08AA19843 (due to expire on 13 October 2013)	Supposedly Minister for Economic Affairs and Finance Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
24.	Mr Augustin Kouadio Komoé	Born 19 September 1961 in Kokomian Passport number: PD-AE/010GO03 (due to expire on 14 March 2013)	Supposedly Minister for Mines and Energy: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
25.	Ms Christine Adjobi Nebout (alias Aya Christine Rosalie Adjobi née Nebout)	Born 24 July 1949 in Grand Bassam Passport number: PD-AE/017FY12 (due to expire on 14 December 2011)	Supposedly Minister for Health and the Fight against AIDS: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
26.	Mr Benjamin Yapo Atsé	Born 1 January 1951 in Akoupé Passport numbers: PD-AE/089GO04 (due to expire on 1 April 2013); PS-AE/057AN06	Supposedly Minister for Building and Urban Development: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
27.	Mr Issa Malick Coulibaly	Born 19 August 1953 in Korhogo Passport number: PD-AE/058GB05 (due to expire on 10 May 2012)	Supposedly Minister for Agriculture: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
28.	Mr Ahoua Don Mello	Born 23 June 1958 in Bongouanou Passport number: PD-AE/044GN02 (due to expire on 23 February 2013)	Supposedly Minister for Infrastructure and Sanitation, Government spokesperson: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
29.	Mr Blaise N'Goua Abi		Supposedly Minister for Transport: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
30.	Ms Anne Jacqueline Lohouès Oble	Born 7 November 1950 in Dabou Passport number: PD-AE/050GU08 (due to expire on 4 August 2013)	Supposedly Minister for Education: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
31.	Ms Angèle Gnonsoa (alias Zon Sahon)	Born 1 January 1940 in Taï Passport number: PD-AE/040ER05 (due to expire on 28 May 2012)	Supposedly Minister for Technical Education: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
32.	Mr Lazare Koffi Koffi		Supposedly Minister for the Environment, Water and Forestry: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
33.	Ms Elisabeth Badjo Djékouri, married name Jeannie Dagbo	Born 24 December 1971 in Lakota Passport numbers: 08AA15517 (due to expire on 25 November 2013); PS-AE/040HD12 (due to expire on 1 December 2011)	Supposedly Minister for the Civil Service: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
34.	Mr Charles Blé Goudé	Born 1 January 1972 in Kpoh Old passport: DD-AE/088OH12	Supposedly Minister for Youth, Vocational Training and Employment, Leader of the Panafrikan Congress of Young Patriots (COJEP): Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo. For the record: has been the subject of UN Security Council sanctions since 2005.

	Name (and any aliases)	Identifying information	Grounds for designation
35.	Mr Philippe Attey	Born 10 October 1951 in Agboville Old passport AE/32AH06	Supposedly Minister for Industry and Development of the Private Sector: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
36.	Ms Danièle Boni Claverie (French and Ivorian national)		Supposedly Minister for Women, the Family and Children: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
37.	Mr Ettien Amoikon		Supposedly Minister for Information and Communication Technologies: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
38.	Mr Gnonzié Ouattara		Supposedly Minister for Communications: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
39.	Mr Alphonse Voho Sahi	Born 15 June 1958 in Gueyede Passport number: PD-AE/066FP04 (due to expire on 1 April 2011)	Supposedly Minister for Culture: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
40.	Mr Kata Kéké (alias Keke Joseph Kata)	Born 1 January 1951 in Daloa Passport number: PD-AE/086FO02 (due to expire on 27 February 2011)	Supposedly Minister for Scientific Research: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
41.	Mr Franck Guéi	Born 20 February 1967 Passport number: PD-AE/082GL12 (due to expire on 22 December 2012)	Supposedly Minister for Sports: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
42.	Mr Touré Amara		Supposedly Minister for Trade: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
43.	Mr Richard Kouamé Sécéré		Supposedly Minister for Tourism and Craft Trades: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
44.	Ms Anne Gnahouret Tatret		Supposedly Minister for Solidarity, Reconstruction and Social Cohesion: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
45.	Mr Nyamien Messou	Born 20 June 1954 in Bongouanou Old passport PD-AE/056FE05 (due to expire on 29 May 2010)	Supposedly Minister for Labour: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
46.	Mr Justin Koné Katina		Supposedly Minister Delegate for the Budget: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
47.	Mr Thomas N'guessan Yao		Supposedly Minister attached to the Minister for Education, with responsibility for Higher Education: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
48.	Ms Odette Lago Daléba Loan	Born 1 January 1955 in Floleu Passport number: 08AA68945 (due to expire on 29 April 2014)	Supposedly State Secretary for School and Student Life: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
49.	Mr Georges Armand Alexis Ouénin	Born 27 August 1953 in Bouaké Passport number: 08AA59267 (due to expire on 24 March 2014)	Supposedly State Secretary for Universal Sickness Insurance: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
50.	Mr Raphaël Dogo Djéréké		Supposedly State Secretary for the Disabled: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
51.	Mr Dosso Charles Radel Durando		Supposedly State Secretary for War Victims: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
52.	Mr Timothée Ahoua N'Guetta	Born 25 April 1931 in Aboisso Passport number: PD-AE/084FK10 (due to expire on 20 October 2013)	Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.

	Name (and any aliases)	Identifying information	Grounds for designation
53.	Mr Jacques André Daligou Monoko		Member of the Constitutional Council Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
54.	Mr Bruno Walé Ekpo		Member of the Constitutional Council Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
55.	Mr Félix Tano Kouakou	Born 12 March 1959 in Ouelle Passport number: PD-AE/091FD05 (due to expire on 13 May 2010)	Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
56.	Ms Hortense Kouassi Angoran		Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place herself under the authority of the democratically elected President.
57.	Ms Joséphine Suzanne Touré	Born 28 February 1972 in Abidjan Passport numbers: PD-AE/032GL12 (due to expire on 7 December 2012); 08AA62264 (due to expire on 6 April 2014)	Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place herself under the authority of the democratically elected President.
58.	Mr Konaté Navigué	Born 4 March 1974 in Tindara Passport number: PD-AE/076FE06 (due to expire on 5 June 2010)	President of the youth wing of the Ivorian Popular Front (FPI) Public incitement to hatred and violence.
59.	Mr Patrice Baï		Security adviser to former President Gbagbo: Coordinates action to intimidate the opposition; senior official refusing to place himself under the authority of the democratically elected President.
60.	Mr Marcel Gossio	Born 18 February 1951 in Adjamé Passport number: 08AA14345 (due to expire on 6 October 2013)	Director-General of the Autonomous Port of Abidjan: Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate government of Mr Laurent Gbagbo.
61.	Mr Alphonse Mangly (alias Mangley)	Born 1 January 1958 in Danané Passport numbers: 04LE57580 (due to expire on 16 June 2011); PS-AE/077HK08 (due to expire on 3 August 2012); PD-AE/065GK11 (due to expire on 15 November 2012) PD-AE/065GK11 (due to expire on 15 November 2012)	Director-General of Customs: Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
62.	Mr Marc Gnatoa		Head of the Front for the Security of the Centre-West (FSCO): Participation in repression. Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
63.	Mr Moussa Touré Zéguen	Born 9 September 1944 Old passport: AE/46CR05	Secretary-General of the Group of Patriots for Peace (GPP) In charge of militia. Participation in repression following the second round of the presidential election. Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
64.	Ms Geneviève Bro Grébé née Yobou	Born 13 March 1953 in Grand Alepé Passport number: PD-AE/072ER06 (due to expire on 6 June 2012)	President of the Patriotic Women of Côte d'Ivoire Obstruction of the peace and reconciliation processes through public incitement to hatred and violence.
65.	Ms Marie Odette Lorougnon Souhonon née Gnabri		National Secretary of the women's wing of the Ivorian Popular Front (FPI) Obstruction of the peace and reconciliation processes through public incitement to hatred and violence.
66.	Mr Felix Nanihio		Secretary-General of the National Audiovisual Communication Council (CNCA): Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election; senior official refusing to place himself under the authority of the democratically elected President.
67.	Mr Stéphane Kipré		Editor legally representing the newspaper "Le Quotidien d'Abidjan": Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
68.	Mr Etienne Lahoua Souanga (alias César Etou)		Editor-in-Chief and Editor legally representing the newspaper "Notre Voie" Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
69.	Mr Jean Baptiste Akrou	Born 1 January 1956 in Yamoussoukro Passport number: 08AA15000 (due to expire on 5 October 2013)	Director-General of the newspaper "Fraternité Matin" Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.

	Name (and any aliases)	Identifying information	Grounds for designation
70.	Lieutenant General Philippe Mangou		Chief of Defence Staff: Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
71.	Colonel Affro (Gendarmerie)		Assistant to the Gendarmerie High Command: Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
72.	Mr Laurent Ottro Zirignon	Born 1 January 1943 in Gagnoa Passport numbers: 08AB47683 (due to expire on 26 January 2015); PD-AE/062FR06 (due to expire on 1 June 2011); 97LB96734	Chief Executive Officer of the Ivorian Refining Company (SIR): Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
73.	Mr Fadika Kassoum	Born 7 June 1962 in Man Passport number: 08AA57836 (due to expire on 1 April 2014)	Director of the National Petroleum Operations Company of Côte d'Ivoire (PETROCI): Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
74.	Ms Simone Djédjé Mama Ohoua	Born 1 January 1957 either in Zialegrehoa or in Gagnoa Passport numbers: 08AA23624 (due to expire on 22 October 2013); PD-AE/006FR05	Director-General of the Treasury: Senior official refusing to place herself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
75.	Mr Lambert Kessé Feh	Born 22 November 1948 in Gbonne Passport number: PD-AE/047FP03 (due to expire on 26 March 2011)	Director-General of Taxation: Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
76.	Mr Aubert Zohoré		Special adviser to Mr Gbagbo on economic matters: Senior official refusing to place himself under the authority of the democratically elected President.
77.	Mr Thierry Legré		Member of the patriotic youth movement: Obstruction of the peace and reconciliation processes through public incitement to hatred and violence.
78.	Lieutenant General Edouard Kassaraté Tiapé		Gendarmerie High Commander: Obstruction of the peace and reconciliation processes; Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
79.	Colonel Major Hilaire Babri Gohourou		Spokesperson for the I Côte d'Ivoire Security Forces: Obstruction of the peace and reconciliation processes; public incitement to hatred and violence; senior military officer refusing to place himself under the authority of the democratically elected President.

	Name (and any aliases)	Identifying information	Grounds for designation
80.	Chief Superintendent Claude Yoro		Director of National Police Intervention Units: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
81.	Superintendent Emmanuel Patrick Loba Gnango		Commander of the Riot Squad (BAE): Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
82.	Captain Guei Badia		Naval base – Ivorian Navy: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
83.	Lieutenant Ourigou Bawa		Naval base – Ivorian Navy: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
84.	Superintendent Joachim Robe Gogo		Head of operations at the Security Operations Command Centre (CECOS): Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
85.	Mr Gilbert Anoh N'Guessan		Chairman of the Coffee and Cocoa Trade Management Committee (CGFCC): Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate government of Mr Laurent Gbagbo.

B. Legal persons, entities and bodies

	Name (and any aliases)	Identifying information	Grounds for designation
1.	PETROCI (National Petroleum Operations Company of Côte d'Ivoire)	Abidjan Plateau, Les Hévéas building - 14 boulevard Carde	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
2.	SIR (Ivorian Refining Company)	Abidjan Port Bouët, Route de Vridi – Boulevard de Petit Bassam	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
3.	Autonomous Port of Abidjan	Abidjan Vridi, Port area	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
4.	Autonomous Port of San Pedro	San Pedro, Port area Representation in Abidjan: Former Monoprix building, opposite Gare Sud Plateau - 1st floor, Rue du Commerce side	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
5.	BNI (National Investment Bank)	Abidjan Plateau, Avenue Marchand –SCIAM building	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
6.	BFA (Agricultural Credit Bank)	Abidjan Plateau, Rue Lecoeur – Alliance B building, 2nd to 4th floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
7.	Versus Bank	Abidjan Plateau, Avenue Botreau Roussel –CRRAE UMOA building, behind the BCEAO, facing rue des Banques	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
8.	CGFCC (Coffee and Cocoa Trade Management Committee):	Abidjan Plateau - CAISTAB building, 23rd floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
9.	APROCANCI (Côte d'Ivoire Association of Natural Rubber Producers)	Cocody II Plateau Boulevard Latrille – Sicogi, block A Building D 1st floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
10.	SOGEPÉ (National Electricity Management)	Abidjan Plateau, Place de la République - EECI building, 15th floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
11.	RTI (Ivorian Radio and Television)	Cocody Boulevard des Martyrs, 08 - BP 883 - Abidjan 08 - Côte d'Ivoire	Public incitement to hatred and violence through participation in disinformation campaigns in connection with the 2010 presidential election.'

ANNEX II

‘ANNEX II

Websites for information on the competent authorities referred to in Articles 3, 4, 5, 7 and 8, and address for notifications to the European Commission**BELGIUM**

<http://www.diplomatie.be/eusanctions>

BULGARIA

<http://www.mfa.government.bg>

CZECH REPUBLIC

<http://www.mfcr.cz/mezinarodnisankce>

DENMARK

<http://www.um.dk/da/menu/Udenrigspolitik/FredSikkerhedOgInternationalRetsorden/Sanktioner/>

GERMANY

<http://www.bmw.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/www.mfa.gr/en-US/Policy/Multilateral+Diplomacy/Global+Issues/International+Sanctions/>

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

<http://www.diplomatie.gouv.fr/autorites-sanctions/>

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

<http://www.mfa.gov.cy/sanctions>

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt>

LUXEMBOURG

<http://www.mae.lu/sanctions>

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

<http://www.minbuza.nl/sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<http://www.msz.gov.pl>

PORTUGAL

<http://www.min-nestrangeiros.pt>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

<http://www.foreign.gov.sk>

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to or other communication with the European Commission:

European Commission
Foreign Policy Instruments Service
Unit FPIS.2
CHAR 12/106
B-1049 Bruxelles/Brussel
Belgium

E-mail: relex-sanctions@ec.europa.eu
Tel.: (32 2) 295 55 85
Fax: (32 2) 299 08 73'

COMMISSION REGULATION (EU) No 26/2011**of 14 January 2011****concerning the authorisation of vitamin E as a feed additive for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation. Article 10 of that Regulation provides for the re-evaluation of additives authorised pursuant to Council Directive 70/524/EEC⁽²⁾.

(2) Vitamin E was authorised without time limit as a feed additive for use in all animal species by Directive 70/524/EEC as part of the group 'Vitamins, provitamins and chemically well-defined substances having similar effect'. That additive was subsequently entered in the Register of feed additives as an existing product, in accordance with Article 10(1) of Regulation (EC) No 1831/2003.

(3) In accordance with Article 10(2) of Regulation (EC) No 1831/2003 in conjunction with Article 7 of that Regulation, an application was submitted for the re-evaluation of vitamin E as a feed additive for all animal species, requesting that additive to be classified in the additive category 'nutritional additives'. The application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(4) The European Food Safety Authority (the Authority) concluded in its opinion of 25 May 2010 that, under the proposed conditions of use, vitamin E does not have an adverse effect on animal health, consumer health or the environment⁽³⁾. It also verified the report on the method of analysis of the feed additive in feed submitted by the Community Reference Laboratory set up by Regulation (EC) No 1831/2003.

(5) The assessment of vitamin E shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that additive should be authorised as specified in the Annex to this Regulation.

(6) Since the modifications on the conditions of the authorisation are not related to safety reasons, it is appropriate to allow a transitional period for the disposal of existing stocks of the premixtures and compound feed.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

The preparations specified in the Annex, belonging to the additive category 'nutritional additives' are authorised as additives in animal nutrition subject to the conditions laid down in that Annex.

Article 2

Feed containing vitamin E labelled in accordance with Directive 70/524/EEC or Regulation (EC) No 1831/2003 may continue to be placed on the market and used until stocks are exhausted.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ OJ L 270, 14.12.1970, p. 1.

⁽³⁾ EFSA Journal 2010; 8(6):1635 (Summary).

Article 3

This Regulation shall enter into force on the 20th 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, 14 January 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
Nutritional additives: Vitamins, pro-vitamins and chemically well-defined substances having similar effect								
3a700	Vitamin E/all-rac-alpha-tocopheryl acetate	<i>Active substance</i> all-rac-alpha-tocopheryl acetate: C₃₁H₅₂O₃ CAS No 7695-91-2 Purity criteria: all-rac-alpha-tocopheryl acetate > 93 % <i>Methods of analysis</i> 1. For the determination of vitamin E (oil form) in feed additives: European Pharmacopoeia EP-0439. 2. For the determination of vitamin E (powder form) in feed additives: European Pharmacopoeia EP-0691. 3. For the determination of the level of authorised vitamin E in feed: Commission Regulation (EC) No 152/2009 ⁽¹⁾.	All animal species	—	—	—	1. If vitamin E content is mentioned in the labelling, the following equivalencies for the units of measurement of the contents shall be used: — 1 mg all-rac-alpha-tocopheryl acetate = 1 IU — 1 mg RRR-alpha-tocopherol = 1,49 IU — 1 mg RRR-alpha-tocopheryl acetate = 1,36 IU 2. Vitamin E may be used also via water for drinking.	4 February 2021
	Vitamin E/RRR alpha tocopheryl acetate	<i>Active substance</i> RRR alpha tocopheryl acetate: C₃₁H₅₂O₃ CAS No 58-95-7 Purity criteria: RRR-alpha-tocopheryl acetate > 40 % <i>Methods of analysis</i> 1. For the determination of vitamin E (oil form) in feed additives: European Pharmacopoeia EP-1257. 2. For the determination of vitamin E (powder form) in feed additives: European Pharmacopoeia EP-1801. 3. For the determination of the level of authorised vitamin E in feed: Commission Regulation (EC) No 152/2009.						

Identification number of the additive	Additive	Chemical formula, description, methods of analysis	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
	Vitamin E/RRR alpha tocopherol	<i>Active substance</i> RRR alpha tocopherol: C₂₉H₅₀O₂ CAS No 59-02-9 Purity criteria: RRR-alpha-tocopherol > 67 % <i>Methods of analysis</i> 1. For the determination of vitamin E (oil form) in feed additives: European Pharmacopoeia EP-1256. 2. For the determination of vitamin E (powder form) in feed additives: European Pharmacopoeia EP-1801. 3. For the determination of the level of authorised vitamin E in feed: Commission Regulation (EC) No 152/2009.						

(¹) OJ L 54, 26.2.2009, p. 1.

COMMISSION REGULATION (EU) No 27/2011**of 14 January 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 15 January 2011.

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

Done at Brussels, 14 January 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	76,6
	TN	113,1
	TR	107,2
	ZZ	99,0
0707 00 05	EG	158,2
	JO	87,5
	TR	145,3
	ZZ	130,3
0709 90 70	MA	41,4
	TR	127,5
	ZZ	84,5
0805 10 20	EG	57,3
	IL	67,1
	MA	54,7
	TR	70,4
	ZA	56,7
	ZZ	61,2
0805 20 10	MA	69,3
	TR	79,6
	ZZ	74,5
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	129,3
	HR	46,1
	IL	68,0
	JM	100,4
	MA	103,8
	TR	73,2
	ZZ	86,8
0805 50 10	TR	58,5
	ZZ	58,5
0808 10 80	CA	99,7
	CN	95,7
	US	124,4
	ZZ	106,6
0808 20 50	CN	87,7
	US	114,6
	ZZ	101,2

⁽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 28/2011**of 14 January 2011****fixing the import duties in the cereals sector applicable from 16 January 2011**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

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

- (4) Import duties should be fixed for the period from 16 January 2011 and should apply until new import duties are fixed and enter into force,

HAS ADOPTED THIS REGULATION:

Article 1

From 16 January 2011, the import duties in the cereals sector referred to in Article 136(1) of Regulation (EC) No 1234/2007 shall be those fixed in Annex I to this Regulation on the basis of the information contained in Annex II.

Article 2

This Regulation shall enter into force on 16 January 2011.

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

Done at Brussels, 14 January 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 187, 21.7.2010, p. 5.

ANNEX I

Import duties on the products referred to in Article 136(1) of Regulation (EC) No 1234/2007 applicable from 16 January 2011

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

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

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

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

ANNEX II

Factors for calculating the duties laid down in Annex I

31.12.2010-13.1.2011

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

(EUR/t)

	Common wheat ⁽¹⁾	Maize	Durum wheat, high quality	Durum wheat, medium quality ⁽²⁾	Durum wheat, low quality ⁽³⁾	Barley
Exchange	Minneapolis	Chicago	—	—	—	—
Quotation	260,12	184,60	—	—	—	—
Fob price USA	—	—	283,80	273,80	253,80	162,56
Gulf of Mexico premium	—	11,46	—	—	—	—
Great Lakes premium	81,04	—	—	—	—	—

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

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

Freight costs: Gulf of Mexico–Rotterdam: 20,17 EUR/t

Freight costs: Great Lakes–Rotterdam: — EUR/t

COMMISSION REGULATION (EU) No 29/2011**of 14 January 2011****on selling prices for cereals in response to the fourth individual invitations to tender within the tendering procedures opened by Regulation (EU) No 1017/2010**

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(f), in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EU) No 1017/2010 ⁽²⁾ has opened the sales of cereals by tendering procedures, 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 accordance with Article 46(1) of Regulation (EU) No 1272/2009 and Article 4 of Regulation (EU) No 1017/2010, in the light of the tenders received in response to individual invitations to tender, the Commission has to fix for each cereal and per Member State a minimum selling price or to decide not to fix a minimum selling price.

- (3) On the basis of the tenders received for the fourth individual invitations to tender, it has been decided that a minimum selling price should be fixed for the cereals and for the Member States.
- (4) In order to give a rapid signal to the market and to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (5) 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 fourth individual invitations to tender for selling of cereals within the tendering procedures opened by Regulation (EU) No 1017/2010, in respect of which the time limit for the submission of tenders expired on 12 January 2011, the decisions on the selling price per cereal and Member State are set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 14 January 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 41.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

ANNEX

Decisions on sales

(EUR/tonne)

Member State	The minimum selling price		
	Common wheat	Barley	Maize
	CN code 1001 90	CN code 1003 00	CN code 1005 90 00
Belgique/België	X	X	X
Bulgaria	X	X	X
Česká republika	X	180,28	X
Danmark	X	195,00	X
Deutschland	X	198,00	X
Eesti	X	185,50	X
Éire/Ireland	X	X	X
Elláda	X	X	X
España	X	X	X
France	X	198,10	X
Italia	X	X	X
Kýpros	X	X	X
Latvija	X	X	X
Lietuva	X	X	X
Luxembourg	X	X	X
Magyarország	X	201,21	X
Malta	X	X	X
Nederland	X	X	X
Österreich	X	X	X
Polska	X	X	X
Portugal	X	X	X
România	X	X	X
Slovenija	X	X	X
Slovensko	X	180,30	X
Suomi/Finland	X	180,00	X
Sverige	X	190,00	X
United Kingdom	X	198,01	X

(—) no minimum selling price fixed (all offers rejected)

(°) no offers

(X) no cereals available for sales

#) not applicable

COMMISSION REGULATION (EU) No 30/2011**of 14 January 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EU) No 867/2010 for the 2010/11 marketing year**

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 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2010/11 marketing year are fixed by Commission Regulation (EU) No 867/2010 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 24/2011 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EU) No 867/2010 for the 2010/11, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 January 2011.

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

Done at Brussels, 14 January 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 259, 1.10.2010, p. 3.

⁽⁴⁾ OJ L 10, 14.1.2011, p. 3.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 15 January 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	61,95	0,00
1701 11 90 ⁽¹⁾	61,95	0,00
1701 12 10 ⁽¹⁾	61,95	0,00
1701 12 90 ⁽¹⁾	61,95	0,00
1701 91 00 ⁽²⁾	60,43	0,00
1701 99 10 ⁽²⁾	60,43	0,00
1701 99 90 ⁽²⁾	60,43	0,00
1702 90 95 ⁽³⁾	0,60	0,17

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

DECISIONS

COUNCIL DECISION 2011/17/CFSP

of 11 January 2011

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

THE COUNCIL OF THE EUROPEAN UNION,

persons subject to restrictive measures that is given in Annex II to Decision 2010/656/CFSP,

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

HAS ADOPTED THIS DECISION:

Whereas:

Article 1

(1) On 29 October 2010, the Council adopted Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾.

The persons mentioned in the Annex to this Decision shall be added to the list given in Annex II to Decision 2010/656/CFSP.

Article 2

(2) On 22 December 2010, the Council adopted Decision 2010/801/CFSP ⁽²⁾ amending Decision 2010/656/CFSP with a view to imposing a visa ban on those who are obstructing the process of peace and national reconciliation, and in particular who are jeopardising the proper outcome of the electoral process.

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

(3) In view of the gravity of the situation in Côte d'Ivoire, additional persons should be included in the list of

Done at Brussels, 11 January 2011.

For the Council

The President

J. MARTONYI

⁽¹⁾ OJ L 285, 30.10.2010, p. 28.

⁽²⁾ OJ L 341, 23.12.2010, p. 45.

ANNEX

Persons referred to in Article 1

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Yanon Yapo		Supposedly Keeper of the Seals, Minister for Justice and Human Rights Participation in the illegitimate government of Mr Laurent Gbagbo
2.	Dogou Alain		Supposedly Minister for Defence and Civic Service Participation in the illegitimate government of Mr Laurent Gbagbo
3.	Emile Guiriéoulou		Supposedly Minister for the Interior Participation in the illegitimate government of Mr Laurent Gbagbo
4.	Charles Désiré Noël Laurent Dallo		Supposedly Minister for Economic Affairs and Finance Participation in the illegitimate government of Mr Laurent Gbagbo
5.	Augustin Kouadio Komoé		Supposedly Minister for Mines and Energy Participation in the illegitimate government of Mr Laurent Gbagbo
6.	Christine Adjobi Nebout		Supposedly Minister for Health and the Fight against AIDS Participation in the illegitimate government of Mr Laurent Gbagbo
7.	Yapo Atsé Benjamin		Supposedly Minister for Building and Urban Development Participation in the illegitimate government of Mr Laurent Gbagbo
8.	Coulibaly Issa Malick		Supposedly Minister for Agriculture Participation in the illegitimate government of Mr Laurent Gbagbo
9.	Ahoua Don Mello		Supposedly Minister for Infrastructure and Sanitation Participation in the illegitimate government of Mr Laurent Gbagbo
10.	N'Goua Abi Blaise		Supposedly Minister for Transport Participation in the illegitimate government of Mr Laurent Gbagbo
11.	Anne Jacqueline Lohouès Oble		Supposedly Minister for Education Participation in the illegitimate government of Mr Laurent Gbagbo
12.	Angèle Gnonsoa		Supposedly Minister for Technical Education Participation in the illegitimate government of Mr Laurent Gbagbo
13.	Koffi Koffi Lazare		Supposedly Minister for the Environment, Water and Forestry Participation in the illegitimate government of Mr Laurent Gbagbo
14.	Elisabeth Badjo Djékouri, married name Dagbo Jeannie		Supposedly Minister for the Civil Service Participation in the illegitimate government of Mr Laurent Gbagbo
15.	Charles Blé Goudé		Supposedly Minister for Youth, Vocational Training and Employment, Leader of the Panafrican Congress of Young Patriots (COJEP) Participation in the illegitimate government of Mr Laurent Gbagbo. For the record: has been the subject of UN Security Council sanctions since 2005
16.	Philippe Attey		Supposedly Minister for Industry and Development of the Private Sector Participation in the illegitimate government of Mr Laurent Gbagbo
17.	Danièle Boni Claverie (French and Ivorian national)		Supposedly Minister for Women, the Family and Children Participation in the illegitimate government of Mr Laurent Gbagbo

	Name (and any aliases)	Identifying information	Grounds for designation
18.	Ettien Amoikon		Supposedly Minister for Information and Communication Technologies Participation in the illegitimate government of Mr Laurent Gbagbo
19.	Ouattara Gnonzié		Supposedly Minister for Communications Participation in the illegitimate government of Mr Laurent Gbagbo
20.	Alphonse Voho Sahi		Supposedly Minister for Culture Participation in the illegitimate government of Mr Laurent Gbagbo
21.	Kata Kéké		Supposedly Minister for Scientific Research Participation in the illegitimate government of Mr Laurent Gbagbo
22.	Franck Guéi		Supposedly Minister for Sports Participation in the illegitimate government of Mr Laurent Gbagbo
23.	Touré Amara		Supposedly Minister for Trade Participation in the illegitimate government of Mr Laurent Gbagbo
24.	Kouamé Sécéré Richard		Supposedly Minister for Tourism and Craft Trades Participation in the illegitimate government of Mr Laurent Gbagbo
25.	Anne Gnahouret Tatret		Supposedly Minister for Solidarity, Reconstruction and Social Cohesion Participation in the illegitimate government of Mr Laurent Gbagbo
26.	Nyamien Messou		Supposedly Minister for Labour Participation in the illegitimate government of Mr Laurent Gbagbo
27.	Koné Katina Justin		Supposedly Minister Delegate for the Budget Participation in the illegitimate government of Mr Laurent Gbagbo
28.	N'guessan Yao Thomas		Supposedly Minister attached to the Minister for Education, with responsibility for Higher Education Participation in the illegitimate government of Mr Laurent Gbagbo
29.	Lago Daléba Loan Odette		Supposedly State Secretary for School and Student Life Participation in the illegitimate government of Mr Laurent Gbagbo
30.	Georges Armand Alexis Ouég nin		Supposedly State Secretary for Universal Sickness Insurance Participation in the illegitimate government of Mr Laurent Gbagbo
31.	Dogo Djéréké Raphaël		Supposedly State Secretary for the Disabled Participation in the illegitimate government of Mr Laurent Gbagbo
32.	Dosso Charles Radel Durando		Supposedly State Secretary for War Victims Participation in the illegitimate government of Mr Laurent Gbagbo
33.	Timothée Ahoua N'Guetta		Member of the Constitutional Council Participated in the validation of false results
34.	Jacques André Daligou Monoko		Member of the Constitutional Council Participated in the validation of false results
35.	Bruno Walé Ekpo		Member of the Constitutional Council Participated in the validation of false results
36.	Félix Tano Kouakou		Member of the Constitutional Council Participated in the validation of false results

	Name (and any aliases)	Identifying information	Grounds for designation
37.	Hortense Kouassi Angoran		Member of the Constitutional Council Participated in the validation of false results
38.	Joséphine Suzanne Touré		Member of the Constitutional Council Participated in the validation of false results
39.	Konaté Navigué		President of the youth wing of the Ivorian Popular Front (FPI) Incitement to hatred and violence
40.	Patrice Bailly		Security adviser to former President Gbagbo
41.	Marcel Gossio		Director-General of the Autonomous Port of Abidjan Is helping to provide revenue for the public funds still under the effective control of the former President
42.	Alphonse Mangly		Director-General of Customs Is helping to provide revenue for the public funds still under the effective control of the former President
43.	Marc Gnatoa		Head of the Front for the Security of the Centre-West (FSCO) Head of militia. Brutality
44.	Moussa Touré Zéguen		Secretary-General of the Group of Patriots for Peace (GPP) In charge of militia. Brutality
45.	Bro Grébé Geneviève		President of the Patriotic Women of Côte d'Ivoire Incitement to hatred and violence
46.	Lorougnon Marie Odette		National Secretary of the women's wing of the Ivorian Popular Front (FPI) Incitement to hatred and violence
47.	Felix Nanihio		Secretary-General of the National Audiovisual Communication Council (CNCA) Active complicity in the disinformation campaign
48.	Stéphane Kipré		Editor legally representing the newspaper 'Le Quotidien d'Abidjan' Incitement to hatred and violence
49.	Lahoua Souanga Etienne alias César Etou		Editor-in-Chief and Editor legally representing the newspaper 'Notre Voie' Incitement to hatred and violence
50.	Jean Baptiste Akrou		Director-General of the newspaper 'Fraternité Matin' Incitement to hatred and violence
51.	Lieutenant General Philippe Mangou		Chief of Defence Staff Expressions of political support for Mr Gbagbo. Repression of popular risings. Open support for President Gbagbo at the investiture ceremony
52.	Colonel Affro (Gendarmerie)		Assistant to the Gendarmerie High Command Repression of the popular risings of February, November and December 2010
53.	Laurent Ottro Zirignon		Chief Executive Officer of the Ivorian Refining Company (SIR) Is helping to fund the illegitimate administration of Mr Laurent Gbagbo
54.	Abdoulaye Diallo		President of the General Import and Export Company of Côte d'Ivoire (SOGIEX SA) Is helping to fund the illegitimate administration of Mr Laurent Gbagbo

	Name (and any aliases)	Identifying information	Grounds for designation
55.	Kassoum Fadika		Director of the National Petroleum Operations Company of Côte d'Ivoire (PETROCI) Is helping to fund the illegitimate administration of Mr Laurent Gbagbo
56.	Djédjé Mama Simone		Director-General of the Treasury Is helping to fund the illegitimate administration of Mr Laurent Gbagbo
57.	Feh Kessé Lambert		Director-General of Taxation Is helping to fund the illegitimate administration of Mr Laurent Gbagbo
58.	Frédéric Lafont (French national)		Entrepreneur Person likely to act in violation of the embargo
59.	Mrs Frédéric Lafont née Louise Esme Kado (French national)		Entrepreneur Person likely to act in violation of the embargo

COUNCIL DECISION 2011/18/CFSP**of 14 January 2011****amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

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

Article 1

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

Whereas:

1. Article 5 is replaced by the following:

(1) On 29 October 2010, the Council adopted Decision 2010/656/CFSP renewing the restrictive measures against Côte d'Ivoire ⁽¹⁾.

'Article 5

1. All funds and economic resources owned or controlled directly or indirectly by:

(2) On 13 December 2010, the Council emphasised the importance of the Presidential election held on 31 October and 28 November 2010 for the return of peace and stability in Côte d'Ivoire and declared it to be imperative that the sovereign wish expressed by the Ivorian people be respected.

(a) the persons referred to in Annex I designated by the Sanctions Committee and referred to in Article 4(1)(a), or held by entities owned or controlled directly or indirectly by them or by any persons acting on their behalf or at their direction, as designated by the Sanctions Committee;

(3) On 17 December 2010, the European Council called on all Ivorian leaders, both civilian and military, who have not yet done so, to place themselves under the authority of the democratically elected President, Mr Alassan Ouattara.

(b) the persons or entities referred to in Annex II who are not included in the list in Annex I and who are obstructing the process of peace and national reconciliation, and in particular who are jeopardising the proper outcome of the electoral process, or held by entities owned or controlled directly or indirectly by them or by any persons acting on their behalf or at their direction,

(4) On 22 December 2010, the Council adopted Decision 2010/801/CFSP ⁽²⁾ amending Decision 2010/656/CFSP in order to impose travel restrictions against those who are obstructing the process of peace and national reconciliation, and in particular those who are jeopardising the proper outcome of the electoral process.

shall be frozen.

(5) On 14 January 2011, the Council adopted Decision 2011/17/CFSP ⁽³⁾ amending Decision 2010/656/CFSP in order to include additional persons in the list of persons subject to travel restrictions.

2. No funds, financial assets or economic resources shall be made available, directly or indirectly, to or for the benefit of persons or entities referred to in paragraph 1.

(6) In view of the seriousness of the situation in Côte d'Ivoire, additional restrictive measures should be imposed against those persons.

3. Member States may allow for exemptions from the measures referred to in paragraphs 1 and 2 in respect of funds and economic resources which are:

(7) Moreover, the list of persons subject to the restrictive measures set out in Annex II to Decision 2010/656/CFSP should be amended and the information relating to certain persons on the list should be updated,

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

⁽¹⁾ OJ L 285, 30.10.2010, p. 28.

⁽²⁾ OJ L 341, 23.12.2010, p. 45.

⁽³⁾ See page 31 of this Official Journal.

(c) intended exclusively for the payment of fees or service charges, in accordance with national laws, for the routine holding or maintenance of frozen funds and economic resources;

(d) necessary for extraordinary expenses;

(e) the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered before designation by the Sanctions Committee or by the Council of the person or entity concerned, and is not for the benefit of a person or entity referred to in this Article.

With regard to persons and entities listed in Annex I:

— the exemptions referred to in points (a), (b) and (c) of the first subparagraph of this paragraph may be made by the Member State concerned after notification to the Sanctions Committee of its intention to authorise, where appropriate and in the absence of a negative decision by the Sanctions Committee within two working days of such notification, access to such funds and economic resources;

— the exemption referred to in point (d) of the first subparagraph of this paragraph may be made by the Member State concerned after notification to the Sanctions Committee and approval by the latter;

— the exemption referred to in point (e) of the first subparagraph of this paragraph may be made by the Member State concerned after notification to the Sanctions Committee.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which those accounts became subject to restrictive measures under Common Position 2004/852/CFSP or this Decision,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.;

2. Article 10 is replaced by the following:

'Article 10

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

2. It shall be reviewed, amended or repealed as appropriate, in accordance with relevant decisions of the United Nations Security Council.

3. The measures referred to in Article 4(1)(b) and 5(1)(b) shall be reviewed at regular intervals and at least every 12 months. They shall cease to apply to the persons or entities concerned if the Council establishes, in accordance with the procedure in Article 6(2), that the conditions necessary for their application are no longer met.'

Article 2

Annex II to Decision 2010/656/CFSP is replaced by the Annex to this Decision.

Article 3

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

Done at Brussels, 14 January 2011.

For the Council

The President

J. MARTONYI

ANNEX

‘ANNEX II

List of persons and entities referred to in Article 4(1)(b) and 5(1)(b)

A. Persons

	Name (and any aliases)	Identifying information	Grounds for designation
1.	Mr Pascal Affi N'Guessan	Born 1 January 1953 in Bouadikro Passport number: PD-AE 09DD00013.	President of the Ivorian Popular Front (FPI); Obstruction of the peace and reconciliation processes; public incitement to hatred and violence.
2.	Lieutenant-Colonel Nathanaël Ahouman Brouha	Born 6 June 1960	Commander of the Security Group of the Presidency of the Republic (GSPR). Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
3.	Mr Gilbert Marie Aké N'Gbo	Born 8 October 1955 in Abidjan Passport number: 08 AA 61107 (due to expire on 2 April 2014)	Supposedly Prime Minister and Minister for Planning and Development; Participation in the illegitimate government of Mr Laurent Gbagbo.
4.	Mr Pierre Israël Amessan Brou		Director General of Radio Télévision Ivoi- rienne (RTI); Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
5.	Mr Frank Anderson Kouassi		President of the National Audiovisual Communication Council (CNCA); Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election; senior official refusing to place himself under the authority of the democratically elected President.
6.	Ms Nadiani Bamba	Born 13 June 1974 in Abidjan Passport number: PD - AE 061 FP 04	Director of the Cyclone group which publishes the newspaper "Le Temps"; Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
7.	Mr Kadet Bertin	Born around 1957 in Mama	Security adviser to Mr Gbagbo; Obstruction of the peace and reconciliation processes; senior official refusing to place himself under the authority of the demo- cratically elected President. Instigator of campaigns of intimidation and repression.

	Name (and any aliases)	Identifying information	Grounds for designation
8.	General Dogbo Blé	Born 2 February 1959 in Daloa	Head of the Republican Guard. Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
9.	Mr Paul Antoine Bohoun Bouabré	Born 9 February 1957 in Issia Passport number: PD AE 015 FO 02	Former Minister of State, senior official in the FPI: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election.
10.	Sub-prefect Oulaï Delefosse	Born 28 October 1968	Leader in the Great West Patriotic Resistance Union (UPRGO): Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
11.	Admiral Vagba Faussignau	Born 31 December 1954 in Bobia	Commander of the Ivorian Navy - deputy chief of staff: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President;
12.	Pastor Gammi		Head of the Ivorian Movement for the Liberation of Western Côte d'Ivoire (MILOCI): Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
13.	Mr Laurent Gbagbo	Born 31 May 1945 in Gagnoa	Supposedly President of the Republic: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election.
14.	Ms Simone Gbagbo	Born 20 June 1949 in Moossou	President of the Ivorian Popular Front (FPI) group in the National Assembly. Obstruction of the peace and reconciliation processes; public incitement to hatred and violence.
15.	General Guiai Bi Poin	Born 31 December 1954 in Gounela	Head of the Security Operations Command Centre (CECOS). Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
16.	Mr Denis Maho Glofiei	Born in Val de Marne, France	Leader in the Great West Liberation Front (FLGO). Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.

	Name (and any aliases)	Identifying information	Grounds for designation
17.	Captain Anselme Séka Yapo	Born 2 May 1973 in Adzopé	Bodyguard to Ms Gbagbo. Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
18.	Mr Désiré Tagro	Born 27 January 1959 in Issia Passport number: PD – AE 065FH0.	Secretary-General of Mr Laurent Gbagbo's supposed "Presidency". Participation in the illegitimate government of Mr Laurent Gbagbo, refusal to accept the result of the presidential election. Implicated in violent repression of the popular risings of February, November and December 2010.
19.	Mr Yao N'Dré	Born 29 December 1956	President of the Constitutional Council: Obstruction of the peace and reconciliation processes, refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
20.	Mr Yanon Yapo		Supposedly Keeper of the Seals, Minister for Justice and Human Rights: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo
21.	Mr Alain Dogou	Born 16 July 1964 in Aboisso Passport number: PD-AE/053FR05 (due to expire on 27 May 2011)	Supposedly Minister for Defence and Civic Service Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
22.	Mr Emile Guiriéoulou	Born 1 January 1949 in Guiglo Passport number: PD-AE/008GO03 (due to expire on 14 March 2013)	Supposedly Minister for the Interior: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
23.	Mr Charles Désiré Noël Laurent Dallo	Born 23 December 1955 in Gagnoa Passport number: 08AA19843 (due to expire on 13 October 2013)	Supposedly Minister for Economic Affairs and Finance Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
24.	Mr Augustin Kouadio Komoé	Born 19 September 1961 in Kokomian Passport number: PD-AE/010GO03 (due to expire on 14 March 2013)	Supposedly Minister for Mines and Energy: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
25.	Ms Christine Adjobi Nebout (alias Aya Christine Rosalie Adjobi née Nebout)	Born 24 July 1949 in Grand Bassam Passport number: PD-AE/017FY12 (due to expire on 14 December 2011)	Supposedly Minister for Health and the Fight against AIDS: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
26.	Mr Benjamin Yapo Atsé	Born 1 January 1951 in Akoupé Passport numbers: PD-AE/089GO04 (due to expire on 1 April 2013); PS-AE/057AN06	Supposedly Minister for Building and Urban Development: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo
27.	Mr Issa Malick Coulibaly	Born 19 August 1953 in Korhogo Passport number: PD-AE/058GB05 (due to expire on 10 May 2012)	Supposedly Minister for Agriculture: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo
28.	Mr Ahoua Don Mello	Born 23 June 1958 in Bongouanou Passport number: PD-AE/044GN02 (due to expire on 23 February 2013)	Supposedly Minister for Infrastructure and Sanitation, Government spokesperson: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
29.	Mr Blaise N'Goua Abi		Supposedly Minister for Transport: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
30.	Ms Anne Jacqueline Lohouès Oble	Born 7 November 1950 in Dabou Passport number: PD-AE/050GU08 (due to expire on 4 August 2013)	Supposedly Minister for Education: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
31.	Ms Angèle Gnonsoa (alias Zon Sahon)	Born 1 January 1940 in Taï Passport number: PD-AE/040ER05 (due to expire on 28 May 2012)	Supposedly Minister for Technical Education: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
32.	Mr Lazare Koffi Koffi		Supposedly Minister for the Environment, Water and Forestry: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
33.	Ms Elisabeth Badjo Djékouri, married name Jeannie Dagbo	Born 24 December 1971 in Lakota Passport numbers: 08AA15517 (due to expire on 25 November 2013); PS-AE/040HD12 (due to expire on 1 December 2011)	Supposedly Minister for the Civil Service: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
34.	Mr Charles Blé Goudé	Born 1 January 1972 in Kpoh Old passport: DD-AE/088OH12	Supposedly Minister for Youth, Vocational Training and Employment, Leader of the Panafrikan Congress of Young Patriots (COJEP): Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo. For the record: has been the subject of UN Security Council sanctions since 2005.

	Name (and any aliases)	Identifying information	Grounds for designation
35.	Mr Philippe Attey	Born 10 October 1951 in Agboville Old passport AE/32AH06	Supposedly Minister for Industry and Development of the Private Sector: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
36.	Ms Danièle Boni Claverie (French and Ivorian national)		Supposedly Minister for Women, the Family and Children: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
37.	Mr Ettien Amoikon		Supposedly Minister for Information and Communication Technologies: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
38.	Mr Gnonzié Ouattara		Supposedly Minister for Communications: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
39.	Mr Alphonse Voho Sahi	Born 15 June 1958 in Gueyede Passport number: PD-AE/066FP04 (due to expire on 1 April 2011)	Supposedly Minister for Culture: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
40.	Mr Kata Kéké (alias Keke Joseph Kata)	Born 1 January 1951 in Daloa Passport number: PD-AE/086FO02 (due to expire on 27 February 2011)	Supposedly Minister for Scientific Research: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
41.	Mr Franck Guéi	Born 20 February 1967 Passport number: PD-AE/082GL12 (due to expire on 22 December 2012)	Supposedly Minister for Sports: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
42.	Mr Touré Amara		Supposedly Minister for Trade: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
43.	Mr Richard Kouamé Sécéré		Supposedly Minister for Tourism and Craft Trades: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
44.	Ms Anne Gnahouret Tatret		Supposedly Minister for Solidarity, Reconstruction and Social Cohesion: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
45.	Mr Nyamien Messou	Born 20 June 1954 in Bongouanou Old passport PD-AE/056FE05 (due to expire on 29 May 2010)	Supposedly Minister for Labour: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
46.	Mr Justin Koné Katina		Supposedly Minister Delegate for the Budget: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
47.	Mr Thomas N'guessan Yao		Supposedly Minister attached to the Minister for Education, with responsibility for Higher Education: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
48.	Ms Odette Lago Daléba Loan	Born 1 January 1955 in Floleu Passport number: 08AA68945 (due to expire on 29 April 2014)	Supposedly State Secretary for School and Student Life: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
49.	Mr Georges Armand Alexis Ouénin	Born 27 August 1953 in Bouaké Passport number: 08AA59267 (due to expire on 24 March 2014)	Supposedly State Secretary for Universal Sickness Insurance: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
50.	Mr Raphaël Dogo Djéréké		Supposedly State Secretary for the Disabled: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
51.	Mr Dosso Charles Radel Durando		Supposedly State Secretary for War Victims: Obstruction of the peace and reconciliation processes and refusal to accept the result of the presidential election through participation in the illegitimate government of Mr Laurent Gbagbo.
52.	Mr Timothée Ahoua N'Guetta	Born 25 April 1931 in Aboisso Passport number: PD-AE/084FK10 (due to expire on 20 October 2013)	Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.

	Name (and any aliases)	Identifying information	Grounds for designation
53.	Mr Jacques André Daligou Monoko		Member of the Constitutional Council Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
54.	Mr Bruno Walé Ekpo		Member of the Constitutional Council Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
55.	Mr Félix Tano Kouakou	Born 12 March 1959 in Ouelle Passport number: PD-AE/091FD05 (due to expire on 13 May 2010)	Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place himself under the authority of the democratically elected President.
56.	Ms Hortense Kouassi Angoran		Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place herself under the authority of the democratically elected President.
57.	Ms Joséphine Suzanne Touré	Born 28 February 1972 in Abidjan Passport numbers: PD-AE/032GL12 (due to expire on 7 December 2012); 08AA62264 (due to expire on 6 April 2014)	Member of the Constitutional Council: Obstruction of the peace and reconciliation processes; refusal to accept the result of the presidential election; senior official refusing to place herself under the authority of the democratically elected President.
58.	Mr Konaté Navigué	Born 4 March 1974 in Tindara Passport number: PD-AE/076FE06 (due to expire on 5 June 2010)	President of the youth wing of the Ivorian Popular Front (FPI); Public incitement to hatred and violence.
59.	Mr Patrice Baï		Security adviser to former President Gbagbo; Coordinates action to intimidate the opposition; senior official refusing to place himself under the authority of the democratically elected President.
60.	Mr Marcel Gossio	Born 18 February 1951 in Adjamé Passport number: 08AA14345 (due to expire on 6 October 2013)	Director-General of the Autonomous Port of Abidjan: Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate government of Mr Laurent Gbagbo.
61.	Mr Alphonse Mangly (alias Mangley)	Born 1 January 1958 in Danané Passport numbers: 04LE57580 (due to expire on 16 June 2011); PS-AE/077HK08 (due to expire on 3 August 2012); PD-AE/065GK11 (due to expire on 15 November 2012) PD-AE/065GK11 (due to expire on 15 November 2012)	Director-General of Customs: Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
62.	Mr Marc Gnatoa		Head of the Front for the Security of the Centre-West (FSCO): Participation in repression. Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
63.	Mr Moussa Touré Zégou	Born 9 September 1944 Old passport: AE/46CR05	Secretary-General of the Group of Patriots for Peace (GPP): In charge of militia. Participation in repression following the second round of the presidential election. Obstruction of the peace and reconciliation processes through refusal to disarm and refusal to place himself under the authority of the democratically elected President.
64.	Ms Geneviève Bro Grébé née Yobou	Born 13 March 1953 in Grand Alepé Passport number: PD-AE/072ER06 (due to expire on 6 June 2012)	President of the Patriotic Women of Côte d'Ivoire: Obstruction of the peace and reconciliation processes through public incitement to hatred and violence.
65.	Ms Marie Odette Lorougnon Souhonon née Gnabri		National Secretary of the women's wing of the Ivorian Popular Front (FPI) Obstruction of the peace and reconciliation processes through public incitement to hatred and violence.
66.	Mr Felix Nanihio		Secretary-General of the National Audiovisual Communication Council (CNCA): Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election; senior official refusing to place himself under the authority of the democratically elected President.
67.	Mr Stéphane Kipré		Editor legally representing the newspaper "Le Quotidien d'Abidjan": Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
68.	Mr Etienne Lahoua Souanga alias César Etou		Editor-in-Chief and Editor legally representing the newspaper "Notre Voie" Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.
69.	Mr Jean Baptiste Akrou	Born 1 January 1956 in Yamoussoukro Passport number: 08AA15000 (due to expire on 5 October 2013)	Director-General of the newspaper "Fraternité Matin" Obstruction of the peace and reconciliation processes through public incitement to hatred and violence and through participation in disinformation campaigns in connection with the 2010 presidential election.

	Name (and any aliases)	Identifying information	Grounds for designation
70.	Lieutenant General Philippe Mangou		Chief of Defence Staff: Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
71.	Colonel Affro (Gendarmerie)		Assistant to the Gendarmerie High Command: Obstruction of the peace and reconciliation processes; responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
72.	Mr Laurent Ottro Zirignon	Born 1 January 1943 in Gagnoa Passport numbers: 08AB47683 (due to expire on 26 January 2015); PD-AE/062FR06 (due to expire on 1 June 2011); 97LB96734	Chief Executive Officer of the Ivorian Refining Company (SIR): Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
73.	Mr Fadika Kassoum	Born 7 June 1962 in Man Passport number: 08AA57836 (due to expire on 1 April 2014)	Director of the National Petroleum Operations Company of Côte d'Ivoire (PETROCI): Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
74.	Ms Simone Djédjé Mama Ohoua	Born 1 January 1957 either in Zialegrehoua or in Gagnoa Passport numbers: 08AA23624 (due to expire on 22 October 2013); PD-AE/006FR05	Director-General of the Treasury: Senior official refusing to place herself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
75.	Mr Lambert Kessé Feh	Born 22 November 1948 in Gbonne Passport number: PD-AE/047FP03 (due to expire on 26 March 2011)	Director-General of Taxation: Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate administration of Mr Laurent Gbagbo.
76.	Mr Aubert Zohoré		Special adviser to Mr Gbagbo on economic matters: Senior official refusing to place himself under the authority of the democratically elected President.
77.	Mr Thierry Legré		Member of the patriotic youth movement: Obstruction of the peace and reconciliation processes through public incitement to hatred and violence.
78.	Lieutenant General Edouard Kassaraté Tiapé		Gendarmerie High Commander: Obstruction of the peace and reconciliation processes; Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
79.	Colonel Major Hilaire Babri Gohourou		Spokesperson for the Côte d'Ivoire Security Forces: Obstruction of the peace and reconciliation processes; public incitement to hatred and violence; senior military officer refusing to place himself under the authority of the democratically elected President.

	Name (and any aliases)	Identifying information	Grounds for designation
80.	Chief Superintendent Claude Yoro		Director of National Police Intervention Units: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
81.	Superintendent Emmanuel Patrick Loba Gnango		Commander of the Riot Squad (BAE): Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
82.	Captain Guei Badia		Naval base – Ivorian Navy: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
83.	Lieutenant Ourigou Bawa		Naval base – Ivorian Navy: Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
84.	Superintendent Joachim Robe Gogo		Head of operations at the Security Operations Command Centre (CECOS): Responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire; senior military officer refusing to place himself under the authority of the democratically elected President.
85.	Mr Gilbert Anoh N'Guessan		Chairman of the Coffee and Cocoa Trade Management Committee (CGFCC): Senior official refusing to place himself under the authority of the democratically elected President; is helping to fund the illegitimate government of Mr Laurent Gbagbo.

B. Entities

	Name (and any aliases)	Identifying information	Grounds for designation
1.	PETROCI (National Petroleum Operations Company of Côte d'Ivoire)	Abidjan Plateau, Les Hévéas building - 14 boulevard Carde	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
2.	SIR (Ivorian Refining Company)	Abidjan Port Bouët, Route de Vridi – Boulevard de Petit Bassam	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
3.	Autonomous Port of Abidjan	Abidjan Vridi, Port area	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.

	Name (and any aliases)	Identifying information	Grounds for designation
4.	Autonomous Port of San Pedro	San Pedro, Port area Representation in Abidjan: Former Monoprix building, opposite Gare Sud Plateau - 1st floor, Rue du Commerce side	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
5.	BNI (National Investment Bank)	Abidjan Plateau, Avenue Marchand – SCIAM building	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
6.	BFA (Agricultural Credit Bank)	Abidjan Plateau, Rue Lecoœur – Alliance B building, 2nd to 4th floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
7.	Versus Bank	Abidjan Plateau, Avenue Botreau Roussel – CRRAE UMOA building, behind the BCEAO, facing rue des Banques	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
8.	CGFCC (Coffee and Cocoa Trade Management Committee):	Abidjan Plateau - CAISTAB building, 23rd floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
9.	APROCINCI (Côte d'Ivoire Association of Natural Rubber Producers)	Cocody II Plateau Boulevard Latrille – Sicogi, block A Building D 1st floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
10.	SOGEPÉ (National Electricity Management)	Abidjan Plateau, Place de la République - EECI building, 15th floor	Is helping to fund the illegitimate government of Mr Laurent Gbagbo.
11.	RTI (Ivorian Radio and Television)	Cocody Boulevard des Martyrs, 08 - BP 883 - Abidjan 08 - Côte d'Ivoire	Public incitement to hatred and violence through participation in disinformation campaigns in connection with the 2010 presidential election.'

COMMISSION DECISION

of 14 January 2011

on the procedure for attesting the conformity of construction products pursuant to Article 20(2) of Council Directive 89/106/EEC as regards sealants for non-structural use in joints in buildings and pedestrian walkways

*(notified under document C(2011) 62)***(Text with EEA relevance)**

(2011/19/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products ⁽¹⁾, and in particular Article 13(4) thereof,

After consulting the Standing Committee on Construction,

Whereas:

- (1) The Commission is required to select, in accordance with Article 13(3) of Directive 89/106/EEC, one of two procedures for attesting the conformity of a product. That Article prescribes that the Commission should choose the least onerous possible procedure consistent with safety. It is therefore necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria set out in Article 13(4) of that Directive, the intervention of an approved body is required.
- (2) Article 13(4) requires that the procedure thus determined shall be indicated in the mandates and in the technical specifications. It is therefore desirable to identify the products or family of products referred to in the technical specifications.
- (3) The two procedures provided for in Article 13(3) of Directive 89/106/EEC are described in detail in Annex III to that Directive. It is therefore necessary to specify clearly the methods by which the two procedures shall be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems.

- (4) The procedure referred to in Article 13(3)(a) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III. The procedure referred to in Article 13(3)(b) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III,

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved body is involved in assessment and surveillance of the production control or of the product itself.

Article 2

The procedure for attesting conformity as set out in Annex II shall be indicated in the mandates for harmonised European standards.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 January 2011.

For the Commission
Antonio TAJANI
Vice-President

⁽¹⁾ OJ L 40, 11.2.1989, p. 12.

ANNEX I

Sealants for non-structural use in joints in buildings and pedestrian walkways as follows:

1. sealants for external and/or internal walls, partitions;
 2. sealants for glazing (except for sealants for aquariums, structural glazing, first and outer seal to manufacture insulated glazing units, horizontal glazing (below 7°) and organic glass);
 3. sealants for sanitary joints (except for industrial, drinking water, underwater (swimming pools, sewage systems etc.) and food contact applications);
 4. sealants for pedestrian walkways (except for chemical containment, submersed, roads and other traffic areas, airports and sewage treatment plants).
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ANNEX II

Note: For products having more than one of the intended uses specified in the following families, the tasks for the approved body, derived from the relevant systems of attestation of conformity, are cumulative.

PRODUCT FAMILY

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS (1/2)**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonised European standards:

Product	Intended use	Level(s) or class(es)	AoC system
— Sealants for external walls	Outdoor applications	—	3
— Sealants for internal walls, partitions	Indoor applications	—	4
— Sealants for glazing	For uses in building construction	—	3
— Sealants for pedestrian walkways		—	3
— Sealants for sanitary joints		—	3

System 3: See point (ii) of Section 2 of Annex III to Directive 89/106/EEC, second possibility.

System 4: See point (ii) of Section 2 of Annex III to Directive 89/106/EEC, third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

SEALANTS FOR NON-STRUCTURAL USE IN JOINTS IN BUILDINGS AND PEDESTRIAN WALKWAYS (2/2)**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec is requested to specify the following system(s) of attestation of conformity in the relevant harmonised European standards:

Product(s)	Intended use(s)	Level(s) or class(es) (reaction to fire)	Attestation of conformity system(s)
Sealants for non-structural use in joints in buildings and pedestrian walkways	For uses subject to reaction to fire regulations	A1 (*), A2 (*), B (*), C (*)	1
		A1 (**), A2 (**), B (**), C (**), D, E	3
		(A1 to E) (***), F	4

System 1: See point (i) of Section 2 of Annex III to Directive 89/106/EEC, without audit-testing of samples.

System 3: See point (ii) of Section 2 of Annex III to Directive 89/106/EEC, second possibility.

System 4: See point (ii) of Section 2 of Annex III to Directive 89/106/EEC, third possibility.

(*) Products/materials for which a clearly identifiable stage in the production process results in an improvement of the reaction to fire classification (e.g. an addition of fire retardants or a limiting of organic material).

(**) Products/materials not covered by footnote (*).

(***) Products/materials that do not require to be tested for reaction to fire (e.g. Products/materials of classes A1 according to Commission Decision 96/603/EC).

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2(1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

DECISION OF THE EUROPEAN CENTRAL BANK**of 13 December 2010****on the increase of the European Central Bank's capital****(ECB/2010/26)****(2011/20/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Article 28.1 thereof,

Having regard to Council Regulation (EC) No 1009/2000 of 8 May 2000 concerning capital increases of the European Central Bank ⁽¹⁾, and in particular Article 1 thereof,

Whereas:

- (1) Pursuant to the first sentence of Article 28.1 of the Statute of the ESCB the capital of the European Central Bank (ECB) is EUR 5 000 million. The ECB's capital was increased to EUR 5 760 652 402,58 in accordance with Article 48.3 of the Statute of the ESCB as a consequence of Member States acceding to the Union and their national central banks joining the European System of Central Banks.
- (2) Pursuant to the second sentence of Article 28.1 of the Statute of the ESCB, the ECB's capital may be increased by such amount as may be decided by the Governing Council acting by the qualified majority provided for in Article 10.3 of the Statute of the ESCB, within the limits and under the conditions set by the Council of the European Union under the procedure laid down in Article 41 of the Statute of the ESCB.
- (3) Pursuant to Article 1 of Regulation (EC) No 1009/2000 the Governing Council of the ECB may increase the capital of the ECB beyond the amount specified in the first sentence of Article 28(1) of the Statute of the ESCB by an additional amount of up to EUR 5 000 million.

- (4) Pursuant to the fourth recital of Regulation (EC) No 1009/2000, the Regulation establishes a limit for future increases in the ECB's capital, thereby enabling the Governing Council of the ECB to decide on an actual increase at some point in the future in order to sustain the adequacy of the capital base needed to support the operations of the ECB.
- (5) Taking into account the increase of the ECB's balance sheet total over the last years, it is considered necessary to increase the ECB's capital by EUR 5 000 million in order to sustain the adequacy of the capital base needed to support the operations of the ECB,

HAS ADOPTED THIS DECISION:

*Article 1***Increase of the ECB's capital**

The ECB's capital shall be increased by EUR 5 000 million from EUR 5 760 652 402,58 to EUR 10 760 652 402,58.

*Article 2***Entry into force**

This Decision shall enter into force on 29 December 2010.

Done at Frankfurt am Main, 13 December 2010.

The President of the ECB

Jean-Claude TRICHET

⁽¹⁾ OJ L 115, 16.5.2000, p. 1.

DECISION OF THE EUROPEAN CENTRAL BANK

of 13 December 2010

on the paying-up of the increase of the European Central Bank's capital by the national central banks of Member States whose currency is the euro

(ECB/2010/27)

(2011/21/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Article 28.3 thereof,

Whereas:

(1) Decision ECB/2008/24 of 12 December 2008 laying down the measures necessary for the paying-up of the European Central Bank's capital by the participating national central banks ⁽¹⁾ determined how and to what extent the national central banks (NCBs) of the Member States whose currency is the euro were under an obligation to pay up the capital of the European Central Bank (ECB) on 1 January 2009.

(2) Pursuant to Article 1 of Decision ECB/2010/26 of 13 December 2010 on the increase of the European Central Bank's capital ⁽²⁾ the ECB's capital has been increased by EUR 5 000 million from EUR 5 760 652 402,58 to EUR 10 760 652 402,58 with effect from 29 December 2010.

(3) Decision ECB/2008/23 of 12 December 2008 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital ⁽³⁾ lays down the key for subscription to the ECB's capital in accordance with Article 29.3 of the Statute of the ESCB and establishes with effect from 1 January 2009 the weightings assigned to each NCB in the capital key (hereinafter the 'capital key weightings').

(4) Pursuant to Article 28.3 of the Statute of the ESCB the Governing Council, acting by the qualified majority provided for in Article 10.3 of the Statute of the ESCB, has the competence to determine the extent to which and the form in which the capital is to be paid up.

(5) Pursuant to Article 1 of Council Decision 2010/416/EU of 13 July 2010 in accordance with Article 140(2) of the Treaty on the adoption by Estonia of the euro on 1 January 2011 ⁽⁴⁾, Estonia fulfils the necessary

conditions for adoption of the euro and the derogation granted to it pursuant to Article 4 of the 2003 Act of Accession ⁽⁵⁾ will be abrogated with effect from 1 January 2011.

(6) In accordance with Decision ECB/2010/34 of 31 December 2010 on the paying-up of capital, transfer of foreign reserve assets and contributions by Eesti Pank to the European Central Bank's reserves and provisions ⁽⁶⁾ Eesti Pank is under an obligation to pay up the remaining share of its subscription to the ECB's capital with effect from 1 January 2011, taking into account the increase of the ECB's capital with effect from 29 December 2010 and the form in which the capital is to be paid up,

HAS ADOPTED THIS DECISION:

Article 1

Extent and form of subscribed and paid-up capital

1. Taking into account the capital key weightings set out in Article 2 of Decision ECB/2008/23 and the increase of the ECB's capital in accordance with Article 1 of Decision ECB/2010/26, each NCB shall have a total subscribed capital of the amount shown next to its name in the following table:

NCB	EUR
Nationale Bank van België/Banque Nationale de Belgique	261 010 384,68
Deutsche Bundesbank	2 037 777 027,43
Central Bank of Ireland	119 518 566,24
Bank of Greece	211 436 059,06
Banco de España	893 564 575,51
Banque de France	1 530 293 899,48
Banca d'Italia	1 344 715 688,14
Central Bank of Cyprus	14 731 333,14
Banque centrale du Luxembourg	18 798 859,75

⁽¹⁾ OJ L 21, 24.1.2009, p. 69.

⁽²⁾ See page 53 of this Official Journal.

⁽³⁾ OJ L 21, 24.1.2009, p. 66.

⁽⁴⁾ OJ L 196, 28.7.2010, p. 24.

⁽⁵⁾ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p. 33).

⁽⁶⁾ See page 58 of this Official Journal.

NCB	EUR
Central Bank of Malta	6 800 732,32
De Nederlandsche Bank	429 156 339,12
Oesterreichische Nationalbank	208 939 587,70
Banco de Portugal	188 354 459,65
Banka Slovenije	35 381 025,10
Národná banka Slovenska	74 614 363,76
Suomen Pankki	134 927 820,48

2. Each NCB shall pay up the additional amount shown next to its name in the following table:

NCB	EUR
Nationale Bank van België/Banque Nationale de Belgique	121 280 000
Deutsche Bundesbank	946 865 000
Central Bank of Ireland	55 535 000
Bank of Greece	98 245 000
Banco de España	415 200 000
Banque de France	711 060 000
Banca d'Italia	624 830 000
Central Bank of Cyprus	6 845 000
Banque centrale du Luxembourg	8 735 000
Central Bank of Malta	3 160 000

NCB	EUR
De Nederlandsche Bank	199 410 000
Oesterreichische Nationalbank	97 085 000
Banco de Portugal	87 520 000
Banka Slovenije	16 440 000
Národná banka Slovenska	34 670 000
Suomen Pankki	62 695 000

3. NCBs shall pay to the ECB the amounts specified in paragraph 2 by means of a separate transfer via the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2).

4. Each NCB shall pay up its increased capital share in three equal annual instalments. The first instalment shall be paid on 29 December 2010, and the following instalments shall be paid 2 business days before the last TARGET2 operating day of the following 2 years.

Article 2

Entry into force

This Decision shall enter into force on 29 December 2010.

Done at Frankfurt am Main, 13 December 2010.

The President of the ECB
Jean-Claude TRICHET

DECISION OF THE EUROPEAN CENTRAL BANK

of 13 December 2010

on the paying-up of the European Central Bank's capital by the non-euro area national central banks

(ECB/2010/28)

(2011/22/EU)

THE GENERAL COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Article 47 thereof,

Whereas:

- (1) Article 47 of the Statute of the ESCB provides that central banks of Member States with a derogation (hereinafter 'non-euro area NCBs') do not need to pay up their subscribed capital unless the General Council, acting by a majority representing at least two thirds of the subscribed capital of the European Central Bank (ECB) and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the ECB's operational costs.
- (2) Article 1 of Decision ECB/2008/28 of 15 December 2008 laying down the measures necessary for the paying-up of the European Central Bank's capital by the non-participating national central banks ⁽¹⁾ provides that non-euro area NCBs must pay up 7 % of their subscription to the ECB's capital with effect from 1 January 2009.
- (3) Decision ECB/2008/23 of 12 December 2008 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital ⁽²⁾ lays down the key for subscription to the ECB's capital in accordance with Article 29.3 of the Statute of the ESCB and establishes with effect from 1 January 2009 the weightings assigned to each national central bank in the capital key (hereinafter the 'capital key weightings').
- (4) Pursuant to Article 1 of Decision ECB/2010/26 of 13 December 2010 on the increase of the European Central Bank's capital ⁽³⁾ the ECB's capital has been increased by EUR 5 000 million from EUR 5 760 652 402,58 to EUR 10 760 652 402,58 with effect from 29 December 2010.
- (5) The increase of the ECB's capital would require non-euro area NCBs to pay up 7 % of their respective share in the increased capital although the ECB's operational costs do not justify a higher contribution in absolute terms. To avoid this increased contribution to the operational costs of the ECB by the non-euro area NCBs, it is necessary to decrease the percentage that non-euro area NCBs have to pay up so that the amounts to be paid up remain on a similar level,

HAS ADOPTED THIS DECISION:

Article 1

Extent and form of subscribed and paid-up capital

Each non-euro area NCB shall pay up 3,75 % of its share in the ECB's subscribed capital with effect from 29 December 2010. Taking into account the capital key weightings laid down in Article 2 of Decision ECB/2008/23, each non-euro area NCB shall have a total subscribed and paid-up capital of the amounts shown next to its name in the following table:

Non-euro area NCB	Subscribed capital as at 29 December 2010 (in EUR)	Paid-up capital as at 29 December 2010 (in EUR)
Българска народна банка (Bulgarian National Bank)	93 467 026,77	3 505 013,50
Česká národní banka	155 728 161,57	5 839 806,06
Danmarks Nationalbank	159 634 278,39	5 986 285,44
Eesti Pank	19 261 567,80	722 308,79
Latvijas Banka	30 527 970,87	1 144 798,91

⁽¹⁾ OJ L 21, 24.1.2009, p. 81.

⁽²⁾ OJ L 21, 24.1.2009, p. 66.

⁽³⁾ See page 53 of this Official Journal.

Non-euro area NCB	Subscribed capital as at 29 December 2010 (in EUR)	Paid-up capital as at 29 December 2010 (in EUR)
Lietuvos bankas	45 797 336,63	1 717 400,12
Magyar Nemzeti Bank	149 099 599,69	5 591 234,99
Narodowy Bank Polski	526 776 977,72	19 754 136,66
Banca Națională a României	265 196 278,46	9 944 860,44
Sveriges Riksbank	242 997 052,56	9 112 389,47
Bank of England	1 562 145 430,59	58 580 453,65

Article 2

Adjustment of the paid-up capital

1. Given that each non-euro area NCB has already paid up 7 % of its share in the ECB's subscribed capital as applicable on 28 December 2010 under Decision ECB/2008/28, each of them shall pay up the additional amount specified in the below table, which is the difference between the paid-up capital specified in Article 1 and the amount paid up in the past:

Non-euro area NCB	(in EUR)
Българска народна банка (Bulgarian National Bank)	2 421,63
Česká národní banka	4 034,75
Danmarks Nationalbank	4 135,95
Eesti Pank	499,04
Latvijas Banka	790,95
Lietuvos bankas	1 186,56
Magyar Nemzeti Bank	3 863,01
Narodowy Bank Polski	13 648,22
Banca Națională a României	6 870,95
Sveriges Riksbank	6 295,79
Bank of England	40 473,51

2. Non-euro area NCBs shall pay the amounts specified in paragraph 1 to the ECB by means of a separate transfer via the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) on 29 December 2010.

3. Where a non-euro area NCB does not have access to TARGET2, the amounts set out in paragraph 1 shall be transferred by crediting an account that the ECB or the non-euro area NCB shall nominate in due time.

2. Decision ECB/2008/28 is hereby repealed with effect from 29 December 2010.

3. References to Decision ECB/2008/28 shall be construed as references to this Decision.

Done at Frankfurt am Main, 13 December 2010.

Article 3

Final provisions

1. This Decision shall enter into force on 29 December 2010.

The President of the ECB
Jean-Claude TRICHET

DECISION OF THE EUROPEAN CENTRAL BANK

of 31 December 2010

on the paying-up of capital, transfer of foreign reserve assets and contributions by Eesti Pank to the European Central Bank's reserves and provisions

(ECB/2010/34)

(2011/23/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Articles 30.1, 30.3, 48.1 and 48.2 thereof,

Whereas:

(1) Pursuant to Article 1 of Council Decision 2010/416/EU of 13 July 2010 in accordance with Article 140(2) of the Treaty on the adoption by Estonia of the euro on 1 January 2011⁽¹⁾, Estonia fulfils the necessary conditions for adoption of the euro and the derogation granted to it pursuant to Article 4 of the 2003 Act of Accession⁽²⁾ will be abrogated with effect from 1 January 2011.

(2) Article 48.1 of the Statute of the ESCB provides that the national central bank (NCB) of a Member State whose derogation has been abrogated must pay up its subscribed share of the capital of the European Central Bank (ECB) to the same extent as the NCBs of the other Member States whose currency is the euro. The weighting of Eesti Pank in the ECB's capital key is 0,1790 %, pursuant to Article 2 of Decision ECB/2008/23 of 12 December 2008 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital⁽³⁾. Eesti Pank has already paid up part of its share in the ECB's subscribed capital, pursuant to Article 1 of Decision ECB/2010/28 of 13 December 2010 on the paying-up of the European Central Bank's capital by the non-euro area national central banks⁽⁴⁾.

(3) Pursuant to Article 1 of Decision ECB/2010/26 of 13 December 2010 on the increase of the European Central Bank's capital⁽⁵⁾ the ECB's capital has been

increased by EUR 5 000 000 000 from EUR 5 760 652 402,58 to EUR 10 760 652 402,58 with effect from 29 December 2010. Pursuant to Article 1 of Decision ECB/2010/27 of 13 December 2010 on the paying-up of the increase of the European Central Bank's capital by the national central banks of Member States whose currency is the euro⁽⁶⁾ the increased capital must be paid up in three equal annual instalments.

(4) Accordingly, Eesti Pank should pay up the remaining parts of its share in the ECB's subscribed capital, which correspond to EUR 18 539 259,01 as follows: on 3 January 2011 an amount of EUR 9 589 259,01 which results from multiplying the ECB's subscribed capital on 28 December 2010 (EUR 5 760 652 402,58) by the capital key weighting of Eesti Pank (0,1790 %), minus the part of its share in the ECB's subscribed capital that has already been paid up in accordance with Decision ECB/2010/27 and a further amount of EUR 8 950 000,00 which results from multiplying the amount of the increase of the ECB's subscribed capital (EUR 5 000 000 000) by the capital key weighting of Eesti Pank. Eesti Pank should pay the latter amount in three equal instalments. The first instalment is to be paid up together with the amount of EUR 9 589 259,01 and the other two instalments of EUR 2 983 333,33 each two business days before the last TARGET2 operating day of 2011 and 2012.

(5) Article 48.1, in conjunction with Article 30.1, of the Statute of the ESCB provides that the NCB of a Member State whose derogation has been abrogated must also transfer foreign reserve assets to the ECB. Pursuant to Article 48.1 of the Statute of the ESCB, the sum to be transferred is determined by multiplying the euro value at current exchange rates of the foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1 of the Statute of the ESCB, by the ratio between the number of shares subscribed by the NCB concerned and the number of shares already paid up by the NCBs of the other Member States whose currency is the euro. When determining the 'foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1', due account should be taken of previous capital key adjustments⁽⁷⁾ pursuant to Article 29.3 of

⁽¹⁾ OJ L 196, 28.7.2010, p. 24.

⁽²⁾ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded (OJ L 236, 23.9.2003, p. 33).

⁽³⁾ OJ L 21, 24.1.2009, p. 66.

⁽⁴⁾ See page 56 of this Official Journal.

⁽⁵⁾ See page 53 of this Official Journal.

⁽⁶⁾ See page 54 of this Official Journal.

⁽⁷⁾ Decision ECB/2003/17 of 18 December 2003 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 9, 15.1.2004, p. 27), and Decision ECB/2008/23 of 12 December 2008 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 21, 24.1.2009, p. 66).

the Statute of the ESCB and the ECB capital key expansions pursuant to Article 48.3 of the Statute of the ESCB ⁽¹⁾. As a result, pursuant to Decision ECB/2008/27 of 12 December 2008 laying down the measures necessary for the contribution to the European Central Bank's accumulated equity value and for adjusting the national central banks' claims equivalent to the transferred foreign reserve assets ⁽²⁾, the euro equivalent of the foreign reserve assets which have already been transferred to the ECB pursuant to Article 30.1 of the Statute of the ESCB is EUR 145 853 596,60.

- (6) The foreign reserve assets to be transferred by Eesti Pank should be in or be denominated in Japanese yen and gold.
- (7) Article 30.3 of the Statute of the ESCB provides that the ECB must credit each NCB of a Member State whose currency is the euro with a claim equivalent to the foreign reserve assets that it has transferred to the ECB. The provisions regarding the denomination and remuneration of the claims that have already been credited to the NCBs of the Member States whose currency is the euro ⁽³⁾ should also apply to the denomination and remuneration of the claims of Eesti Pank.
- (8) Article 48.2 of the Statute of the ESCB provides that the NCB of a Member State whose derogation has been abrogated must contribute to the ECB's reserves, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to abrogation of the derogation. The amount of this contribution is determined in accordance with Article 48.2 of the Statute of the ESCB.
- (9) By analogy with Article 3.5 of the Rules of Procedure of the European Central Bank ⁽⁴⁾, the Governor of Eesti Pank has had the opportunity to make observations on this Decision before its adoption,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purposes of this Decision:

- (a) 'foreign reserve assets' means gold or cash;

⁽¹⁾ Decision ECB/2004/5 of 22 April 2004 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 205, 9.6.2004, p. 5) and Decision ECB/2006/21 of 15 December 2006 on the national central banks' percentage shares in the key for subscription to the European Central Bank's capital (OJ L 24, 31.1.2007, p. 1).

⁽²⁾ OJ L 21, 24.1.2009, p. 77.

⁽³⁾ Pursuant to Guideline ECB/2000/15 of 3 November 1998 as amended by the Guideline of 16 November 2000 on the composition, valuation and modalities for the initial transfer of foreign-reserve assets, and the denomination and remuneration of equivalent claims (OJ L 336, 30.12.2000, p. 114).

⁽⁴⁾ Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

- (b) 'gold' means fine troy ounces of gold in the form of London Good Delivery bars, as specified by the London Bullion Market Association;

- (c) 'cash' means the lawful currency of Japan (Japanese yen).

Article 2

Extent and form of paid-up capital

1. Eesti Pank shall pay up the remaining parts of its share in the ECB's subscribed capital, which correspond to EUR 18 539 259,01.
2. Eesti Pank shall pay to the ECB on 3 January 2011 a first instalment of EUR 12 572 592,35 by means of a separate transfer via the Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2). Eesti Pank shall pay two further instalments of EUR 2 983 333,33 each two business days before the last TARGET2 operating day of 2011 and 2012.
3. Eesti Pank shall pay to the ECB on 3 January 2011, by a separate TARGET2 transfer, the interest accrued on 1 and 2 January 2011 on the amount due to the ECB under the first sentence of paragraph 2. This interest shall be calculated on a daily basis, using the actual over-360-day method of calculation, at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

Article 3

Transfer of foreign reserve assets

1. Eesti Pank shall transfer to the ECB, with effect from 1 January 2011 and in accordance with this Article and the arrangements taken pursuant to it, an amount of foreign reserve assets denominated in Japanese yen and gold that is equivalent to EUR 145 853 596,60 as follows:

Euro-equivalent amount of Japanese yen in cash	Euro-equivalent amount of gold	Aggregate euro-equivalent amount
123 975 557,11	21 878 039,49	145 853 596,60

2. The euro-equivalent amount of foreign reserve assets to be transferred by Eesti Pank under paragraph 1 shall be calculated on the basis of the exchange rates between the euro and the Japanese yen established as a result of the 24-hour written consultation procedure on 31 December 2010 between the Eurosystem and Eesti Pank and, in the case of gold, on the basis of the US dollar price of gold per fine troy ounce established in the London gold fixing at 10.30 a.m., London time, on 31 December 2010.

3. The ECB shall confirm to Eesti Pank as soon as possible the amount calculated in accordance with paragraph 2.

4. Eesti Pank shall transfer to the ECB Japanese yen in cash.

5. The transfer of cash shall take place to such accounts as are specified by the ECB. The settlement date for the cash to be transferred to the ECB shall be 4 January 2011. Eesti Pank shall give instructions to execute such transfer to the ECB.

6. The value of the gold which Eesti Pank transfers to the ECB in accordance with paragraph 1 shall be as close as possible to, but no more than, EUR 21 878 039,49.

7. Eesti Pank shall transfer the gold referred to in paragraph 1 in uninvested form to such accounts and such locations as are specified by the ECB. The settlement date for the gold to be transferred to the ECB shall be 6 January 2011. Eesti Pank shall give instructions to effect such transfer to the ECB.

8. If Eesti Pank transfers gold to the ECB with a value of less than the amount specified in paragraph 1, then on 6 January 2011 it shall transfer an amount of Japanese yen cash equivalent to the shortfall to an account of the ECB as specified by the ECB. Any such Japanese yen cash shall not form part of the foreign reserve assets denominated in Japanese yen which Eesti Pank transfers to the ECB in accordance with the left column of the table included in paragraph 1.

9. The difference, if any, between the aggregate euro-equivalent amount mentioned in paragraph 1 and the amount mentioned in Article 4(1) shall be settled in accordance with the Agreement of 31 December 2010 between Eesti Pank and the European Central Bank regarding the claim credited to Eesti Pank by the European Central Bank pursuant to Article 30.3 of the Statute of the European System of Central Banks and of the European Central Bank ⁽¹⁾.

Article 4

Denomination, remuneration and maturity of the claims equivalent to the contributions

1. With effect from 1 January 2011, and subject to the specifications in Article 3 regarding the settlement dates of the transfers of foreign reserve assets, the ECB shall credit Eesti Pank with a claim denominated in euro, equivalent to the aggregate euro amount of its contribution of foreign reserve assets. This claim corresponds to EUR 103 115 678,01.

2. The claim credited by the ECB to Eesti Pank shall be remunerated from the settlement date. The interest accruing shall be calculated on a daily basis, using the actual over-360-day method of calculation, at a rate equivalent to 85 % of the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

3. The claim shall be remunerated at the end of each financial year. Each quarter the ECB shall inform Eesti Pank of the cumulative amount.

4. The claim shall not be redeemable.

Article 5

Contributions to the ECB's reserves and provisions

1. With effect from 1 January 2011 and in accordance with Article 3(5) and (6), Eesti Pank shall contribute to the ECB's reserves, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account at 31 December 2010.

2. The amounts to be contributed by Eesti Pank shall be determined in accordance with Article 48.2 of the Statute of the ESCB. The references in Article 48.2 to 'the number of shares subscribed by the central bank concerned' and 'the number of shares already paid up by the other central banks' shall refer to the weighting of Eesti Pank, and the NCBs of the other Member States whose currency is the euro in the ECB's capital key, pursuant to Decision ECB/2008/23.

3. For the purposes of paragraph 1, 'the ECB's reserves' and 'provisions equivalent to reserves' shall include the ECB's general reserve fund, balances on revaluation accounts and provisions for foreign exchange rate, interest rate, credit, market price and gold price risks.

4. At the latest on the first working day following the Governing Council's approval of the ECB's annual accounts for the year 2010, the ECB shall calculate and confirm to Eesti Pank the amount to be contributed by Eesti Pank under paragraph 1.

5. On the second working day following the Governing Council's approval of the ECB's annual accounts for the year 2010, Eesti Pank shall, via TARGET2, pay to the ECB:

- (a) the amount due to the ECB under paragraph 4; and
- (b) the interest accrued from 1 January 2011 until the payment date on the amount due to the ECB under paragraph 4.

6. Any interest accruing under paragraph 5(b) shall be calculated on a daily basis, using the actual over-360-day method of calculation, at a rate equal to the marginal interest rate used by the Eurosystem in its most recent main refinancing operation.

Article 6

Competencies

1. To the extent necessary, the ECB's Executive Board shall issue instructions to Eesti Pank to further specify and give effect to any provision of this Decision and to provide for appropriate remedies to address any problems that may arise.

⁽¹⁾ Not yet published in the Official Journal.

2. Any instruction issued by the Executive Board under paragraph 1 shall be promptly notified to the Governing Council, and the Executive Board shall comply with any decision of the Governing Council thereon.

Article 7

Final provision

This Decision shall enter into force on 1 January 2011.

Done at Frankfurt am Main, 31 December 2010.

The President of the ECB

Jean-Claude TRICHET

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 11 January 2011

on the certification of defence undertakings under Article 9 of Directive 2009/43/EC of the European Parliament and of the Council simplifying terms and conditions of transfers of defence-related products within the Community

(Text with EEA relevance)

(2011/24/EU)

THE EUROPEAN COMMISSION,

guidelines on the certification of defence undertakings under Article 9 of Directive 2009/43/EC.

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

- (7) The guidelines set out in this Recommendation are based on the best practices of certain Member States, which have proven to be efficient and practicable,

Whereas:

- (1) Article 9 of Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community⁽¹⁾ lays down the criteria for the certification by Member States of defence undertakings established on their territory as recipients of defence-related products transferred under general transfer licences.

HAS ADOPTED THIS RECOMMENDATION:

1. THE CERTIFICATION CRITERIA

1.1. Assessment of criteria set out in points (a) and (b) of Article 9(2)

- (2) The certification of undertakings is a key element of the simplified licensing system introduced by Directive 2009/43/EC.

Only recipient undertakings which actually manufacture defence-related products or partly completed defence-related products covered by Directive 2009/43/EC, consisting of components and/or systems and sub-systems purchased from third parties, with a view to being placed on the market under his own name or trademark should be eligible for certification.

- (3) Different interpretations of the certification criteria by Member States could hamper the implementation of Directive 2009/43/EC and the achievement of its simplification objective.

Certified recipient undertakings should use the defence-related products received under the general transfer licences referred to in Article 5(2)(b) of Directive 2009/43/EC for their own production (which includes incorporation of components into other products, or as spares or replacement parts) and should not retransfer or export them as such, (except for the purposes of maintenance or repair) where the prior authorisation of an originating Member State is required.

- (4) A convergent interpretation and application of the certification criteria by Member States are important to the mutual recognition of certificates referred to in article 9(6) of Directive 2009/43/EC and to a wide use of general licenses.

Competent authorities should be able, where appropriate and before issuing a certificate, to require a statement from recipient undertaking whereby they commit themselves to the following:

- (5) Representatives of Member States in the Committee established by Article 14 of Directive 2009/43/EC have suggested that convergent interpretation and application of the certification criteria could be achieved by the adoption of a Commission recommendation.

- (6) Representatives of Member States in the Committee established by Article 14 of Directive 2009/43/EC therefore established a working group to prepare

- (a) to use the defence-related products, received under the general licences referred to in Article 5(2)(b) of Directive 2009/43/EC, for their own production;

⁽¹⁾ OJ L 146, 10.6.2009, p. 1.

- (b) to refrain from retransferring or exporting the relevant products as such, except for the purposes of maintenance or repair.

1.2. Supplies to recipient undertakings purchasing for the exclusive use by the armed forces of a Member State under general transfer licences referred to in Article 5(2)(a) of Directive 2009/43/EC

Recipient undertakings qualifying as contracting authorities within the meaning of Article 1(9) of Directive 2004/18/EC of the European Parliament and of the Council ⁽¹⁾, purchasing for the exclusive use by the armed forces of a Member State, should be entitled to receive defence-related products under the general licences referred to in Article 5(2)(a) of Directive 2009/43/EC without being certified.

1.3. Assessment of criteria set out in points (c) and (f) of Article 9(2)

The senior executive referred to in Article 9(2)(c) of Directive 2009/43/EC should be personally responsible for the internal compliance programme or transfer and export management system implemented in the undertaking and the staff in charge of export and transfer control. That senior executive should be a member of the managerial body of the undertaking.

Where the certificate is requested for one or several production units, the description of the chain of responsibility within the recipient undertaking required under Article 9(2)(f) of Directive 2009/43/EC should clearly establish the control of the senior executive over the staff of those units in charge of export and transfer control.

Questions and guidelines on the description of internal compliance programmes and for subsequent assessment are set out in Annex I. Member States may add further questions. Where Member States add any further questions, they should be directly relevant to the certification assessment process.

1.4. Organisational Structure to be certified and assessment of criteria set out in points (d) and (e) of Article 9(2)

How certification is approached will depend on a recipient undertaking's organisational structure and how it delegates responsibility for transfer and export controls. The undertaking could be certified as a whole or by business unit. Undertakings with production units and associated

activities at several addresses, that have been delegated the responsibility for transfer and export controls, should specify which of those units are to be covered by the certificate.

2. THE CERTIFICATION

2.1. A standard certificate template

The use of a standard certificate template set out in Annex II is recommended.

The certificate should be drafted in one of the official languages of the Member State issuing the certificate and preferably in one of the official languages of another Member State, as indicated by the certified recipient undertaking. The date of entry into force of the certificate should be marked on the certificate.

For the purposes of Article 9(4)(a), the certificate should require the certified recipient undertaking to notify the competent authority of all factors and events arising after the certificate is granted which may influence validity or content of the certificate. The certified recipient undertaking should notify in particular the following:

- (a) any major change in its industrial activity in defence-related products;
- (b) any change in the address where records concerning received defence-related products are accessible to the competent authority.

For the purposes of point (a), the relevance of the change justifying notification should, where appropriate, be assessed in the light of the information already provided for the registration as a defence undertaking or for the granting of any defence activity licence or manufacturing licence.

2.2. Exchange of information on recipient undertakings seeking certification

For the purposes of Article 12 of the Directive 2009/43/EC, national competent authorities are encouraged to exchange all relevant information regarding the issuance of certificates. If for the assessment of a recipient undertaking in view of issuing a certificate it is necessary to collect information from other competent authorities, the issuing national competent authority should liaise with the other relevant national competent authorities before issuing the certificate.

⁽¹⁾ OJ L 134, 30.4.2004, p. 114.

3. MONITORING OF COMPLIANCE

3.1. Powers of competent authorities to carry out compliance visits

For the purpose of visits to verify compliance with the conditions attached to the certificate and with the criteria set out in Article 9(2), inspectors assigned by the competent authority should be at least empowered:

- (a) to enter relevant premises;
- (b) to examine and take copies of the records, data, rules of procedure and any other material relevant to products exported, transferred or received under a transfer licence from another Member State.

Such inspections should be carried out in compliance with the legislation of the Member State in which they are to be undertaken.

3.2. Cases justifying a re-assessment

A re-assessment of compliance with the conditions attached to the certificate and with the criteria set out in Article 9(2) should be carried out by the competent authority in the following cases:

- (a) major changes to the certified recipient undertaking, including changes to the internal organisation of the undertaking or to its activities;
- (b) indication that the relevant conditions and criteria are no longer met by the certified recipient undertaking;
- (c) where the certified recipient undertaking has been prescribed to take corrective action;
- (d) where suspension of the certificate is to be lifted.

3.3. Closer monitoring of newly certified recipient undertakings

The competent authority should pay particular attention to the monitoring of newly certified recipient undertakings. The competent authority should carry out a compliance monitoring preferably during the first year after the first time a certificate is issued.

4. CORRECTIVE MEASURES, SUSPENSION AND REVOCATION OF CERTIFICATES

4.1. Decisions to prescribe corrective action

Where a certified recipient undertaking no longer complies with one or more of the criteria set out in Article 9(2) of

Directive 2009/43/EC or with the conditions attached to the certificate and where the competent authority deems the non-compliance to be of minor importance, the competent authority should, within a time period not exceeding 1 month from the date the competent authority first became aware of the non-compliance, take a decision requiring the recipient undertaking to take corrective action.

That decision should immediately be notified in writing by the competent authority to the certified recipient undertaking. Such decision should require the certified recipient undertaking to carry out the prescribed corrective action within a time period set out in the written notification.

On expiry of that time period, the competent authority should verify that the corrective action has been implemented. The verification could include a site visit, a meeting with the senior executive referred to in Article 9(2)(c) of Directive 2009/43/EC or a senior officer nominated by that senior executive, and/or the assessment of written documentation supplied by that senior executive.

Within a time period not exceeding 3 months after completion of the verification, the certified recipient undertaking should be notified in writing of the assessment by the competent authority of the appropriateness of the corrective action undertaken.

4.2. Suspension and revocation of certificates

The competent authority should suspend or revoke the certificate in any of the following cases:

- (a) the certified recipient undertaking concerned has failed to take the corrective action within the time period set out in the written notification from the competent authority requiring the certified recipient undertaking to take corrective action;
- (b) the certified recipient undertaking no longer complies with one or more of the criteria set out in Article 9(2) of Directive 2009/43/EC or with the conditions attached to the certificate and the competent authority deems the non-compliance to be of serious importance.

The decision suspending or revoking the certificate should immediately be notified in writing by the competent authority to the certified recipient undertaking and to the Commission.

The competent authority should maintain the suspension until the certified recipient undertaking can demonstrate compliance with the criteria set out in Article 9(2) of Directive 2009/43/EC and with the conditions attached to the certificate. The competent authority should, at the time of written notification of the suspension of the certificate or in subsequent written correspondence, impose a time limit within which such compliance should be demonstrated by the certified recipient undertaking.

4.3. Lifting suspension of the certificate

Following expiry of the time limit imposed in the decision on suspension, the competent authority should verify whether the certified recipient undertaking is in compliance with the criteria set out in Article 9(2) of Directive 2009/43/EC and with the conditions attached to the certificate.

The verification could include a site visit, a meeting with the senior executive referred to in Article 9(2)(c) of Directive 2009/43/EC or a senior officer nominated by that senior executive, and/or the assessment of written documentation supplied by that senior executive.

Within a time period not exceeding 1 month after completion of the verification, a new decision from the competent authority should be notified in writing to the certified recipient undertaking stating any of the following:

- (a) that the suspension of certificate is lifted and the date on which it takes effect;

- (b) the suspension is maintained until a certain date, following which another verification will be carried out;

- (c) the certificate is revoked.

5. EXCHANGE OF INFORMATION RELATING TO CERTIFICATION

Where a certificate has been granted, suspended, revoked or suspension of a certificate has been lifted, the competent authority should immediately notify in writing the certified recipient undertaking and the Commission.

6. FOLLOW-UP

The Member States are invited to give effect to this Recommendation by 30 June 2012 at the latest.

Member States are encouraged to inform the Commission of any measures taken to give effect to this Recommendation.

7. ADDRESSEES

This Recommendation is addressed to the Member States.

Done at Brussels, 11 January 2011.

For the Commission
Antonio TAJANI
Vice-President

Questions and guidelines on the description of internal compliance programmes and for subsequent assessment

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
1. Organisational, human and technical resources allocated to the management of transfers and exports	What percentage of the undertaking's business (annual turnover) depends on exports and transfers of licensable items? How many exports and transfers of such items take place within a year? What functions within the company (e.g. purchasing, engineering, project management, shipping) are involved in the export and transfer process and how are those responsibilities organised? Has the undertaking an electronic system to manage exports and transfers? What are its main features?	The purpose of these questions is to obtain additional information on the undertaking's internal organisation, which is relevant for assessing the impact of export/transfer activities on the undertaking and on the related operational procedures	
	How many people are either employed solely to deal with the management of exports and transfers or have responsibility for it with other tasks?	There should always be at least 2 people in case of holiday, illness etc.	
	Does the undertaking internally circulate its written commitment of compliance with export/transfer control regulations and of adherence to any relevant end-use and export restrictions? Does the undertaking internally circulate its written commitment to provide on request end-use/end-user information?	Both written commitments should be included in the compliance manuals available to export/transfer control staff and should also be known to all employees concerned by export/transfer controls (e.g.: sales department ...).	9(2)(d) and 9(2)(e)
	Has the undertaking so far complied with export/transfer control regulations?	The undertaking should have a sound track record of compliance with export/transfer control regulations.	9(2)(a)
	Are compliance manuals being provided and kept up-to-date for export/transfer control staff?	Compliance manuals for the use and guidance of export/transfer control staff should be available, at least in electronic version (for instance, on the undertaking's intranet). Those manuals should contain the operating and organisational procedures to be followed by export/transfer control staff. Export/transfer control staff should be expeditiously informed of the amendments to the manual applying to their tasks as well as of their entry into force.	9(2)(f)

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
2. Chain of responsibility	Please describe the chain of responsibility for exports and transfers within your undertaking.	The responsibility for export/transfer control compliance should be set down in writing. The written support describing the chain of responsibility (such as records or organisation charts) should be kept up-to-date. The description should provide detail on delegations of responsibility and the adopted routines in situations when the senior executive referred to in Article 9(2)(c) of Directive 2009/43/EC is absent.	9(2)(f)
	Is such a description always accessible to the competent authority?	Knowledge of the chain of responsibility should always be easily accessible to the competent authority not only at the application phase but also for subsequent compliance monitoring and compliance visits.	9(2)(f)
	In which part of your undertaking is the export/transfer management situated?	Whether export/transfer control management is organised in each shipping unit, in the head office or as a separate export control department should depend on the size and the structure of the undertaking.	9(2)(f)
	How do export/transfer control staff interact with other functions inside the undertaking?	Export/transfer control staff should be protected as much as possible from conflicts of interest. They should be empowered to stop a transaction.	9(2)(f)
	How is the relationship between the export/transfer control staff and the senior executive organised, for example, the possibility of information exchange?	Export control staff should be allowed to report directly to the senior executive if they require authority to stop a transaction.	9(2)(f)
	Please indicate the other responsibilities of the senior executive who has been appointed personally responsible for transfers and exports	The senior executive should be part of the top management. His/her position should not present a conflict of interest (e.g.: he/she should not also be head of sales ...)	9(2)(c) and (f)
3. Internal audits			
(a) Random inspection	How frequently are random inspections carried out?	The ICP and the daily operating procedures should be subject to (unexpected) random checks.	9(2)(f)
(b) internal audits	How frequent are internal audits?	Ideally, once a year and, at least, every 3 years.	9(2)(f)
	What percentage of exports/transfers is subject to checks?	Depending on the number of exports/transfers, at least 1 % and an expected maximum of 20 %. The ratio can vary each time an audit is undertaken.	

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
	Who carries out these checks?	Possible answers should be one of the following: — someone senior in the chain of responsibility for export/transfer controls, — the quality manager, — the finance manager or accountant, — anyone else of a middle management or higher position who is one step or more away from the day to day work of the export/transfer team.	
	What questions do these audits cover?	Audits should provide answers to the following questions: — Are the export limitations put in place abided by? — Are procedures in place and updated to ensure that all export and transfer regulations are complied with? — Is regular awareness training undertaken? — Are records readily available? — Are the records comprehensive? — Do the records cover all the relevant aspects of import, export and transfer, and products remaining within the Member State? — Is information available on the life of relevant products from source to destination?	
(c) planning, effectiveness and follow-up of the audits	How do you ensure you audit a representative range of shipments?	At least one shipment per customer or destination should be audited or at least one shipment for each project.	9(2)(f)
	Does the undertaking establish a programme of internal audit?	A programme of internal audit should be established ensuring that a representative range of shipments are to be audited.	
	Is the non-compliance disclosed by internal audits systematically corrected? Is a trail of such actions kept?	The undertaking should clearly record any suspected occurrence of non-compliance identified by the internal audit, the measures recommended to correct such an occurrence and an assessment of the effectiveness of those corrective measures on compliance.	

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
4. General awareness-raising			
4.1. Operating and organisational procedures	How are the undertaking's internal processes designed to raise general awareness and minimise risks related to export/transfer controls?	Operating and organisational procedures should be set down in writing and provide instructions and guidelines on the following: — the overall export/transfer process from reception of an order, assessment of applicability of export/transfer regulations, compliance with relevant export/transfer regulations and shipment or transmission (a final compliance check must be carried out before shipment or transmission), — the monitoring of compliance with the terms and conditions of the licence, — the interaction with external parties, and in certain cases, with other interested departments within the undertaking, such as the legal and sales department, — the coordination of all employees involved in or somehow concerned by export/transfer controls (e.g.: sales staff should be instructed to inform export/transfer control staff of any doubts, and should be informed that the processing of an order can only take place once it has been cleared by the export/transfer control staff), — the coordination and possible exchange of information with the competent authorities (e.g.: possible reporting of suspect transaction orders, possible existence of a voluntary disclosure policy ...).	9(2)(f)
4.1.1. Operating and organisational procedures: pre-licensing phase ⁽¹⁾			
(a) Embargoes	How does the undertaking take into account embargoes?	In cases where a shipment is planned to be sent to an embargoed destination, rules should be in place to verify the relevant embargo regulations. Such verification should at least encompass: — the supply bans enacted by the embargo regulation, — the classification of products to be shipped against the embargo's list of products, — the additional licensing requirements for certain services, such as technical assistance.	9(2)(f)

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
(b) Sanctions lists	How does the undertaking take into account sanctions lists?	The names and identities of the legal and natural persons to be supplied should be checked against the relevant sanctions lists.	9(2)(f)
	When searching for an identity on the sanctions list, what level (or percentage) of certainty that a match has been found is required to consider it a match ('hit')? What procedures are followed when a match for a name has been found?	Procedural instructions should have been set down in writing which detail how likely matches and 'hits' are to be addressed (for example, when a match has been found, it must be reported to the competent authority).	
(c) Control of listed products (products subject to licensing because of their inclusion in an export/transfer control list)	Questions on internal processes ensuring that a listed product is not exported or transferred without a license:		9(2)(f)
	(1) Is there an electronic data processing system in place to record the classification of products received or manufactured by the undertaking?	The classification of products should be recorded in an electronic data processing system (only if in existence already). Changes in the control lists should be immediately reported in the system.	
	(2) How are all products subject to licensing requirements classified and recorded, and who is responsible for this? What processes are in place to ensure that the classification of products is kept up to date, and how is it documented?	The export/transfer control staff should be responsible for recording and classifying products, if necessary, in consultation with technical experts.	
	(3) How is the end-use by and the reliability of the recipient assessed?	The export/transfer control staff should be responsible for verifying the reliability of the recipients, with special attention given to the end-use and risk of diversion. If export/transfer control staff are informed that the recipient has breached export/transfer control regulations, they should inform the competent authority. A verification of the recipient's good faith is especially important in cases where the customer is new or where the customer's identity is unclear or when there are doubts about the declared end-use (e.g.: order in unusual quantities, special and unusual transit routes requested by the recipient ...).	
(d) Intangible transfer of technology	How does the undertaking ensure compliance with intangible transfer of technology (ITT) requirements (e.g., e-mail and access to the intranet from abroad)?	The undertaking should have issued clear and written instructions in relation to ITT over e-mail, fax, intranet or Internet. The provision or transfer of technology should not occur until, an assessment has been made of its licensability, and if licensable, a licence is in place to permit the transfer.	9(2)(f)

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
(e) Technical assistance	How does the undertaking ensure compliance with technical assistance requirements?	A compliance procedure regarding technical assistance should be in place: — for foreign visitors/employees, — for employees (e.g. technicians) abroad, — for conferences, seminars with foreign participants or when organised abroad.	9(2)(f)
4.1.2. Operating and organisational procedures: licensing phase	How does the undertaking ensure that it makes full and complete licence applications?	The undertaking should be equipped to fully comply with the licence application process and procedures in force in the Member State where it is established.	9(2)(f)
4.1.3. Operating and organisational procedures: post licensing phase	What internal procedures ensure compliance with the conditions of the license?	A final verification of the export/transfer control requirements should take place before final shipment to ensure that the terms and conditions of the licence have been complied with.	9(2)(f)
4.2. Awareness raising and training of export control staff	What information is available to all employees concerned by export/transfer controls and to export control/transfer staff?	All should have access to the above-mentioned organisational and operating procedures relating to export/transfer controls. Those operating and organisational procedures should be recorded and updated in compliance manuals available to export/transfer control staff. The operating and organisational procedures should include a clear description of the export/transfer compliance process, from the reception of an order, the verification of compliance with relevant export/transfer regulations to the final shipment or transmission.	9(2)(f)
	How often is the export control staff's knowledge updated?	This should occur when changes are made to national and Union export control legislation and procedures but at a minimum at least once every year. In addition to annual general training updates, it is recommended that commentaries on export/transfer control legislation as well professional journals and magazines, where they exist should also be made available.	
	How is the export/transfer control staff's knowledge updated?	Training through various tools including: — external seminars, — subscription to information sessions offered by competent authorities, — training events, external or online.	

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
5. Physical and technical security	Is your company security accredited by an appropriate Government body? Please give details.	Each national Ministry of Defence or similar organisation is likely to require some measure of security where the undertaking is working on their behalf. The mere fact that the undertaking is security accredited in some way may be enough.	9(2)(f)
	If there is no such official security accreditation, which security measures are in place to secure export/transfer records and procedures?	The premises should be entirely enclosed by fencing. The entrance should be secured and controlled. The premises should be under constant surveillance, even during non-working hours. There could be a separate entrance for deliveries and collections, away from the main production area.	9(2)(f)
	What are the security measures regarding software and technology?	The system should be password protected and secured by a firewall. The undertaking's network is secured against unauthorised access. There should be a control on electronic devices (laptops, personal digital assistants, etc.) being taken offsite or overseas and over e-mails sent as part of a project and in other circumstances.	9(2)(f)
6. Record-keeping and traceability of exports and transfers	How do you maintain records of the exportation limitations passed to you from the supplier of the products?	Undertakings should include one or more of the following: — electronic file or e-mail folder, — folders based on projects, — folders based on suppliers, — in separate folders for limitations, — on an order system.	9(2)(f)
	How do you relate export limitations to subsequent transfers or exports?	Possible answers should include one or more of the following: — electronic file or email folder containing import and subsequent movement information, — as part of a business management system, — folders based on projects or suppliers where all information is kept together, — a filing system similar to the folder system.	9(2)(f)

Core areas	Key questions	Best practice recommendations	Relevant certification criterion
	How are these records made available to the competent authorities?	— It should be possible to make records available electronically — some may require a visit to the sites if access to secure intranets is necessary but some may be able to be transferred for remote checks. — Records can also be available in hard copy and some of these could be scanned, for example for remote checks.	9(2)(f)

(¹) The purpose of the pre-licensing phase is to determine whether the undertaking is impacted by export/transfer controls, that is, whether export/transfer control regulations are relevant in respect to the activities and transactions of the undertaking and accordingly whether there is a licensing requirement for those transactions. The goal is to identify and analyse as early as possible any export/transfer control risks, and to implement any necessary relevant measure, for example, to apply for a license or to appropriately use a general licence.

ANNEX II

STANDARD CERTIFICATE TEMPLATE

LOGO OF THE MEMBER STATE – COMPETENT AUTHORITY
IDENTIFICATION OF THE COMPETENT AUTHORITY
CERTIFICATE issued pursuant to Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community
Certificate No XXX –
The recipient undertaking (<i>name of the recipient undertaking</i>) Registered under (<i>commercial registration number</i>) Located at (<i>head office address, street No, postal code, town</i>) complies with the requirements of Article 9(2) of Directive 2009/43/EC as laid down in (<i>reference to the national law transposing Article 9</i>). The certified recipient undertaking, and its production units listed below, are entitled to receive defence-related products for their own production and for the purposes of maintenance and repair under general transfer licences published by other Member States. Addresses of production units:
(Optional exclusion box): <i>This certificate allows the receipt of defence-related products of the Common Military List of the Union, except the following categories:</i>
Conditions of this certificate are laid down in (<i>relevant national law</i>) This certificate is valid from (<i>date of entry into force</i>) until (<i>date of expiry</i>)
Issued at (<i>place</i>) On (<i>date of issue</i>)
(Signature of the competent authority in charge of certification)

COMMISSION RECOMMENDATION**of 14 January 2011****establishing guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products****(Text with EEA relevance)**

(2011/25/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC ⁽¹⁾, and in particular Article 7(1) thereof,

Whereas:

- (1) The distinction between feed materials, feed additives and other products such as veterinary drugs has implications for the conditions for their placing on the market, depending on the relevant applicable legislation,
- (2) Feed business operators and national competent control authorities are frequently confronted with questions regarding the classification of products, which might jeopardise the marketing of feed throughout the European Union.

(3) In order to avoid inconsistencies in the treatment of such products, to facilitate the work of the national competent authorities and to help the interested economic operators to act in a framework providing an appropriate level of legal certainty, non-binding guidelines for the distinction between feed materials, feed additives and other kinds of products should be established.

(4) The measures provided for in this Recommendation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS RECOMMENDATION:

For the distinction between feed materials, feed additives and other kinds of products the guidelines provided in the Annex to this Recommendation should be taken into account.

Done at Brussels, 14 January 2011.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ OJ L 229, 1.9.2009, p. 1.

ANNEX

GUIDELINES FOR THE DISTINCTION BETWEEN FEED MATERIALS, FEED ADDITIVES AND OTHER PRODUCTS

These guidelines are intended to assist the national competent authorities and the feed business operators to enforce and to apply the relevant legislation.

They are based on the provisions laid down in the legislative framework governing the different kinds of products concerned, with a particular view to the definitions of these products provided therein, in order to identify indications for a distinction between the product types.

For any product, the criteria proposed for the distinction between the different kinds of products should not be applied subsequently but simultaneously in order to create a profile of each specific product, taking into account all its characteristics. None of the criteria can be used exclusively or takes precedence over another.

Analogy with other products cannot be used as a discriminatory criterion but may be helpful to review a decision already made based on the application of the established criteria. However, it can also be used to check for consistency.

1. Feed legislation**1.1. Legal texts**

The following definitions can be found in the relevant legislation:

Article 3(4) of Regulation (EC) No 178/2002 ⁽¹⁾:

'feed': any substance or product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals.

Following on from this broad definition of feed, recital 3 of Regulation (EC) No 767/2009 states that 'feed may take the form of feed materials, compound feed, feed additives, premixtures or medicated feedingstuffs.'

Article 3(2) of Regulation (EC) No 767/2009:

'feed materials': products of vegetable or animal origin, whose principal purpose is to meet animals' nutritional needs, in their natural state, fresh or preserved, and products derived from the industrial processing thereof, and organic or inorganic substances, whether or not containing feed additives, which are intended for use in oral animal-feeding either directly as such, or after processing, or in the preparation of compound feed, or as carrier of premixtures;

'carrier': a substance used to dissolve, dilute, disperse or otherwise physically modify a feed additive in order to facilitate its handling, application or use without altering its technological function and without exerting any technological effect itself;

'feed intended for particular nutritional purposes': feed which can satisfy a particular nutritional purpose by virtue of its particular composition or method of manufacture, which clearly distinguishes it from ordinary feed. Feed intended for particular nutritional purposes does not include medicated feedingstuffs within the meaning of Directive 90/167/EEC;

'oral feeding of animals': the introduction of feed into an animal's gastrointestinal tract through the mouth with the aim of meeting the animal's nutritional needs and/or maintaining the productivity of normally healthy animals.

Article 2(2)(a) of Regulation (EC) No 1831/2003 ⁽²⁾:

'feed additives': substances, micro-organisms or preparations, other than feed material and premixtures, which are intentionally added to feed or water in order to perform, in particular, one or more specific functions that are enumerated in Article 5(3) of the Regulation:

(a) favourably affect the characteristics of feed;

(b) favourably affect the characteristics of animal products;

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 268, 18.10.2003, p. 29.

- (c) favourably affect the colour of ornamental fish and birds;
- (d) satisfy the nutritional needs of animals;
- (e) favourably affect the environmental consequences of animal production;
- (f) favourably affect animal production, performance or welfare, particularly by affecting the gastro-intestinal flora or digestibility of feedingstuffs; or
- (g) have a coccidiostatic or histomonostatic effect.

Article 2(2)(h) of Regulation (EC) No 1831/2003:

'processing aids': any substance not consumed as a feedingstuff by itself, intentionally used in the processing of feedingstuffs or feed materials to fulfil a technological purpose during treatment or processing which may result in the unintentional but technologically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not have an adverse effect on animal health, human health or the environment and do not have any technological effects on the finished feed.

Moreover, recital 11 of Regulation (EC) No 767/2009 reads as follows: '(...). Feed materials are primarily used to meet animals' needs, for example for energy, nutrients, minerals or dietary fibres. They are usually not chemically well-defined except for basic nutritional constituents. Effects which can be justified by scientific assessment and which are exclusive to feed additives or veterinary drugs should be excluded from the objective uses of feed materials. (...)'

1.2. *Consequences for the distinction between feed materials and feed additives*

1.2.1. *Derivation from the legal texts*

- 'Feed additives are substances (...) other than feed material': A product cannot be a feed material and a feed additive at the same time,
- 'Animals' nutritional needs': It is not possible to indicate an exhaustive list of relevant elements but the following characteristics of feed materials can be considered to be the most important:
 - (a) to supply energy, nutrients, minerals or dietary fibre; and
 - (b) to maintain the function of the intestinal tract,
- 'Principal purpose is to meet animals' nutritional needs' and 'primarily used to meet animals' needs': Apart from the usual primary function of delivering nutrients to the animal, feed materials can have other purposes, for example if they are used as carriers or if they are not digestible in the animals' intestinal tract. This is in line with the aims of 'oral feeding' ('meeting the animal's nutritional needs and/or maintaining the productivity of normally healthy animals') which corresponds to the primary intended use according to the 'feed' definition.

1.2.2. *Criteria to be simultaneously considered in a case-by-case evaluation*

- Production and processing method — chemical definition and level of standardisation or purification: Products of vegetable or animal origin in their natural state, fresh or preserved, and products derived from the simple processing thereof, as well as organic or inorganic substances can be considered feed materials (e.g. fatty acids or calcium carbonate). Chemically well-defined substances that are purified and give a certain level of standardisation guaranteed by the manufacturer might qualify as feed additives (e.g. aromatic oil specifically extracted from plant material). Nonetheless, certain feed materials are chemically well-defined substances and standardised (e.g. sucrose). On the other hand, natural products of whole plants and parts of these or products thereof resulting from a limited physical processing such as crushing, grinding or drying would be feed materials.
- Safety and mode of use: If for reasons of animal or human health it is necessary to set a maximum content of the product in the daily ration the products qualify for classification as additive. However, also for certain feed materials maximum inclusion rates apply. Feed additive status might offer improved scope for effective management of the product in terms of stability, homogeneity and with respect to over-dosage. Feed additives are usually used at low incorporation rates. However, many feed materials, such as mineral salts, are also used at low incorporation rates in the feed ration.
- Functionality: Feed additives are defined by their functions as laid down in Article 5(3) of Regulation (EC) No 1831/2003. However, these functions are not exclusive to feed additives. Thus, a feed material can also exert an additive function (e.g. as a thickener) but this should not be the only intended use.

2. **Biocidal products**

2.1. *Legal texts*

The following definitions can be found in the relevant legislation:

Article 2(1) of Directive 98/8/EC ⁽¹⁾:

'biocidal products': active substances and preparations containing one or more active substances, put up in the form in which they are supplied to the user, intended to destroy, deter, render harmless, prevent the action of, or otherwise exert a controlling effect on any harmful organism by chemical or biological means;

'active substance': a substance or micro-organism including a virus or a fungus having general or specific action on or against harmful organisms;

'harmful organism': any organism which has an unwanted presence or a detrimental effect for humans, their activities or the products they use or produce, or for animals or for the environment.

Point 1(a) of Annex I to Regulation (EC) No 1831/2003:

'preservatives': substances or, when applicable, micro-organisms which protect feed against deterioration caused by micro-organisms or their metabolites.

Article 1(2) of Directive 98/8/EC provides for the following:

'This Directive shall apply to biocidal products as defined in Article 2(1)(a) but shall exclude products that are defined or within the scope of the following instruments for the purposes of these Directives:

(...)

(o) Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs, Council Directive 82/471/EEC of 30 June 1982 on certain products used in animal nutrition and Council Directive 77/101/EEC of 23 November 1976 on the marketing of straight feedingstuffs,

(...)'.

Annex V to Directive 98/8/EC contains an exhaustive list of 23 product types with an indicative set of descriptions within each type, including the following feed related product types:

Product-type 3: Veterinary hygiene biocidal products: Products in this group are biocidal products used for veterinary hygiene purposes including products used in areas in which animals are housed, kept or transported.

Product-type 4: Food and feed area disinfectants: Products used for the disinfection of equipment, containers, consumption utensils, surfaces or pipework associated with the production, transport, storage or consumption of food, feed or drink (including drinking water) for humans and animals.

Product-type 5: Drinking water disinfectants: Products used for the disinfection of drinking water (for both humans and animals).

Product-type 20: Preservatives for food or feedstocks: Products used for the preservation of food or feedstocks by the control of harmful organisms.

2.2. *Consequences for the distinction between feed and biocidal products*

By virtue of Article 1(2) of Directive 98/8/EC, products that are defined or that fall under the scope of the feed legislation, including processing aids, are not biocidal products but are to be considered as feed (Precedence of the feed legislation over the legislation on biocidal products).

Products in product types 3 and 4, as set out in Annex V to Directive 98/8/EC, are not considered to be feed.

However, certain products could qualify for product types 5 or 20 and also be considered as feed, usually feed additives. Due to the above mentioned precedence of feed legislation over biocidal product legislation, such products are to be considered feed. Products to preserve feed or water for animals are not biocidal products. If such products are listed in product type 5 or 20, they are not intended to be administered to animals.

⁽¹⁾ OJ L 123, 24.4.1998, p. 1.

3. **Veterinary medicinal products (VMPs)**

3.1. *Legal texts*

The following definitions can be found in the relevant legislation:

Article 1 of Directive 2001/82/EC ⁽¹⁾:

‘veterinary medicinal product’:

- (a) any substance or combination of substances presented as having properties for treating or preventing disease in animals; or
- (b) any substance or combination of substances which may be used in or administered to animals with a view either to restoring, correcting or modifying physiological functions by exerting a pharmacological, immunological or metabolic action, or to making a medical diagnosis;

‘medicated feedingstuffs’: any mixture of a veterinary medicinal product or products and feed or feeds which is ready prepared for marketing and intended to be fed to animals without further processing, because of its curative or preventive properties or other properties as a medicinal product covered by the definition ‘*veterinary medicinal product*’.

Article 2(2) of Directive 2001/82/EC provides for the following:

‘In cases of doubt, where, taking into account all its characteristics, a product may fall within the definition of a ‘veterinary medicinal product’ and within the definition of a product covered by other Community legislation, the provisions of this Directive shall apply.’

Article 3(1) of the same Directive provides for the following:

‘This Directive shall not apply to:

- (a) medicated feedingstuffs as defined in Council Directive 90/167/EEC of 26 March 1990 laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community;

(...)

- (d) any additives covered by Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs, where they are incorporated in animal feedingstuffs and supplementary animal feedingstuffs in accordance with that Directive;

(...).

Article 13(3) of Regulation (EC) No 767/2009 reads as follows:

‘The labelling or the presentation of feed materials and compound feed shall not claim that:

- (a) it will prevent, treat or cure a disease, except for coccidiostats and histomonostats as authorised under Regulation (EC) No 1831/2003; this point shall not, however, apply to claims concerning nutritional imbalances provided that there is no pathological symptom associated therewith;

(...).

3.2. *Consequences for the distinction between feed and VMPs*

- If, after consideration of all the characteristics of an unclassified product, the conclusion is that it might be a VMP, it should be considered a VMP (precedence of the VMPs legislation over feed legislation, except for authorised feed additives).
- Medicated feedingstuffs are not VMPs but, according to recital 3 of Regulation (EC) No 767/2009, a form of feed containing medicated pre-mixes and being subject to a prescription by a veterinarian.
- Based on the definition of ‘particular nutritional purpose’ (see under point 1.1 above), the borderline between feed and veterinary medicinal products is set. The particular nutritional purposes such as ‘support of liver function in the case of chronic liver insufficiency’, ‘reduction of urate stones formation’ or ‘reduction of the risk of milk fever’ can be achieved by feed.

⁽¹⁾ OJ L 311, 28.11.2001, p. 1.

2011/25/EU:

- ★ **Commission Recommendation of 14 January 2011 establishing guidelines for the distinction between feed materials, feed additives, biocidal products and veterinary medicinal products ⁽¹⁾** 75



⁽¹⁾ Text with EEA relevance

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