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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 7 March 2011

on the conclusion on behalf of the European Union of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating in particular to judicial cooperation in criminal matters and police cooperation

(2011/349/EU)

THE COUNCIL OF THE EUROPEAN UNION,

(2) In accordance with Council Decisions 2008/261/EC ⁽¹⁾ and 2008/262/JHA ⁽²⁾, and subject to its conclusion at a later date, the Protocol was signed on behalf of the European Union on 28 February 2008.

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16, 79(2)(c), 82(1)(b) and (d), 87(2), 87(3), 89 and 114 in conjunction with Article 218(6)(a) thereof,

(3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

Having regard to the proposal from the European Commission,

(4) The Protocol should be approved.

Having regard to the consent of the European Parliament,

(5) As far as the development of the Schengen *acquis* is concerned, which falls under Part Three, Title V of the Treaty on the Functioning of European Union, it is appropriate to make Council Decision 1999/437/EC of

Whereas:

(1) Following the authorisation given to the Presidency, assisted by the Commission, on 27 February 2006, negotiations with the Principality of Liechtenstein and the Swiss Confederation of a Protocol on the accession of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* have been finalised.

⁽¹⁾ Council Decision 2008/261/EC of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 83, 26.3.2008, p. 3).

⁽²⁾ Council Decision 2008/262/JHA of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 83, 26.3.2008, p. 5).

17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽¹⁾ applicable, *mutatis mutandis*, to the relations with Liechtenstein.

- (6) The United Kingdom is taking part in this Decision in accordance with Article 5(1) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 8(2) of Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽²⁾.
- (7) Ireland is taking part in this Decision in accordance with Article 5(1) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 6(2) of Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽³⁾.
- (8) This Decision does not prejudice the position of Denmark under the Protocol on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* and related documents are hereby approved on behalf of the European Union.

The texts of the Protocol and the related documents are attached to this Decision.

Article 2

This decision applies to the fields covered by the provisions listed in Article 2(1) and (2) of the Protocol and to their development to the extent that such provisions are listed in Decisions 2000/365/EC and 2002/192/EC.

Article 3

The provisions of Articles 1 to 4 of Decision 1999/437/EC shall apply, in the same way, to the association of Liechtenstein with the implementation, application and development of the Schengen *acquis*.

Article 4

The President of the Council is hereby authorised to designate the person empowered to deposit on behalf of the European Union the Instrument of approval provided for in Article 9 of the Protocol, in order to express the consent of the European Union to be bound, and make the following notification:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the Protocol as well as in the Agreement are, where appropriate, to be understood as to "the European Union".'

Article 5

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

Article 6

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 7 March 2011.

For the Council
The President
CZOMBA S.

⁽¹⁾ OJ L 176, 10.7.1999, p. 31.

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 64, 7.3.2002, p. 20.

PROTOCOL

between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

THE EUROPEAN UNION

and

THE EUROPEAN COMMUNITY

and

THE SWISS CONFEDERATION

and

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD TO the Agreement signed on 26 October 2004 between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ ('the Association Agreement'),

RECALLING that Article 16 thereof provides for the possibility of the Principality of Liechtenstein acceding to the Association Agreement by way of a Protocol,

CONSIDERING the geographical situation of the Principality of Liechtenstein,

CONSIDERING the close ties between the Principality of Liechtenstein and the Swiss Confederation, expressed by an area without internal border controls between the Principality of Liechtenstein and the Swiss Confederation,

CONSIDERING the wish of the Principality of Liechtenstein to maintain and establish an area without border control with all Schengen countries and therefore to be associated with the Schengen *acquis*,

WHEREAS the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway ⁽²⁾ associated the latter two States with the implementation, application and development of the Schengen *acquis*,

WHEREAS it is desirable that the Principality of Liechtenstein be associated on an equal footing with Iceland, Norway and Switzerland in the implementation, application and development of the Schengen *acquis*,

WHEREAS a protocol should be concluded between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein providing for Liechtenstein to enjoy rights and obligations similar to those agreed between the Council of the European Union, of the one part, and Iceland and Norway, as well as Switzerland of the other part,

WHEREAS the provisions of Title IV of the Treaty establishing the European Community and the acts adopted on the basis of that Title do not apply to the Kingdom of Denmark pursuant to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, and whereas the decisions designed to develop the Schengen *acquis* in application of that Title which Denmark has transposed into its domestic law are only liable to create international-law obligations between Denmark and the other Member States,

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

WHEREAS Ireland and the United Kingdom of Great Britain and Northern Ireland participate in certain provisions of the Schengen *acquis*, in accordance with the decisions taken pursuant to the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community ⁽¹⁾,

WHEREAS it is necessary to ensure that the States with which the European Union has established an association for the purpose of implementing, applying and developing the Schengen *acquis* also apply that *acquis* in their relations with each other,

WHEREAS the smooth operation of the Schengen *acquis* requires that this Protocol be applied simultaneously with the agreements between the various parties associated with or participating in the implementation and development of the Schengen *acquis* governing their mutual relations,

HAVING REGARD TO the Protocol on the accession of the Principality of Liechtenstein to the agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in one of the Member States or in Switzerland ⁽²⁾,

BEARING IN MIND the link between the Schengen *acquis* and the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of the 'Eurodac' system,

WHEREAS that link requires that the Schengen *acquis* be applied simultaneously with the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of the 'Eurodac' system,

HAVE AGREED AS FOLLOWS:

Article 1

In accordance with Article 16 of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ('the Association Agreement'), the Principality of Liechtenstein (hereinafter referred to as 'Liechtenstein') accedes to the Association Agreement under the terms and conditions set out in this Protocol.

This accession creates reciprocal rights and obligations between the Contracting Parties in accordance with the rules and procedures set out herein.

Article 2

1. The provisions of the Schengen *acquis* listed in Annex A and Annex B to the Association Agreement as they apply to the Member States of the European Union shall be implemented and applied by Liechtenstein under the conditions envisaged in those Annexes.

2. In addition, the provisions of the acts of the European Union and of the European Community listed in the Annex to this Protocol which have replaced or developed provisions of the Schengen *acquis* shall be implemented and applied by Liechtenstein.

3. The acts and measures taken by the European Union and the European Community amending or developing the provisions of the Schengen *acquis*, to which the procedures set

out in the Association Agreement, in conjunction with this Protocol, have been applied, shall also, without prejudice to Article 5, be accepted, implemented and applied by Liechtenstein.

Article 3

The rights and obligations set out in Article 3(1) to (4), Articles 4 to 6, Articles 8 to 10, Article 11(2), (3) and (4), and Article 13 of the Association Agreement shall apply to Liechtenstein.

Article 4

The office of the President of the Mixed Committee as established by Article 3 of the Association Agreement shall, at the level of experts, be held by the representative of the European Union. At the level of senior officials and Ministers it shall alternately, for a period of 6 months, be held by the representative of the European Union and by the representative of the Government of Liechtenstein or Switzerland, respectively.

Article 5

1. The adoption of new acts or measures related to the matters referred to in Article 2 shall be reserved to the competent institutions of the European Union. Subject to paragraph 2 of this article, such acts or measures shall enter into force simultaneously for the European Union, the European Community and their respective Member States concerned and for Liechtenstein, unless those acts or measures explicitly state otherwise. In this context, due account shall be taken of the period of time indicated by Liechtenstein in the Mixed Committee as being necessary to enable it to fulfil its constitutional requirements.

⁽¹⁾ OJ L 64, 7.3.2002, p. 20 and OJ L 131, 1.6.2000, p. 43, respectively.

⁽²⁾ See page 39 of this Official Journal.

2. (a) The Council of the European Union ('the Council') shall notify Liechtenstein immediately of the adoption of the acts or measures referred to in paragraph 1 to which the procedures set out in this Protocol have been applied. Liechtenstein shall decide whether to accept their contents and to implement them in its internal legal order. That decision shall be notified to the Council and to the Commission of the European Communities ('the Commission') within thirty days of the adoption of the acts or measures concerned.
- (b) If the contents of such an act or measure can become binding on Liechtenstein only after the fulfilment of constitutional requirements, Liechtenstein shall inform the Council and the Commission of this at the time of its notification. Liechtenstein shall promptly inform the Council and the Commission in writing upon fulfilment of all constitutional requirements. Where a referendum is not required, notification shall, at the latest, take place thirty days after the referendum deadline expires. If a referendum is required, Liechtenstein shall have eighteen months from the date of the Council's notification within which to make its notification. From the date laid down for the entry into force of the act or measure for Liechtenstein and until it has given notification that the constitutional requirements have been met, Liechtenstein shall, where possible, implement the act or measure in question on a provisional basis.

If Liechtenstein cannot implement the act or measure at issue on a provisional basis, and if this causes difficulties that disrupt the operation of Schengen cooperation, the situation shall be examined by the Mixed Committee. The European Union and the European Community may take proportionate, appropriate measures against Liechtenstein to ensure that Schengen cooperation operates smoothly.

3. Acceptance by Liechtenstein of the acts and measures referred to in paragraph 2 creates rights and obligations between Liechtenstein, on the one hand, and the European Union, the European Community and the Member States, in so far as they are bound by those acts and measures, and Switzerland on the other hand.

4. Where:

- (a) Liechtenstein notifies its decision not to accept the contents of an act or measure referred to in paragraph 2 and to which the procedures set out in this Protocol have been applied; or
- (b) Liechtenstein does not carry out notification within the thirty-day time limit referred to in paragraphs 2(a) or 5(a); or
- (c) Liechtenstein does not carry out the notification at the latest thirty days after the referendum deadline has expired or, in

the case of a referendum, within the eighteen months time limit set out in paragraph 2(b), or does not provide for provisional implementation as envisaged in the same paragraph from the date laid down for the entry into force of the act or measure concerned.

This Protocol shall be considered terminated unless the Mixed Committee, after carrying out a careful examination of ways of continuing the Protocol, decides otherwise within ninety days. Termination of this Protocol shall take effect 3 months after the expiry of the ninety-day period.

5. (a) If provisions of a new act or measure have the effect of no longer allowing Member States to subject compliance with requests for mutual assistance in criminal matters or the recognition of orders from other Member States to search premises and/or to seize items of evidence to the conditions set out in Article 51 of the Convention Implementing the Schengen Agreement ⁽¹⁾, Liechtenstein may notify the Council and the Commission within the period of thirty days referred to in paragraph 2, point (a) that it will not accept or implement those provisions in its internal legal order where they apply to search and seizure requests or orders made for the purposes of investigating or prosecuting offences in the field of direct taxation which, if committed in Liechtenstein, would not be punishable under Liechtenstein law with a custodial penalty. In that case this Protocol shall not be considered terminated, contrary to the provisions of paragraph 4.
- (b) The Mixed Committee shall convene within 2 months following a request by one of its members and, taking into account international developments, shall discuss the situation resulting from a notification pursuant to point (a).

Once the Mixed Committee has unanimously reached an agreement on the full acceptance and implementation by Liechtenstein of the relevant provisions of the new act or measure, paragraphs 2, point (b), 3 and 4 shall apply. The information referred to in the first sentence of paragraph 2, point (b) shall be provided within thirty days of the agreement reached in the Mixed Committee.

Article 6

In fulfilling its obligation with regard to the Schengen Information System and the Visa Information System, Liechtenstein may use the technical infrastructure of Switzerland for its access to these systems.

⁽¹⁾ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

Article 7

As regards the administrative costs associated with implementing this Protocol, Liechtenstein shall make an annual contribution to the general budget of the European Union of 0,071 % of an amount of EUR 8 100 000, subject to annual adjustment to reflect inflation in the European Union.

Article 8

1. This Protocol shall not affect the Agreement on the European Economic Area or any other agreement concluded between the European Community and Liechtenstein.

2. This Protocol shall not affect the agreements binding Liechtenstein, of the one part, and one or more Member States, of the other part, in so far as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

3. This Protocol shall not affect in any respect any future agreements concluded with Liechtenstein by the European Community, or between the European Community and its Member States, of the one part, and Liechtenstein, of the other part, or agreements concluded on the basis of Articles 24 and 38 of the Treaty on European Union.

4. This Protocol shall not affect agreements between Liechtenstein and Switzerland insofar as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

Article 9

1. This Protocol shall enter into force 1 month after the day on which the Secretary-General of the Council, in his capacity as its depositary, has established that all the formal requirements have been met as regards the expression of consent by, or on behalf of, the Parties to be bound by this Protocol.

2. Articles 1, 4, and Article 5(2)(a) first sentence, of this Protocol and the rights and obligations set out in Articles 3(1) to (4), and Articles 4 to 6 of the Association Agreement shall apply provisionally to Liechtenstein as of the date on which this Protocol is signed.

3. With respect to acts or measures adopted after this Protocol has been signed but before it enters into force, the thirty-day period referred to in Article 5(2)(a), last sentence shall start to run from the day of entry into force of this Protocol.

Article 10

1. The provisions referred to in Article 2 shall be put into effect by Liechtenstein on a date to be fixed by the Council, acting by unanimity of its Members representing the governments of those Member States which apply all the provisions referred to in Article 2 after consulting the Mixed

Committee and after having satisfied itself that the preconditions for implementation of the relevant provisions have been fulfilled by Liechtenstein.

The Members of the Council representing the governments of Ireland and the United Kingdom of Great Britain and Northern Ireland respectively shall be involved in taking this decision insofar as it relates to the provisions of the Schengen *acquis* and the acts based on it or related to it in which those Member States participate.

The Members of the Council representing the governments of the Member States to which, in accordance with their Treaty of Accession, only some of the provisions referred to in Article 2 apply shall be involved in taking this decision insofar as it relates to the provisions of the Schengen *acquis* that are already applicable to their respective Member States.

2. Implementation of the provisions referred to in paragraph 1 shall create rights and obligations between Switzerland and Liechtenstein, of the one part and between Liechtenstein, and, the European Union, the European Community and the Member States, as appropriate, insofar as they are bound by these provisions, of the other part.

3. This Protocol shall be applied only if the Agreements to be concluded by Liechtenstein and referred to in Article 13 of the Association Agreement are implemented.

4. Moreover, this Protocol shall be applied only if the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland is also implemented.

Article 11

1. This Protocol may be denounced by Liechtenstein or by Switzerland or by decision of the Council acting by unanimity of its Members. The depositary shall be notified of denunciation, which shall take effect 6 months after notification.

2. In case of denunciation by Switzerland of this Protocol or of the Association Agreement, or in case of the termination of the Association Agreement with respect to Switzerland, the Association Agreement and this Protocol shall remain in force with respect to the relations between the European Union and

the European Community on the one part and Liechtenstein on the other part. In such a case, the Council shall decide, after consulting Liechtenstein, on the necessary measures. However, those measures shall be binding upon Liechtenstein only if Liechtenstein accepts them.

3. This Protocol shall be considered to have been terminated if Liechtenstein terminates one of the agreements referred to in Article 13 of the Association Agreement that have been concluded by Liechtenstein or terminates the Protocol referred to in Article 10(4).

Article 12

This Protocol shall be drawn up in triplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

In witness whereof, the undersigned plenipotentiaries have hereunto set their hands.

Съставено в Брюксел на двадесет и осми февруари две хиляди и осма година.

Hecho en Bruselas, el veintiocho de febrero de dos mil ocho.

V Bruselu dne dvacátého osmého února dva tisíce osm.

Udfærdiget i Bruxelles den otteogtyvende februar to tusind og otte.

Geschehen zu Brüssel am achtundzwanzigsten Februar zweitausendacht.

Kahe tuhande kaheksanda aasta veebruarikuu kahekümne kaheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι οκτώ Φεβρουαρίου δύο χιλιάδες οκτώ.

Done at Brussels on the twenty-eighth day of February in the year two thousand and eight.

Fait à Bruxelles, le vingt-huit février deux mille huit.

Fatto a Bruxelles, addì ventotto febbraio duemilaotto.

Briselē, divtūkstoš astotā gada divdesmit astotajā februārī.

Priimta du tūkstančiai aštuntų metų vasario dvidešimt aštuntą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-nyolcadik év február huszonnyolcadik napján.

Magħmul fi Brussell, fit-tmienja u għoxrin jum ta' Frar tas-sena elfejn u tmienja.

Gedaan te Brussel, de achtentwintigste februari tweeduizend acht.

Sporządzono w Brukseli dnia dwudziestego ósmego lutego roku dwa tysiące ósmego.

Feito em Bruxelas, em vinte e oito de Fevereiro de dois mil e oito.

Înceiat la Bruxelles, la douăzeci și opt februarie în anul două mii opt.

V Bruseli dňa dvadsiateho ôsmeho februára dvetisícosem.

V Bruslju, dne osemindvajsetega februarja leta dva tisoč osem.

Tehty Brysselissä kahdentenkymmenentenäkahdeksantena päivänä helmikuuta vuonna kaksituhattakahdeksan.

Som skedde i Bryssel den tjugoåttonde februari tjugohundraåtta.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 På Europeiska unionens vägnar

За Европейската общност
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 Az Európai Közösség részéről
 Ghall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar

За Конфедерация Швейцария
 Por la Confederación Suiza
 Za Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération Suisse
 Per la Confederazione svizzera
 Šveices Konfederācijas vārdā
 Šveicarijos Konfederacijos vardu
 A Svájci Államszövetség részéről
 Ghall-Konfederazzjoni Žvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za Švajčiarskou konfederáciu
 Za Švicarsko konfederacijo
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet

За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Ghall-Principat ta' Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Liechtenstein
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensteinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein

ANNEX

Annex to the protocol on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

Provisions referred to in Article 2(2), to be applied by Liechtenstein from the date set by the Council in accordance with Article 10:

- Council Regulation No 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1),
- Council Regulation No 2252/2004/EC of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1); Commission Decision of 28 February 2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final) and Commission Decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2006) 2909 final),
- Council Decision No 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 68, 15.3.2005, p. 44),
- Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 271, 15.10.2005, p. 54),
- Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273, 19.10.2005, p. 25),
- Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81, 18.3.2006, p. 45),
- Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81, 18.3.2006, p. 46),
- Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256, 20.9.2006, p. 18),
- Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (OJ L 83, 1.4.2005, p. 48),
- Commission Decision of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (C(2005) 5159 final),
- Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141, 4.6.2005, p. 3),
- Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 158, 21.6.2005, p. 26),
- Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (OJ L 191, 22.7.2005, p. 18),
- Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289, 3.11.2005, p. 23),

- Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (OJ L 264, 8.10.2005, p. 8),
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 273, 19.10.2005, p. 26),
- Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin (OJ L 334, 20.12.2005, p. 1),
- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1),
- Council Decision (2006/440/EC) of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175, 29.6.2006, p. 77),
- Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256, 20.9.2006, p. 15),
- Commission Decision (2006/648/EC) of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System, (OJ L 267, 27.9.2006, p. 41),
- Corrigendum to Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 271, 30.9.2006, p. 85),
- Commission Decision (2006/757/EC) of 22 September 2006 on amending the Sirene Manual (OJ L 317, 16.11.2006, p. 1),
- Commission Decision (2006/758/EC) of 22 September 2006 on amending the Sirene Manual (OJ L 317, 16.11.2006, p. 41),
- Council Decision (2006/684/EC) of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 208, 12.10.2006, p. 29),
- Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305, 4.11.2006, p. 13),
- Commission Recommendation of 6 November 2006 establishing a common 'Practical Handbook for Border Guards (Schengen Handbook)' to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final),
- Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, (OJ L 386, 29.12.2006, p. 89 and Corrigendum in OJ L 75, 15.3.2007, p. 26),
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1),
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4),
- Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006, p. 1. Corrected version in OJ L 29, 3.2.2007, p. 3),
- Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 405, 30.12.2006, p. 23. Corrected version in OJ L 29, 3.2.2007, p. 10),
- Council Regulation (EC) No 1988/2006 of 21 December 2006 amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411, 30.12.2006, p.1. Corrected version in OJ L 27, 2.2.2007, p. 3),

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- Council Decision 2006/1007/JHA of 21 December 2006 amending Decision 2001/886/JHA on the development of the second generation Schengen Information System (SIS II) (OJ L 411, 30.12.2006, p.78. Corrected version in OJ L 27, 2.2.2007, p. 43),
 - Commission Decision (2007/170/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (1st pillar) (OJ L 79, 20.3.2007, p. 20),
 - Commission Decision (2007/171/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar) (OJ L 79, 20.3.2007, p. 29),
 - Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' (OJ L 144, 6.6.2007, p. 22),
 - Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63),
 - Council Decision 2007/472/EC of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179, 7.7.2007, p. 50),
 - Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199, 31.7.2007, p. 30),
 - Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192, 24.7.2007, p. 26),
 - Commission Decision (2007/599/EC) of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 (OJ L 233, 5.9.2007, p. 3),
 - Council Decision (2007/866/EC) of 6 December 2007 amending Part 1 of the Schengen consultation network (technical specifications) (OJ L 340, 22.12.2007, p. 92).
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FINAL ACT

The plenipotentiaries

of the EUROPEAN UNION

and

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION

and

of the PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties',

meeting in Brussels on the twenty-eighth day of February in the year 2008 for the signature of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, have adopted the Protocol.

The plenipotentiaries of the Contracting Parties have taken note of the following Declarations listed below and annexed to this Final Act:

- Joint Declaration of the Contracting Parties on the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union,
- Joint Declaration of the Contracting Parties on Article 23(7) of the Convention of 29 May 2000 on mutual assistance in criminal matters between Member States of the European Union ⁽¹⁾,
- Declaration by the European Community and Liechtenstein on external relations,
- Declaration by Liechtenstein on mutual assistance in criminal matters,
- Declaration by Liechtenstein on Article 5(2)(b),
- Declaration by Liechtenstein on the application of the European Convention on Mutual Assistance in Criminal Matters and the European Convention on Extradition,
- Declaration by the European Community on the External Borders Fund for the period 2007-2013,
- Declaration by the European Commission on the transmission of proposals,
- Common Declarations on Joint Meetings.

⁽¹⁾ OJ C 197, 12.7.2000, p. 1.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 På Europeiska unionens vägnar

За Европейската общност
 Por la Comunidad Europea
 За Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 az Európai Közösség részéről
 Ghall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar

За Конфедерация Швейцария
 Por la Confederación Suiza
 За Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération suisse
 Per la Confederazione svizzera
 Šveices Konfederācijas vārdā
 Šveicarijos Konfederācijas vardu
 A Svájci Államszövetség részéről
 Ghall-Konfederazzjoni Žvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za Švajčiarskou konfederáciu
 Za Švicarsko konfederacijo
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet

За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejnské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Ghall-Princípat ta' Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Liechtenstein
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensleinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein

JOINT DECLARATIONS OF THE CONTRACTING PARTIES**JOINT DECLARATION OF THE CONTRACTING PARTIES ON THE EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION**

The Contracting Parties take note that further arrangements shall be concluded for the association of Switzerland and Liechtenstein to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union following the example of the arrangements agreed with Norway and Iceland.

JOINT DECLARATION OF THE CONTRACTING PARTIES ON ARTICLE 23(7) OF THE CONVENTION OF 29 MAY 2000 ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN MEMBER STATES OF THE EUROPEAN UNION

The Contracting Parties agree that Liechtenstein may, subject to the provisions of Article 23(1)(c) of the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union, in the circumstances of a particular case, require, unless the Member State concerned has obtained the consent of the data subject, that personal data not be used for the purposes referred to in Article 23(1)(a) and (b) without the prior consent of Liechtenstein in proceedings in which Liechtenstein could have refused or restricted the transmission or use of personal data under the Convention or the instruments referred to in Article 1 thereof.

If, in a particular case, Liechtenstein refuses to give its consent to a request from a Member State pursuant to the above provisions, it must give reasons for its decision in writing.

OTHER DECLARATIONS

DECLARATION BY EUROPEAN COMMUNITY AND LIECHTENSTEIN ON EXTERNAL RELATIONS

The European Community and Liechtenstein agree that the European Community undertakes to encourage third countries or international organisations with which it concludes agreements in areas linked to Schengen cooperation, including the visa policy, to conclude similar agreements with the Principality of Liechtenstein, without prejudice to the latter's competence to conclude such agreements.

DECLARATION BY LIECHTENSTEIN ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Liechtenstein declares that tax offences being investigated by the Liechtenstein authorities may not give rise to an appeal before a court competent *inter alia* to hear criminal matters.

DECLARATION BY LIECHTENSTEIN ON ARTICLE 5(2)(B)

(Time limit for accepting new developments in the Schengen *acquis*)

The maximum time limit of 18 months laid down in Article 5(2)(b) covers both the approval and the implementation of the act or measure. It includes the following stages:

- the preparatory stage,
- the parliamentary procedure,
- the referendum deadline of 30 days,
- where applicable the referendum (organisation and voting),
- the sanctioning of the ruling prince.

The Government of Liechtenstein shall inform the Council and the Commission without delay of the completion of each of the stages.

The Government of Liechtenstein undertakes to use every means at its disposal to ensure that the above-mentioned stages are completed as swiftly as possible.

DECLARATION BY LIECHTENSTEIN ON THE APPLICATION OF THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND THE EUROPEAN CONVENTION ON EXTRADITION

Liechtenstein undertakes to refrain from invoking its reservations and declarations made when ratifying the European Convention on Extradition of 13 December 1957 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 in so far as they are incompatible with this Agreement.

DECLARATION BY THE EUROPEAN COMMUNITY ON THE EXTERNAL BORDERS FUND FOR THE PERIOD
2007-2013

The European Community is currently establishing an External Borders Fund for the period 2007-2013, for which further arrangements shall be concluded with the third countries associated with the Schengen *acquis*.

DECLARATION OF THE EUROPEAN COMMISSION ON THE TRANSMISSION OF PROPOSALS

When forwarding proposals relating to this Agreement to the Council of the European Union and to the European Parliament, the Commission shall forward copies of such proposals to Liechtenstein.

Participation in Committees that assist the European Commission in the exercise of its executive powers:

The Council authorised the Commission on 1 June 2006 to open negotiations with the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein with a view to concluding an agreement on the latter's association with the work of the committees which assist the European Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*.

Until conclusion of such an agreement, the agreement in the form of an exchange of letters between the Council of the European Union and the Swiss Confederation on the committees that assist the European Commission in the exercise of its executive powers applies to Liechtenstein taking into account that as far as Directive 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 the free movement of such data ⁽¹⁾ is concerned, the participation of Liechtenstein is laid down by Article 100 of the Agreement on the European Economic Area.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

COMMON DECLARATION ON JOINT MEETINGS

The delegations representing the Governments of the Member States of the European Union,

The delegation of the European Commission,

The delegations representing the Governments of the Republic of Iceland and the Kingdom of Norway,

The delegation representing the Government of the Swiss Confederation,

The delegation representing the Government of the Principality of Liechtenstein,

Note that Liechtenstein accedes to the Mixed Committee established by the Agreement on the association of Switzerland with the implementation, application and development of the Schengen *acquis* by way of a protocol to this Agreement.

Have decided to organise the meetings of the Mixed Committees, established by the Agreement on the association of Iceland and Norway with the implementation, application and development of the Schengen *acquis*, on the one hand, and the Agreement on the association of Switzerland with the implementation, application and development of the Schengen *acquis* as complemented by the Protocol on the association of Liechtenstein, on the other hand, jointly, no matter the level of the meeting.

Note that holding these meetings jointly calls for pragmatic arrangements regarding the office of presidency of such meetings when that presidency is to be held by the associated States according to the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis* as complemented by the Protocol on the association of Liechtenstein or the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*.

Note the wish of the associated States to cede, as necessary, the exercise of their presidencies and rotate it among them in alphabetical order of name as of the entry into force of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis* and as of the entry into force of the Protocol on the association of Liechtenstein.

COUNCIL DECISION

of 7 March 2011

on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons

(2011/350/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16 and 74, Article 77(2) and Article 79(2)(a) and (c), in conjunction with Article 218(6)(a), thereof,

Having regard to the proposal of the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) Following the authorisation given to the Commission on 27 February 2006, negotiations with the Principality of Liechtenstein and the Swiss Confederation of a Protocol on the accession of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* have been finalised.
- (2) In accordance with Council Decisions 2008/261/EC⁽¹⁾ and 2008/262/JHA⁽²⁾, and subject to its conclusion at a later date, the Protocol was signed on behalf of the European Community on 28 February 2008.
- (3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.
- (4) This Protocol should be approved.

(1) Council Decision 2008/261/EC of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 83, 26.3.2008, p. 3).

(2) Council Decision 2008/262/JHA of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 83, 26.3.2008, p. 5).

(5) As far as the development of the Schengen *acquis* is concerned, which falls under Part Three, Title V of the Treaty on the Functioning of the European Union, it is appropriate to make Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis*⁽³⁾ applicable, *mutatis mutandis*, to the relations with Liechtenstein.

(6) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽⁴⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

(7) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽⁵⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

(8) This Decision does not prejudice the position of Denmark under the Protocol on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation,

(3) OJ L 176, 10.7.1999, p. 31.

(4) OJ L 131, 1.6.2000, p. 43.

(5) OJ L 64, 7.3.2002, p. 20.

application and development of the Schengen *acquis* and related documents are hereby approved on behalf of the European Union.

The texts of the Protocol and the related documents are attached to this Decision.

Article 2

This Decision applies to the fields covered by the provisions listed in Article 2(1) and (2) of the Protocol and to their development to the extent that such provisions are not listed in Decisions 2000/365/EC and 2002/192/EC.

Article 3

The provisions of Articles 1 to 4 of Decision 1999/437/EC shall apply, in the same way, to the association of Liechtenstein with the implementation, application and development of the Schengen *acquis*.

Article 4

The President of the Council is hereby authorised to designate the person empowered to deposit on behalf of the European Union the Instrument of approval provided for in Article 9 of the Protocol, in order to express the consent of the European Union to be bound, and make the following notification:

‘As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to “the European Community” in the Protocol as well as in the agreement are, where appropriate, to be understood as to “the European Union”.’

Article 5

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

Article 6

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 7 March 2011.

For the Council
The President
CZOMBA S.

PROTOCOL

between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

THE EUROPEAN UNION

and

THE EUROPEAN COMMUNITY

and

THE SWISS CONFEDERATION

and

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties',

HAVING REGARD TO the Agreement signed on 26 October 2004 between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ ('the Association Agreement'),

RECALLING that Article 16 thereof provides for the possibility of the Principality of Liechtenstein acceding to the Association Agreement by way of a Protocol,

CONSIDERING the geographical situation of the Principality of Liechtenstein,

CONSIDERING the close ties between the Principality of Liechtenstein and the Swiss Confederation, expressed by an area without internal border controls between the Principality of Liechtenstein and the Swiss Confederation,

CONSIDERING the wish of the Principality of Liechtenstein to maintain and establish an area without border control with all Schengen countries and therefore to be associated with the Schengen *acquis*,

WHEREAS the Agreement concluded on 18 May 1999 by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway ⁽²⁾ associated the latter two States with the implementation, application and development of the Schengen *acquis*,

WHEREAS it is desirable that the Principality of Liechtenstein be associated on an equal footing with Iceland, Norway and Switzerland in the implementation, application and development of the Schengen *acquis*,

WHEREAS a protocol should be concluded between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein providing for Liechtenstein to enjoy rights and obligations similar to those agreed between the Council of the European Union, of the one part, and Iceland and Norway, as well as Switzerland of the other part,

WHEREAS the provisions of Title IV of the Treaty establishing the European Community and the acts adopted on the basis of that Title do not apply to the Kingdom of Denmark pursuant to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, and whereas the decisions designed to develop the Schengen *acquis* in application of that Title which Denmark has transposed into its domestic law are only liable to create international-law obligations between Denmark and the other Member States,

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ OJ L 176, 10.7.1999, p. 36.

WHEREAS Ireland and the United Kingdom of Great Britain and Northern Ireland participate in certain provisions of the Schengen *acquis*, in accordance with the decisions taken pursuant to the Protocol integrating the Schengen *acquis* into the framework of the European Union annexed to the Treaty on European Union and to the Treaty establishing the European Community ⁽¹⁾,

WHEREAS it is necessary to ensure that the States with which the European Union has established an association for the purpose of implementing, applying and developing the Schengen *acquis* also apply that *acquis* in their relations with each other,

WHEREAS the smooth operation of the Schengen *acquis* requires that this Protocol be applied simultaneously with the agreements between the various parties associated with or participating in the implementation and development of the Schengen *acquis* governing their mutual relations,

HAVING REGARD TO the Protocol on the accession of the Principality of Liechtenstein to the agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in one of the Member States or in Switzerland ⁽²⁾,

BEARING IN MIND the link between the Schengen *acquis* and the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of the 'Eurodac' system,

WHEREAS that link requires that the Schengen *acquis* be applied simultaneously with the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of the 'Eurodac' system,

HAVE AGREED AS FOLLOWS:

Article 1

In accordance with Article 16 of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ('the Association Agreement'), the Principality of Liechtenstein (hereinafter referred to as 'Liechtenstein') accedes to the Association Agreement under the terms and conditions set out in this Protocol.

This accession creates reciprocal rights and obligations between the Contracting Parties in accordance with the rules and procedures set out herein.

Article 2

1. The provisions of the Schengen *acquis* listed in Annex A and Annex B to the Association Agreement as they apply to the Member States of the European Union shall be implemented and applied by Liechtenstein under the conditions envisaged in those Annexes.

2. In addition, the provisions of the acts of the European Union and of the European Community listed in the Annex to this Protocol which have replaced or developed provisions of the Schengen *acquis* shall be implemented and applied by Liechtenstein.

3. The acts and measures taken by the European Union and the European Community amending or developing the provisions of the Schengen *acquis*, to which the procedures set

out in the Association Agreement, in conjunction with this Protocol, have been applied, shall also, without prejudice to Article 5, be accepted, implemented and applied by Liechtenstein.

Article 3

The rights and obligations set out in Article 3(1) to (4), Articles 4 to 6, Articles 8 to 10, Article 11(2), (3) and (4), and Article 13 of the Association Agreement shall apply to Liechtenstein.

Article 4

The office of the President of the Mixed Committee as established by Article 3 of the Association Agreement shall, at the level of experts, be held by the representative of the European Union. At the level of senior officials and Ministers it shall alternately, for a period of 6 months, be held by the representative of the European Union and by the representative of the Government of Liechtenstein or Switzerland, respectively.

Article 5

1. The adoption of new acts or measures related to the matters referred to in Article 2 shall be reserved to the competent institutions of the European Union. Subject to paragraph 2 of this article, such acts or measures shall enter into force simultaneously for the European Union, the European Community and their respective Member States concerned and for Liechtenstein, unless those acts or measures explicitly state otherwise. In this context, due account shall be taken of the period of time indicated by Liechtenstein in the Mixed Committee as being necessary to enable it to fulfil its constitutional requirements.

⁽¹⁾ OJ L 64, 7.3.2002, p. 20 and OJ L 131, 1.6.2000, p. 43, respectively.

⁽²⁾ See page 39 of this Official Journal.

2. (a) The Council of the European Union ('the Council') shall notify Liechtenstein immediately of the adoption of the acts or measures referred to in paragraph 1 to which the procedures set out in this Protocol have been applied. Liechtenstein shall decide whether to accept their contents and to implement them in its internal legal order. That decision shall be notified to the Council and to the Commission of the European Communities ('the Commission') within thirty days of the adoption of the acts or measures concerned.

(b) If the contents of such an act or measure can become binding on Liechtenstein only after the fulfilment of constitutional requirements, Liechtenstein shall inform the Council and the Commission of this at the time of its notification. Liechtenstein shall promptly inform the Council and the Commission in writing upon fulfilment of all constitutional requirements. Where a referendum is not required, notification shall, at the latest, take place thirty days after the referendum deadline expires. If a referendum is required, Liechtenstein shall have eighteen months from the date of the Council's notification within which to make its notification. From the date laid down for the entry into force of the act or measure for Liechtenstein and until it has given notification that the constitutional requirements have been met, Liechtenstein shall, where possible, implement the act or measure in question on a provisional basis.

If Liechtenstein cannot implement the act or measure at issue on a provisional basis, and if this causes difficulties that disrupt the operation of Schengen cooperation, the situation shall be examined by the Mixed Committee. The European Union and the European Community may take proportionate, appropriate measures against Liechtenstein to ensure that Schengen cooperation operates smoothly.

3. Acceptance by Liechtenstein of the acts and measures referred to in paragraph 2 creates rights and obligations between Liechtenstein, on the one hand, and the European Union, the European Community and the Member States, in so far as they are bound by those acts and measures, and Switzerland on the other hand.

4. Where:

(a) Liechtenstein notifies its decision not to accept the contents of an act or measure referred to in paragraph 2 and to which the procedures set out in this Protocol have been applied; or

(b) Liechtenstein does not carry out notification within the thirty-day time limit referred to in paragraphs 2(a) or 5(a); or

(c) Liechtenstein does not carry out the notification at the latest thirty days after the referendum deadline has expired or, in

the case of a referendum, within the eighteen months time limit set out in paragraph 2(b), or does not provide for provisional implementation as envisaged in the same paragraph from the date laid down for the entry into force of the act or measure concerned.

This Protocol shall be considered terminated unless the Mixed Committee, after carrying out a careful examination of ways of continuing the Protocol, decides otherwise within ninety days. Termination of this Protocol shall take effect 3 months after the expiry of the ninety-day period.

5. (a) If provisions of a new act or measure have the effect of no longer allowing Member States to subject compliance with requests for mutual assistance in criminal matters or the recognition of orders from other Member States to search premises and/or to seize items of evidence to the conditions set out in Article 51 of the Convention Implementing the Schengen Agreement ⁽¹⁾, Liechtenstein may notify the Council and the Commission within the period of thirty days referred to in paragraph 2, point (a) that it will not accept or implement those provisions in its internal legal order where they apply to search and seizure requests or orders made for the purposes of investigating or prosecuting offences in the field of direct taxation which, if committed in Liechtenstein, would not be punishable under Liechtenstein law with a custodial penalty. In that case this Protocol shall not be considered terminated, contrary to the provisions of paragraph 4.

(b) The Mixed Committee shall convene within 2 months following a request by one of its members and, taking into account international developments, shall discuss the situation resulting from a notification pursuant to point (a).

Once the Mixed Committee has unanimously reached an agreement on the full acceptance and implementation by Liechtenstein of the relevant provisions of the new act or measure, paragraphs 2, point (b), 3 and 4 shall apply. The information referred to in the first sentence of paragraph 2, point (b) shall be provided within thirty days of the agreement reached in the Mixed Committee.

Article 6

In fulfilling its obligation with regard to the Schengen Information System and the Visa Information System, Liechtenstein may use the technical infrastructure of Switzerland for its access to these systems.

⁽¹⁾ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ L 239, 22.9.2000, p. 19).

Article 7

As regards the administrative costs associated with implementing this Protocol, Liechtenstein shall make an annual contribution to the general budget of the European Union of 0,071 % of an amount of EUR 8 100 000, subject to annual adjustment to reflect inflation in the European Union.

Article 8

1. This Protocol shall not affect the Agreement on the European Economic Area or any other agreement concluded between the European Community and Liechtenstein.

2. This Protocol shall not affect the agreements binding Liechtenstein, of the one part, and one or more Member States, of the other part, in so far as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

3. This Protocol shall not affect in any respect any future agreements concluded with Liechtenstein by the European Community, or between the European Community and its Member States, of the one part, and Liechtenstein, of the other part, or agreements concluded on the basis of Articles 24 and 38 of the Treaty on European Union.

4. This Protocol shall not affect agreements between Liechtenstein and Switzerland insofar as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

Article 9

1. This Protocol shall enter into force 1 month after the day on which the Secretary-General of the Council, in his capacity as its depositary, has established that all the formal requirements have been met as regards the expression of consent by, or on behalf of, the Parties to be bound by this Protocol.

2. Articles 1, 4, and Article 5(2)(a) first sentence, of this Protocol and the rights and obligations set out in Articles 3(1) to (4), and Articles 4 to 6 of the Association Agreement shall apply provisionally to Liechtenstein as of the date on which this Protocol is signed.

3. With respect to acts or measures adopted after this Protocol has been signed but before it enters into force, the thirty-day period referred to in Article 5(2)(a), last sentence shall start to run from the day of entry into force of this Protocol.

Article 10

1. The provisions referred to in Article 2 shall be put into effect by Liechtenstein on a date to be fixed by the Council, acting by unanimity of its Members representing the governments of those Member States which apply all the provisions referred to in Article 2 after consulting the Mixed

Committee and after having satisfied itself that the preconditions for implementation of the relevant provisions have been fulfilled by Liechtenstein.

The Members of the Council representing the governments of Ireland and the United Kingdom of Great Britain and Northern Ireland respectively shall be involved in taking this decision insofar as it relates to the provisions of the Schengen *acquis* and the acts based on it or related to it in which those Member States participate.

The Members of the Council representing the governments of the Member States to which, in accordance with their Treaty of Accession, only some of the provisions referred to in Article 2 apply shall be involved in taking this decision insofar as it relates to the provisions of the Schengen *acquis* that are already applicable to their respective Member States.

2. Implementation of the provisions referred to in paragraph 1 shall create rights and obligations between Switzerland and Liechtenstein, of the one part and between Liechtenstein, and, the European Union, the European Community and the Member States, as appropriate, insofar as they are bound by these provisions, of the other part.

3. This Protocol shall be applied only if the Agreements to be concluded by Liechtenstein and referred to in Article 13 of the Association Agreement are implemented.

4. Moreover, this Protocol shall be applied only if the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland is also implemented.

Article 11

1. This Protocol may be denounced by Liechtenstein or by Switzerland or by decision of the Council acting by unanimity of its Members. The depositary shall be notified of denunciation, which shall take effect 6 months after notification.

2. In case of denunciation by Switzerland of this Protocol or of the Association Agreement, or in case of the termination of the Association Agreement with respect to Switzerland, the Association Agreement and this Protocol shall remain in force with respect to the relations between the European Union and

the European Community on the one part and Liechtenstein on the other part. In such a case, the Council shall decide, after consulting Liechtenstein, on the necessary measures. However, those measures shall be binding upon Liechtenstein only if Liechtenstein accepts them.

3. This Protocol shall be considered to have been terminated if Liechtenstein terminates one of the agreements referred to in Article 13 of the Association Agreement that have been concluded by Liechtenstein or terminates the Protocol referred to in Article 10(4).

Article 12

This Protocol shall be drawn up in triplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

In witness whereof, the undersigned plenipotentiaries have hereunto set their hands.

Съставено в Брюксел на двадесет и осми февруари две хиляди и осма година.

Hecho en Bruselas, el veintiocho de febrero de dos mil ocho.

V Bruselu dne dvacátého osmého února dva tisíce osm.

Udfærdiget i Bruxelles den otteogtyvende februar to tusind og otte.

Geschehen zu Brüssel am achtundzwanzigsten Februar zweitausendacht.

Kahe tuhande kaheksanda aasta veebruarikuu kahekümne kaheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι οκτώ Φεβρουαρίου δύο χιλιάδες οκτώ.

Done at Brussels on the twenty-eighth day of February in the year two thousand and eight.

Fait à Bruxelles, le vingt-huit février deux mille huit.

Fatto a Bruxelles, addì ventotto febbraio duemilaotto.

Briselē, divtūkstoš astotā gada divdesmit astotajā februārī.

Priimta du tūkstančiai aštuntų metų vasario dvidešimt aštuntą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-nyolcadik év február huszonnyolcadik napján.

Magħmul fi Brussell, fit-tmienja u għoxrin jum ta' Frar tas-sena elfejn u tmienja.

Gedaan te Brussel, de achtentwintigste februari tweeduizend acht.

Sporządzono w Brukseli dnia dwudziestego ósmego lutego roku dwa tysiące ósmego.

Feito em Bruxelas, em vinte e oito de Fevereiro de dois mil e oito.

Înceiat la Bruxelles, la douăzeci și opt februarie în anul două mii opt.

V Bruseli dňa dvadsiateho ôsmeho februára dvetisícosem.

V Bruslju, dne osemindvajsetega februarja leta dva tisoč osem.

Tehty Brysselissä kahdentenäkymmenentenäkahdeksantena päivänä helmikuuta vuonna kaksituhattakahdeksan.

Som skedde i Bryssel den tjugoåttonde februari tjugohundraåtta.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 På Europeiska unionens vägnar

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 Az Európai Közösség részéről
 Ghall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar

За Конфедерация Швейцария
 Por la Confederación Suiza
 Za Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération Suisse
 Per la Confederazione svizzera
 Šveices Konfederācijas vārdā
 Šveicarijos Konfederacijos vardu
 A Svájci Államszövetség részéről
 Ghall-Konfederazzjoni Žvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za Švajčiarskou konfederáciu
 Za Švicarsko konfederacijo
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet

За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Ghall-Principat ta' Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Liechtenstein
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensteinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein

ANNEX

Annex to the protocol on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

Provisions referred to in Article 2(2), to be applied by Liechtenstein from the date set by the Council in accordance with Article 10:

- Council Regulation (EC) No 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1),
- Council Regulation (EC) No 2252/2004/EC of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1); Commission Decision of 28.2.2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final) and Commission Decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2006) 2909 final),
- Council Decision No 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 68, 15.3.2005, p. 44),
- Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 271, 15.10.2005, p. 54),
- Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273, 19.10.2005, p. 25),
- Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81, 18.3.2006, p. 45),
- Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81, 18.3.2006, p. 46),
- Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256, 20.9.2006, p. 18),
- Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (OJ L 83, 1.4.2005, p. 48),
- Commission Decision of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (C(2005) 5159 final),
- Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141, 4.6.2005, p. 3),
- Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 158, 21.6.2005, p. 26),
- Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (OJ L 191, 22.7.2005, p. 18),
- Recommendation 2005/761/EC of the European Parliament and of the Council of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289, 3.11.2005, p. 23),
- Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (OJ L 264, 8.10.2005, p. 8),

- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 273, 19.10.2005, p. 26),
- Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin (OJ L 334, 20.12.2005, p. 1),
- Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006, p. 1),
- Council Decision (2006/440/EC) of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175, 29.6.2006, p. 77),
- Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256, 20.9.2006, p. 15),
- Commission Decision (2006/648/EC) of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System, (OJ L 267, 27.9.2006, p. 41),
- Corrigendum to Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 271, 30.9.2006, p. 85),
- Commission Decision (2006/757/EC) of 22 September 2006 on amending the Sirene Manual (OJ L 317, 16.11.2006, p. 1),
- Commission Decision (2006/758/EC) of 22 September 2006 on amending the Sirene Manual (OJ L 317, 16.11.2006, p. 41),
- Council Decision (2006/684/EC) of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 280, 12.10.2006, p. 29),
- Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305, 4.11.2006, p. 13),
- Commission Recommendation of 6 November 2006 establishing a common 'Practical Handbook for Border Guards (Schengen Handbook)' to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final),
- Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, (OJ L 386, 29.12.2006, p. 89 and Corrigendum in OJ L 75, 15.3.2007, p. 26),
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381, 28.12.2006, p. 1),
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4),
- Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405, 30.12.2006, p. 1. Corrected version in OJ L 29, 3.2.2007, p. 3),
- Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 405, 30.12.2006, p. 23. Corrected version in OJ L 29, 3.2.2007, p. 10),
- Council Regulation (EC) No 1988/2006 of 21 December 2006 amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411, 30.12.2006, p. 1. Corrected version in OJ L 27, 2.2.2007, p. 3),
- Council Decision 2006/1007/JHA of 21 December 2006 amending Decision 2001/886/JHA on the development of the second generation Schengen Information System (SIS II) (OJ L 411, 30.12.2006, p. 78. Corrected version in OJ L 27, 2.2.2007, p. 43),
- Commission Decision (2007/170/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (1st pillar) (OJ L 79, 20.3.2007, p. 20),

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- Commission Decision (2007/171/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3rd pillar) (OJ L 79, 20.3.2007, p. 29),
 - Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme 'Solidarity and Management of Migration Flows' (OJ L 144, 6.6.2007, p. 22),
 - Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63),
 - Council Decision 2007/472/EC of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179, 7.7.2007, p. 50),
 - Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199, 31.7.2007, p. 30),
 - Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192, 24.7.2007, p. 26),
 - Commission Decision (2007/599/EC) of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 (OJ L 233, 5.9.2007, p. 3),
 - Council Decision (2007/866/EC) of 6 December 2007 amending Part 1 of the Schengen consultation network (technical specifications) (OJ L 340, 22.12.2007, p. 92).
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FINAL ACT

The plenipotentiaries

of the EUROPEAN UNION

and

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION

and

of the PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties',

meeting in Brussels on the twenty-eighth day of February in the year 2008 for the signature of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, have adopted the Protocol.

The plenipotentiaries of the Contracting Parties have taken note of the following Declarations listed below and annexed to this Final Act:

- Joint Declaration of the Contracting Parties on the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union,
- Joint Declaration of the Contracting Parties on Article 23(7) of the Convention of 29 May 2000 on mutual assistance in criminal matters between Member States of the European Union ⁽¹⁾,
- Declaration by the European Community and Liechtenstein on external relations,
- Declaration by Liechtenstein on mutual assistance in criminal matters,
- Declaration by Liechtenstein on Article 5(2)(b),
- Declaration by Liechtenstein on the application of the European Convention on Mutual Assistance in Criminal Matters and the European Convention on Extradition,
- Declaration by the European Community on the External Borders Fund for the period 2007-2013,
- Declaration by the European Commission on the transmission of proposals,
- Common Declarations on Joint Meetings.

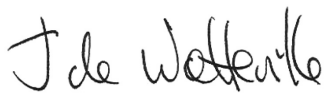
⁽¹⁾ OJ C 197, 12.7.2000, p. 1.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Per l'Unione europea
 Eiropas Savienības vārdā
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Ghall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 På Europeiska unionens vägnar

За Европейската общност
 Por la Comunidad Europea
 За Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vardu
 az Európai Közösség részéről
 Ghall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar



За Конфедерация Швейцария
 Por la Confederación Suiza
 Za Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération suisse
 Per la Confederazione svizzera
 Šveices Konfederācijas vārdā
 Šveicarijos Konfederācijas vardu
 A Svájci Államszövetség részéről
 Ghall-Konfederazzjoni Žvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za švajčiarsku konfederáciu
 Za švicarsko konfederacijo
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet




За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejnské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Ghall-Principat ta' Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Liechtenstein
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensteinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein



JOINT DECLARATIONS OF THE CONTRACTING PARTIES**JOINT DECLARATION OF THE CONTRACTING PARTIES ON THE EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION**

The Contracting Parties take note that further arrangements shall be concluded for the association of Switzerland and Liechtenstein to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union following the example of the arrangements agreed with Norway and Iceland.

JOINT DECLARATION OF THE CONTRACTING PARTIES ON ARTICLE 23(7) OF THE CONVENTION OF 29 MAY 2000 ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS BETWEEN MEMBER STATES OF THE EUROPEAN UNION

The Contracting Parties agree that Liechtenstein may, subject to the provisions of Article 23(1)(c) of the Convention on Mutual Assistance in Criminal Matters between Member States of the European Union, in the circumstances of a particular case, require, unless the Member State concerned has obtained the consent of the data subject, that personal data not be used for the purposes referred to in Article 23(1)(a) and (b) without the prior consent of Liechtenstein in proceedings in which Liechtenstein could have refused or restricted the transmission or use of personal data under the Convention or the instruments referred to in Article 1 thereof.

If, in a particular case, Liechtenstein refuses to give its consent to a request from a Member State pursuant to the above provisions, it must give reasons for its decision in writing.

OTHER DECLARATIONS**DECLARATION BY EUROPEAN COMMUNITY AND LIECHTENSTEIN ON EXTERNAL RELATIONS**

The European Community and Liechtenstein agree that the European Community undertakes to encourage third countries or international organisations with which it concludes agreements in areas linked to Schengen cooperation, including the visa policy, to conclude similar agreements with the Principality of Liechtenstein, without prejudice to the latter's competence to conclude such agreements.

DECLARATION BY LIECHTENSTEIN ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS

Liechtenstein declares that tax offences being investigated by the Liechtenstein authorities may not give rise to an appeal before a court competent, *inter alia*, to hear criminal matters.

DECLARATION BY LIECHTENSTEIN ON ARTICLE 5(2)(B)

(Time limit for accepting new developments in the Schengen *acquis*)

The maximum time limit of eighteen months laid down in Article 5(2)(b) covers both the approval and the implementation of the act or measure. It includes the following stages:

- the preparatory stage,
- the parliamentary procedure,
- the referendum deadline of thirty days,
- where applicable the referendum (organisation and voting),
- the sanctioning of the ruling prince.

The Government of Liechtenstein shall inform the Council and the Commission without delay of the completion of each of the stages.

The Government of Liechtenstein undertakes to use every means at its disposal to ensure that the abovementioned stages are completed as swiftly as possible.

DECLARATION BY LIECHTENSTEIN ON THE APPLICATION OF THE EUROPEAN CONVENTION ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS AND THE EUROPEAN CONVENTION ON EXTRADITION

Liechtenstein undertakes to refrain from invoking its reservations and declarations made when ratifying the European Convention on Extradition of 13 December 1957 and the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959 in so far as they are incompatible with this Agreement.

DECLARATION BY THE EUROPEAN COMMUNITY ON THE EXTERNAL BORDERS FUND FOR THE PERIOD 2007-13

The European Community is currently establishing an External Borders Fund for the period 2007-13, for which further arrangements shall be concluded with the third countries associated with the Schengen *acquis*.

DECLARATION OF THE EUROPEAN COMMISSION ON THE TRANSMISSION OF PROPOSALS

When forwarding proposals relating to this Agreement to the Council of the European Union and to the European Parliament, the Commission shall forward copies of such proposals to Liechtenstein.

Participation in Committees that assist the European Commission in the exercise of its executive powers:

The Council authorised the Commission on 1 June 2006 to open negotiations with the Republic of Iceland, the Kingdom of Norway, the Swiss Confederation and the Principality of Liechtenstein with a view to concluding an agreement on the latter's association with the work of the committees which assist the European Commission in the exercise of its executive powers as regards the implementation, application and development of the Schengen *acquis*.

Until conclusion of such an agreement, the agreement in the form of an Exchange of Letters between the Council of the European Union and the Swiss Confederation on the committees that assist the European Commission in the exercise of its executive powers applies to Liechtenstein taking into account that as far as Directive 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 the free movement of such data ⁽¹⁾ is concerned, the participation of Liechtenstein is laid down by Article 100 of the Agreement on the European Economic Area.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31. Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

COMMON DECLARATION ON JOINT MEETINGS

The delegations representing the Governments of the Member States of the European Union,

The delegation of the European Commission,

The delegations representing the Governments of the Republic of Iceland and the Kingdom of Norway,

The delegation representing the Government of the Swiss Confederation,

The delegation representing the Government of the Principality of Liechtenstein,

Note that Liechtenstein accedes to the Mixed Committee established by the Agreement on the association of Switzerland with the implementation, application and development of the Schengen *acquis* by way of a protocol to this Agreement.

Have decided to organise the meetings of the Mixed Committees, established by the Agreement on the association of Iceland and Norway with the implementation, application and development of the Schengen *acquis*, on the one hand, and the Agreement on the association of Switzerland with the implementation, application and development of the Schengen *acquis* as complemented by the Protocol on the association of Liechtenstein, on the other hand, jointly, no matter the level of the meeting.

Note that holding these meetings jointly calls for pragmatic arrangements regarding the office of presidency of such meetings when that presidency is to be held by the associated States according to the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis* as complemented by the Protocol on the association of Liechtenstein or the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*.

Note the wish of the associated States to cede, as necessary, the exercise of their presidencies and rotate it among them in alphabetical order of name as of the entry into force of the Agreement between the European Union, the European Community and the Swiss Confederation concerning the latter's association with the implementation, application and development of the Schengen *acquis* and as of the entry into force of the Protocol on the association of Liechtenstein.

COUNCIL DECISION

of 7 March 2011

on the conclusion of a Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland

(2011/351/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 78(2)(e), in conjunction with Article 218(6)(a) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

(1) Following the authorisation given to the Commission on 27 February 2006, negotiations with the Swiss Confederation and the Principality of Liechtenstein of a Protocol on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (hereinafter referred to as 'the Protocol') have been finalised.

(2) In accordance with the Decision of the Council of 28 February 2008, and subject to its conclusion at a later date, the Protocol was signed on behalf of the European Community, on 28 February 2008.

(3) As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community.

(4) The Protocol should be approved.

(5) In accordance with Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, these Member States are taking part in the adoption and application of this Decision.

(6) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland and the declarations annexed thereto are approved on behalf of the European Union.

The text of the Protocol, its Final Act and related Declarations are attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person empowered to deposit on behalf of the Union the instrument of approval provided for in Article 8(1) of the Protocol, in order to express the consent of the Union to be bound, and to make the following notification:

'As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to "the European Community" in the Protocol as well as in the Agreement are, where appropriate, to be understood as to "the European Union".'

Article 3

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

Article 4

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 7 March 2011.

For the Council
The President
CZOMBA S.

PROTOCOL**between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland**

THE EUROPEAN COMMUNITY

and

THE SWISS CONFEDERATION

and

THE PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as the 'Contracting Parties',

HAVING REGARD TO the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland signed on 26 October 2004 ⁽¹⁾ (hereinafter referred to as the 'Agreement between the European Community and Switzerland'),

RECALLING that Article 15 thereof provides for the possibility of the Principality of Liechtenstein acceding to the Agreement between the European Community and Switzerland by way of Protocol,

CONSIDERING the geographical situation of the Principality of Liechtenstein,

CONSIDERING the wish of the Principality of Liechtenstein to be associated to the Community legislation covering the Dublin and Eurodac Regulations (hereinafter referred to as the 'Dublin/Eurodac *acquis*'),

WHEREAS the European Community, on 19 January 2001, concluded an agreement with the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway based on the Dublin Convention ⁽²⁾,

WHEREAS it is desirable that the Principality of Liechtenstein be associated on an equal footing with Iceland, Norway and Switzerland in the implementation, application and development of the Dublin/Eurodac *acquis*,

WHEREAS a Protocol should be concluded between the European Community, the Swiss Confederation and the Principality of Liechtenstein providing for Liechtenstein to enjoy rights and obligations similar to those agreed between the European Community, of the one part, and Iceland and Norway, as well as Switzerland of the other part,

WHEREAS the provisions of Title IV of the Treaty establishing the European Community and the acts adopted on the basis of that Title do not apply to the Kingdom of Denmark pursuant to the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, but it should be made possible for the Swiss Confederation and the Principality of Liechtenstein of the one part and Denmark of the other part to apply the substantive provisions of the Agreement between the European Community and Switzerland in their relations with each other, as provided for in Article 11(1) thereof,

WHEREAS it is necessary to ensure that the States with which the European Community has established an association for the purpose of implementing, applying and developing the Dublin/Eurodac *acquis* also apply that *acquis* in their relations with each other,

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ OJ L 93, 3.4.2001, p. 38.

WHEREAS the smooth operation of the Dublin/Eurodac *acquis* requires that this Protocol be applied simultaneously with the agreements between the various parties associated with or participating in the implementation and development of the Dublin/Eurodac *acquis* governing their mutual relations,

WHEREAS Directive 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⁾ must be applied by the Principality of Liechtenstein as it is applied by the Member States of the European Union when processing data for the purposes of this Protocol,

HAVING REGARD TO the Protocol on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community, the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽²⁾,

BEARING IN MIND the link between the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of Eurodac and the Schengen *acquis*,

WHEREAS that link requires that the Schengen *acquis* be applied simultaneously with the Community *acquis* concerning the establishment of criteria and mechanisms for determining the State responsible for examining a request for asylum lodged in one of the Member States and concerning the setting-up of Eurodac,

HAVE AGREED AS FOLLOWS:

Article 1

1. In accordance with Article 15 of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (hereinafter referred to as 'the Agreement between the European Community and Switzerland'), the Principality of Liechtenstein (hereinafter referred to as 'Liechtenstein') accedes to that Agreement, under the terms and conditions set out in this Protocol.

2. This Protocol creates reciprocal rights and obligations between the Contracting Parties, in accordance with the rules and procedures set out in herein.

Article 2

1. The provisions of the:

— Dublin Regulation ⁽³⁾,

— Eurodac Regulation ⁽⁴⁾,

— Eurodac implementing Regulation ⁽⁵⁾, and

— the Dublin implementing Regulation ⁽⁶⁾

shall be implemented by Liechtenstein, and applied in its relations with the Member States of the European Union and with Switzerland.

2. The acts and measures taken by the European Community amending or building upon the provisions referred to in paragraph 1 and the decisions taken in accordance with the procedures set out in those provisions, without prejudice to Article 5, shall also be accepted, implemented and applied by Liechtenstein.

3. For the purposes of paragraphs 1 and 2, references to the 'Member States' in the provisions referred to in paragraph 1 shall be deemed to include Liechtenstein.

Article 3

The rights and obligations set out in Articles 2, 3(1) to (4), Articles 5 to 7, Article 8(1) second subparagraph and Article 8(2), Articles 9 to 11 of the Agreement between the European Community and Switzerland shall apply *mutatis mutandis* to Liechtenstein.

⁽¹⁾ OJ L 281, 23.11.1995, p. 31.

⁽²⁾ See page 3 of this Official Journal.

⁽³⁾ Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50, 25.2.2003, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222, 5.9.2003, p. 3).

⁽⁵⁾ Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15.12.2000, p. 1).

⁽⁶⁾ Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62, 5.3.2002, p. 1).

Article 4

A representative of the Government of Liechtenstein shall become a member of the Mixed Committee as established by Article 3 of the Agreement between the European Community and Switzerland.

The office of the President of the Mixed Committee shall be held alternately for a period of six months, by the representative of the Commission of the European Communities (hereafter 'the Commission') and by the representative of the Government of Liechtenstein or Switzerland, respectively.

Article 5

1. Subject to paragraph 2, when the Council of the European Union (hereafter 'the Council') adopts acts or measures amending or building upon the provisions of Article 2 and when acts or measures are adopted in accordance with the procedures set out in those provisions, those acts or measures shall be applied simultaneously by the Member States and Liechtenstein, except where express provisions exist to the contrary.

2. The Commission shall notify Liechtenstein without delay of the adoption of the acts or measures referred to in paragraph 1. Liechtenstein shall decide whether to accept their contents and to implement them in its internal legal order. That decision shall be notified to the Commission within 30 days of the adoption of the acts or measures concerned.

3. If the contents of such an act or a measure can become binding on Liechtenstein only after the fulfilment of constitutional requirements, Liechtenstein shall inform the Commission of this at the time of its notification. Liechtenstein shall promptly inform the Council and the Commission in writing upon fulfilment of all constitutional requirements. Where a referendum is not required, notification shall, at the latest, take place 30 days after the referendum deadline expires. If a referendum is required, Liechtenstein shall have a maximum of 18 months from the date of the Commission's notification within which to make its notification. From the date laid down for the entry into force of the act or measure for Liechtenstein and until it has given notification that the constitutional requirements have been met, Liechtenstein shall, where possible, implement the act or measure in question on a provisional basis.

4. If Liechtenstein cannot implement the act or measure at issue on a provisional basis, and if this causes difficulties that disrupt the operation of Dublin/Eurodac cooperation, the situation shall be examined by the Mixed Committee. The European Community may take proportionate, appropriate measures against Liechtenstein to ensure that Dublin/Eurodac cooperation operates smoothly.

5. Acceptance by Liechtenstein of the acts and measures referred to in paragraph 1 shall create rights and obligations between Liechtenstein, Switzerland and the Member States of the European Union.

6. This Protocol shall be suspended if:

- (a) Liechtenstein notifies its decision not to accept the contents of an act or measure referred to in paragraph 1 and to which the procedures set out in this Protocol have been applied; or
- (b) Liechtenstein does not carry out notification within the 30-day time limit referred to in paragraph 2; or
- (c) Liechtenstein does not carry out the notification at the latest 30 days after the referendum deadline has expired or, in the case of a referendum, within the 18-month time limit set out in paragraph 3, or does not provide for provisional implementation as envisaged in the same paragraph from the date laid down for the entry into force of the act or measure concerned.

7. The Mixed Committee shall examine the matter which gave rise to suspension and shall endeavour to deal with the underlying causes of non-acceptance or non-ratification within 90 days. After examining all other options with a view to ensuring that the Protocol continues to operate smoothly, including the possibility of noting that the Contracting Parties' laws and regulations are equivalent, it may decide, on a unanimous basis, to reinstate this Protocol. If this Protocol is still suspended after 90 days, it shall be considered terminated.

Article 6

As regards the administrative and operating costs associated with the setting up and operation of the Eurodac central unit, Liechtenstein shall make a contribution to the general budget of the European Communities amounting to 0,071 % of an initial reference amount of EUR 11 675 000 and, from the 2004 financial year, an annual contribution amounting to 0,071 % of the corresponding budgetary appropriations for the financial year in question.

Article 7

This Protocol shall not affect agreements between Liechtenstein and Switzerland in so far as they are compatible with this Protocol. If such agreements are incompatible with this Protocol, the latter shall prevail.

Article 8

1. This Protocol shall be ratified or approved by the Contracting Parties. Instruments of ratification or approval shall be deposited with the Secretary-General of the Council, who shall be the depositary.

2. This Protocol shall enter into force on the first day of the month following notification by the depositary to the Contracting Parties that the final instrument of ratification or approval has been deposited.

3. Articles 1, 4 and the first sentence of Article 5(2) of this Protocol and the rights and obligations set out in Articles 2, 3(1) to (4) of the Agreement between the European Community and Switzerland shall apply provisionally to Liechtenstein as of the date on which this Protocol is signed.

Article 9

With respect to acts or measures adopted after this Protocol has been signed but before it enters into force, the 30-day period referred to in Article 5(2), last sentence shall start to run from the day of entry into force of this Protocol.

Article 10

1. This Protocol shall be applied only if the agreements to be concluded by Liechtenstein and referred to in Article 11 of the Agreement between the European Community and Switzerland are also implemented.

2. In addition, this Protocol shall be applied only if the Protocol concluded between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the

Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* is also implemented.

Article 11

1. This Protocol may be denounced by any Contracting Party. The depositary shall be notified of denunciation, which shall take effect six months after notification.

2. In case of denunciation by Switzerland of this Protocol or of the Agreement between the European Community and Switzerland, or in case of the termination of the Agreement between the European Community and Switzerland with respect to Switzerland, the Agreement between the European Community and Switzerland and this Protocol shall remain in force with respect to the relations between the European Community on the one part and Liechtenstein on the other part.

3. This Protocol shall be considered to have been terminated if Liechtenstein terminates one of the agreements referred to in Article 11 of the Agreement between the European Community and Switzerland that have been concluded by Liechtenstein, or terminates the Protocol referred to in Article 10(2).

Article 12

This Protocol shall be drawn up in triplicate in the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each text being equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have hereunto set their hands.

Съставено в Брюксел на двадесет и осми февруари две хиляди и осма година.

Hecho en Bruselas, el veintiocho de febrero de dos mil ocho.

V Bruselu dne dvacátého osmého února dva tisíce osm.

Udfærdiget i Bruxelles den otteogtyvende februar to tusind og otte.

Geschehen zu Brüssel am achtundzwanzigsten Februar zweitausendacht.

Kahe tuhande kaheksanda aasta veebruarikuu kahekümne kaheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι οκτώ Φεβρουαρίου δύο χιλιάδες οκτώ.

Done at Brussels on the twenty-eighth day of February in the year two thousand and eight.

Fait à Bruxelles, le vingt-huit février deux mille huit.

Fatto a Bruxelles, addì ventotto febbraio duemilaotto.

Briselē, divtūkstoš astotā gada divdesmit astotajā februārī.

Priimta du tūkstančiai aštuntų metų vasario dvidešimt aštuntą dieną Briuselyje.

Kelt Brüsszelben, a kétezer-nyolcadik év február huszonnyolcadik napján.

Magħmul fi Brussell, fit-tmienja u għoxrin jum ta' Frar tas-sena elfejn u tmienja.

Gedaan te Brussel, de achtentwintigste februari tweeduizend acht.

Sporządzono w Brukseli dnia dwudziestego ósmego lutego roku dwa tysiące ósmego.

Feito em Bruxelas, em vinte e oito de Fevereiro de dois mil e oito.

Înceiat la Bruxelles, la douăzeci și opt februarie în anul două mii opt.

V Bruseli dňa dvadsiateho ôsmeho februára dvetisícosem.

V Bruslju, dne osemindvajsetega februarja leta dva tisoč osem.

Tehty Brysselissä kahdentenäkymmenentenäkahdeksantena päivänä helmikuuta vuonna kaksituhattakahdeksan.

Som skedde i Bryssel den tjugoåttonde februari tjugohundraåtta.

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vārdā
 az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar

За Конфедерация Швейцария
 Por la Confederación Suiza
 Za Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération suisse
 Per la Confederazione svizzera
 Šveices Konfederācijas vārdā
 Šveicarijos Konfederacijos vardu
 A Svájci Államszövetség részéről
 Għall-Konfederazzjoni Żvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za Švajčiarsku konfederáciu
 Za Švicarsko konfederacijo
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet

За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejnské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Għall-Prinċipat ta' Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Liechtenstein
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensteinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein

FINAL ACT

The plenipotentiaries

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION

and

of the PRINCIPALITY OF LIECHTENSTEIN,

hereinafter referred to as 'the Contracting Parties'

meeting in Brussels on the twenty-eighth day of February in the year 2008 for the signature of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland, have adopted the Protocol.

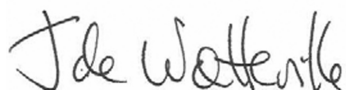
The plenipotentiaries of the Contracting Parties have taken note of the following Declarations listed below and annexed to this Final Act:

- Common Declaration of the Contracting Parties on a close dialogue,
- Declaration by Liechtenstein on Article 5(3),
- Joint Declaration on joint meetings of the Mixed Committees.

За Европейската общност
 Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vārdā
 az Európai Közösség részéről
 Għall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Pentru Comunitatea Europeană
 Za Európske spoločenstvo
 Za Evropsko skupnost
 Euroopan yhteisön puolesta
 På Europeiska gemenskapens vägnar



За Конфедерация Швейцария
 Por la Confederación Suiza
 Za Švýcarskou konfederaci
 For Det Schweiziske Forbund
 Für die Schweizerische Eidgenossenschaft
 Šveitsi Konföderatsiooni nimel
 Για την Ελβετική Συνομοσπονδία
 For the Swiss Confederation
 Pour la Confédération suisse
 Per la Confederazione svizzera
 Šveices Konfederācijas vārdā
 Šveicarijos Konfederācijas vardu
 A Svájci Állmszövetség részéről
 Għall-Konfederazzjoni Żvizzera
 Voor de Zwitserse Bondsstaat
 W imieniu Konfederacji Szwajcarskiej
 Pela Confederação Suíça
 Pentru Confederația Elvețiană
 Za Švajčiarsku konfederáciu
 Za Švicarsko konfederacijo
 Sveitsin valaliiton puolesta
 För Schweiziska edsförbundet



За Княжество Лихтенщайн
 Por el Principado de Liechtenstein
 Za Lichtenštejské knížectví
 For Fyrstendømmet Liechtenstein
 Für das Fürstentum Liechtenstein
 Liechtensteini Vürstiriigi nimel
 Για το Πριγκιπάτο του Λιχτενστάιν
 For the Principality of Liechtenstein
 Pour la Principauté de Liechtenstein
 Per il Principato del Liechtenstein
 Lihtenšteinas Firstistes vārdā
 Lichtenšteino Kunigaikštystės vardu
 A Liechtensteini Hercegség részéről
 Għall-Principat ta' Liechtenstein
 Voor het Vorstendom Liechtenstein
 W imieniu Księstwa Liechtensteinu
 Pelo Principado do Liechtenstein
 Pentru Principatul Liechtenstein
 Za Lichtenštajnské kniežatstvo
 Za Kneževino Lihtenštajn
 Liechtensteinin ruhtinaskunnan puolesta
 För Furstendömet Liechtenstein



COMMON DECLARATION OF THE CONTRACTING PARTIES ON A CLOSE DIALOGUE

The Contracting Parties stress the importance of a close, productive dialogue between all parties participating in the implementation of the provisions listed in Article 2(1) of this Protocol.

In accordance with Article 3(1) of the Agreement between the European Community and Switzerland, at Mixed Committee meetings with a view to holding exchanges of views with Switzerland, the Commission will invite experts from the Member States to hear experts from Liechtenstein on all the matters dealt with in the Agreement between the European Community and Switzerland.

The Contracting Parties note that the Member States are prepared to accept this invitation and to take part in these exchanges of views with Liechtenstein on all the matters dealt with in the Agreement between the European Community and Switzerland.

DECLARATION BY LIECHTENSTEIN ON ARTICLE 5(3)

(Time limit for accepting new developments in the Dublin/Eurodac *acquis*)

The maximum time limit of 18 months laid down in Article 5(3) covers both the approval and the implementation of the act or measure. It includes the following stages:

- the preparatory stage,
- the parliamentary procedure,
- the referendum deadline of 30 days,
- where applicable the referendum (organisation and voting),
- the sanctioning of the ruling prince.

The Government of Liechtenstein shall inform the Council and the Commission without delay of the completion of each of the stages.

The Government of Liechtenstein undertakes to use every means at its disposal to ensure that the abovementioned stages are completed as swiftly as possible.

JOINT DECLARATION ON JOINT MEETINGS OF THE MIXED COMMITTEES

The delegation of the European Commission,

The delegations representing the Governments of the Republic of Iceland and the Kingdom of Norway,

The delegation representing the Government of the Swiss Confederation,

The delegation representing the Government of the Principality of Liechtenstein,

Note that Liechtenstein accedes to the Mixed Committee established by the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland via a Protocol to this Agreement.

Have decided to organise the meetings of the Joint Committees, established by the Agreement between the European Community and Iceland and Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway, on the one hand, and the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland as complemented by the Protocol on the accession of Liechtenstein, on the other hand, jointly.

Note that holding these meetings jointly calls for a pragmatic arrangement regarding the office of presidency of such meetings when that presidency is to be held by the associated States according to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Switzerland as complemented by the Protocol on the accession of Liechtenstein or the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway.

Note the wish of the associated States to cede, as necessary, the exercise of their presidencies and rotate it among them in alphabetical order of name as from the entry into force of the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Switzerland as complemented by the Protocol on the accession of Liechtenstein.

Notice concerning the entry into force of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*

The procedures necessary for the entry into force of the above Protocol ⁽¹⁾, signed in Brussels on 28 February 2008, have been completed on 7 March 2011. Consequently, this Protocol has entered into force, in accordance with its Article 9, first paragraph, on 7 April 2011.

⁽¹⁾ See page 3 of this Official Journal.

Notice concerning the entry into force of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland

The procedures necessary for the entry into force of the above Protocol ⁽¹⁾, signed in Brussels on 28 February 2008, have been completed on 7 March 2011. Consequently, this Protocol has entered into force, in accordance with its Article 8, second paragraph, on 1 April 2011.

⁽¹⁾ See page 39 of this Official Journal.

Notice concerning the entry into force, between the European Community and the Principality of Liechtenstein, of the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland

The above Protocol ⁽¹⁾, signed in Brussels on 28 February 2008, entered into force between the European Community and the Swiss Confederation on 1 December 2008, following the completion of the relevant procedures on 24 October 2008.

As the procedures necessary for the entry into force of this Protocol between the European Community and the Principality of Liechtenstein have been completed on 7 March 2011, the above Protocol will enter into force as far as the Principality of Liechtenstein is concerned, in accordance with Article 5, third paragraph of the Protocol, on 1 May 2011.

⁽¹⁾ OJ L 161, 24.6.2009, p. 8.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 583/2011

of 9 June 2011

amending the lists of insolvency proceedings, winding-up proceedings and liquidators in Annexes A, B and C to Regulation (EC) No 1346/2000 on insolvency proceedings and codifying Annexes A, B and C to that Regulation

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings ⁽¹⁾, and in particular Article 45 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annexes A, B and C to Regulation (EC) No 1346/2000 list the designations given in the national legislation of the Member States to the proceedings and liquidators to which that Regulation applies. Annex A lists the insolvency proceedings referred to in Article 2(a) of that Regulation. Annex B lists the winding-up proceedings referred to in Article 2(c) of that Regulation and Annex C lists the liquidators referred to in Article 2(b) of that Regulation.
- (2) On 15 September 2010, Austria notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to be made to the lists set out in Annexes A, B and C to that Regulation.
- (3) On 23 November 2010, Latvia notified the Commission, pursuant to Article 45 of Regulation (EC) No 1346/2000, of amendments to be made to the lists set out in Annexes A and B to that Regulation.
- (4) As a consequence of the amendments to be made to Annexes A, B and C to Regulation (EC) No 1346/2000 following the abovementioned notifications by Austria and Latvia, Annexes A, B and C to that Regulation should be codified in order to provide all parties involved in insolvency proceedings covered by that Regulation with the necessary legal certainty.
- (5) The United Kingdom and Ireland are bound by Regulation (EC) No 1346/2000 and, by virtue of Article 45 of that Regulation, are therefore taking part in the adoption and application of this Regulation.

(6) In accordance with Articles 1 and 2 of the Protocol on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(7) Annexes A, B and C to Regulation (EC) No 1346/2000 should therefore be amended and codified accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1346/2000 is hereby amended as follows:

- (1) in Annex A:
 - (a) the designations for Latvia are replaced by the following:

‘LATVIJA

 - Tiesiskās aizsardzības process,
 - Juridiskās personas maksātnespējas process,
 - Fiziskās personas maksātnespējas process.’;
 - (b) the designations for Austria are replaced by the following:

‘ÖSTERREICH

 - Das Konkursverfahren (Insolvenzverfahren),
 - Das Sanierungsverfahren ohne Eigenverwaltung (Insolvenzverfahren),
 - Das Sanierungsverfahren mit Eigenverwaltung (Insolvenzverfahren),
 - Das Schuldenregulierungsverfahren,
 - Das Abschöpfungsverfahren,
 - Das Ausgleichsverfahren.’;

⁽¹⁾ OJ L 160, 30.6.2000, p. 1.

- (2) in Annex B:
- Besonderer Verwalter,
 - (a) the designations for Latvia are replaced by the following:
 - Einstweiliger Verwalter,
 - ‘LATVIJA
 - Sachwalter,
 - Juridiskās personas maksātnespējas process,
 - Treuhänder,
 - Fiziskās personas maksātnespējas process.;
 - (b) the designations for Austria are replaced by the following:
 - Insolvenzgericht,
 - ‘ÖSTERREICH
 - Konkursgericht.’
 - Das Konkursverfahren (Insolvenzverfahren).;

Article 2

- (3) in Annex C, the designations for Austria are replaced by the following:

Annexes A, B and C to Regulation (EC) No 1346/2000 as amended in accordance with Article 1 of this Regulation are hereby codified and replaced by the texts set out in Annexes I, II and III to this Regulation.

Article 3

- ‘ÖSTERREICH
- Masseverwalter,
- Sanierungsverwalter,
- Ausgleichsverwalter,

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 the Member States in accordance with the Treaties.

Done at Luxembourg, 9 June 2011.

For the Council
The President
 PINTÉR S.

ANNEX I

'ANNEX A

Insolvency proceedings referred to in Article 2(a)

BELGIQUE/BELGIË

- Het faillissement/La faillite,
- De gerechtelijke reorganisatie door een collectief akkoord/La réorganisation judiciaire par accord collectif,
- De gerechtelijke reorganisatie door overdracht onder gerechtelijk gezag/La réorganisation judiciaire par transfert sous autorité de justice,
- De collectieve schuldenregeling/Le règlement collectif de dettes,
- De vrijwillige vereffening/La liquidation volontaire,
- De gerechtelijke vereffening/La liquidation judiciaire,
- De voorlopige ontneming van beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites,

БЪЛГАРИЯ

- Производство по несъстоятелност,

ČESKÁ REPUBLIKA

- Konkurs,
- Reorganizace,
- Oddlužení,

DEUTSCHLAND

- Das Konkursverfahren,
- Das gerichtliche Vergleichsverfahren,
- Das Gesamtvollstreckungsverfahren,
- Das Insolvenzverfahren,

EESTI

- Pankrotimenetus,

ÉIRE/IRELAND

- Compulsory winding-up by the court,
- Bankruptcy,
- The administration in bankruptcy of the estate of persons dying insolvent,
- Winding-up in bankruptcy of partnerships,
- Creditors' voluntary winding-up (with confirmation of a court),
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution,
- Company examinership,

ΕΛΛΑΔΑ

- Η πτώχευση,
- Η ειδική εκκαθάριση,
- Η προσωρινή διαχείριση εταιρείας, Η διοίκηση και διαχείριση των πιστωτών,
- Η υπαγωγή επιχείρησης υπό επίτροπο με σκοπό τη σύναψη συμβιβασμού με τους πιστωτές,

ESPAÑA

- Concurso,

FRANCE

- Sauvegarde,
- Redressement judiciaire,
- Liquidation judiciaire,

ITALIA

- Fallimento,
- Concordato preventivo,
- Liquidazione coatta amministrativa,
- Amministrazione straordinaria,

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο,
- Εκούσια εκκαθάριση από πιστωτές κατόπιν Δικαστικού Διατάγματος,
- Εκούσια εκκαθάριση από μέλη,
- Εκκαθάριση με την εποπτεία του Δικαστηρίου,
- Πτώχευση κατόπιν Δικαστικού Διατάγματος,
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα,

LATVIJA

- Tiesiskās aizsardzības process,
- Juridiskās personas maksātnespējas process,
- Fiziskās personas maksātnespējas process,

LIETUVA

- Įmonės restruktūrizavimo byla,
- Įmonės bankroto byla,
- Įmonės bankroto procesas ne teismo tvarka,

LUXEMBOURG

- Faillite,
- Gestion contrôlée,
- Concordat préventif de faillite (par abandon d'actif),
- Régime spécial de liquidation du notariat,

MAGYARORSZÁG

- Csődeljárás,
- Felszámolási eljárás,

MALTA

- Xoljiment,
- Amministrazzjoni,
- Stralċ volontarju mill-membri jew mill-kredituri,
- Stralċ mill-Qorti,
- Falliment f'każ ta' negozjant,

NEDERLAND

- Het faillissement,
- De surséance van betaling,
- De schuldsaneringsregeling natuurlijke personen,

ÖSTERREICH

- Das Konkursverfahren (Insolvenzverfahren),
- Das Sanierungsverfahren ohne Eigenverwaltung (Insolvenzverfahren),
- Das Sanierungsverfahren mit Eigenverwaltung (Insolvenzverfahren),
- Das Schuldenregulierungsverfahren,
- Das Abschöpfungsverfahren,
- Das Ausgleichsverfahren,

POLSKA

- Postępowanie upadłościowe,
- Postępowanie układowe,
- Upadłość obejmująca likwidację,
- Upadłość z możliwością zawarcia układu,

PORTUGAL

- Processo de insolvência,
- Processo de falência,
- Processos especiais de recuperação de empresa, ou seja:
- Concordata,
- Reconstituição empresarial,
- Reestruturação financeira,
- Gestão controlada,

ROMÂNIA

- Procedura insolvenței,
- Reorganizarea judiciară,
- Procedura falimentului,

SLOVENIJA

- Stečajni postopek,
- Skrajšani stečajni postopek,
- Postopek prisilne poravnave,
- Prisilna poravnava v stečaju,

SLOVENSKO

- Konkurzné konanie,
- Reštrukturalizačné konanie,

SUOMI/FINLAND

- Konkursi/konkurs,
- Yrityssaneeraus/företagssanering,

SVERIGE

- Konkurs,
- Företagsrekonstruktion,

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court,
 - Creditors' voluntary winding-up (with confirmation by the court),
 - Administration, including appointments made by filing prescribed documents with the court,
 - Voluntary arrangements under insolvency legislation,
 - Bankruptcy or sequestration.'
-

ANNEX II

‘ANNEX B

Winding-up proceedings referred to in Article 2(c)

BELGIQUE/BELGIË

- Het faillissement/La faillite,
- De vrijwillige vereffening/La liquidation volontaire,
- De gerechtelijke vereffening/La liquidation judiciaire,
- De gerechtelijke reorganisatie door overdracht onder gerechtelijk gezag/La réorganisation judiciaire par transfert sous autorité de justice,

БЪЛГАРИЯ

- Производство по несъстоятелност,

ČESKÁ REPUBLIKA

- Konkurs,

DEUTSCHLAND

- Das Konkursverfahren,
- Das Gesamtvollstreckungsverfahren,
- Das Insolvenzverfahren,

EESTI

- Pankrotimenetus,

ÉIRE/IRELAND

- Compulsory winding-up,
- Bankruptcy,
- The administration in bankruptcy of the estate of persons dying insolvent,
- Winding-up in bankruptcy of partnerships,
- Creditors' voluntary winding-up (with confirmation of a court),
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution,

ΕΛΛΑΔΑ

- Η πτώχευση,
- Η ειδική εκκαθάριση,

ESPAÑA

- Concurso,

FRANCE

- Liquidation judiciaire,

ITALIA

- Fallimento,
- Concordato preventivo con cessione dei beni,
- Liquidazione coatta amministrativa,
- Amministrazione straordinaria con programma di cessione dei complessi aziendali,
- Amministrazione straordinaria con programma di ristrutturazione di cui sia parte integrante un concordato con cessione dei beni,

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο,
- Εκκαθάριση με την εποπτεία του Δικαστηρίου,
- Εκούσια εκκαθάριση από πιστωτές (με την επικύρωση του Δικαστηρίου),
- Πτώχευση,
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα,

LATVIJA

- Juridiskās personas maksātnespējas process,
- Fiziskās personas maksātnespējas process,

LIETUVA

- Įmonės bankroto byla,
- Įmonės bankroto procesas ne teismo tvarka,

LUXEMBOURG

- Faillite,
- Régime spécial de liquidation du notariat,

MAGYARORSZÁG

- Felszámolási eljárás,

MALTA

- Stralċ volontarju,
- Stralċ mill-Qorti,
- Falliment inkluż il-hruġ ta' mandat ta' qbid mill-Kuratur f'każ ta' negozjant fallut,

NEDERLAND

- Het faillissement,
- De schuldsaneringsregeling natuurlijke personen,

ÖSTERREICH

- Das Konkursverfahren (Insolvenzverfahren),

POLSKA

- Postępowanie upadłościowe,
- Upadłość obejmująca likwidację,

PORTUGAL

- Processo de insolvência,
- Processo de falência,

ROMÂNIA

- Procedura falimentului,

SLOVENIJA

- Stečajni postopek,
- Skrajšani stečajni postopek,

SLOVENSKO

- Konkurzné konanie,

SUOMI/FINLAND

- Konkursi/konkurs,

SVERIGE

- Konkurs,

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court,
 - Winding-up through administration, including appointments made by filing prescribed documents with the court,
 - Creditors' voluntary winding-up (with confirmation by the court),
 - Bankruptcy or sequestration.'
-

ANNEX III

ANNEX C

Liquidators referred to in Article 2(b)

BELGIQUE/BELGIË

- De curator/Le curateur,
- De gedelegeerd rechter/Le juge-délégué,
- De gerechtsmandataris/Le mandataire de justice,
- De schuldbemiddelaar/Le médiateur de dettes,
- De vereffenaar/Le liquidateur,
- De voorlopige bewindvoerder/L'administrateur provisoire,

БЪЛГАРИЯ

- Назначен предварително временен синдик,
- Временен синдик,
- (Постоянен) синдик,
- Служебен синдик,

ČESKÁ REPUBLIKA

- Insolvenční správce,
- Předběžný insolvenční správce,
- Oddělený insolvenční správce,
- Zvláštní insolvenční správce,
- Zástupce insolvenčního správce,

DEUTSCHLAND

- Konkursverwalter,
- Vergleichsverwalter,
- Sachwalter (nach der Vergleichsordnung),
- Verwalter,
- Insolvenzverwalter,
- Sachwalter (nach der Insolvenzordnung),
- Treuhänder,
- Vorläufiger Insolvenzverwalter,

EESTI

- Pankrotihaldur,
- Ajutine pankrotihaldur,
- Usaldusisik,

ÉIRE/IRELAND

- Liquidator,
- Official Assignee,
- Trustee in bankruptcy,
- Provisional Liquidator,
- Examiner,

ΕΛΛΑΔΑ

- Ο σύνδικος,
- Ο προσωρινός διαχειριστής. Η διοικούσα επιτροπή των πιστωτών,
- Ο ειδικός εκκαθαριστής,
- Ο επίτροπος,

ESPAÑA

- Administradores concursales,

FRANCE

- Mandataire judiciaire,
- Liquidateur,
- Administrateur judiciaire,
- Commissaire à l'exécution du plan,

ITALIA

- Curatore,
- Commissario giudiziale,
- Commissario straordinario,
- Commissario liquidatore,
- Liquidatore giudiziale,

ΚΥΠΡΟΣ

- Εκκαθαριστής και Προσωρινός Εκκαθαριστής,
- Επίσημος Παραλήπτης,
- Διαχειριστής της Πτώχευσης,
- Εξεταστής,

LATVIJA

- Maksātnespējas procesa administrators,

LIETUVA

- Bankrutuojančių įmonių administratorius,
- Restruktūrizuojamų įmonių administratorius,

LUXEMBOURG

- Le curateur,
- Le commissaire,
- Le liquidateur,
- Le conseil de gérance de la section d'assainissement du notariat,

MAGYARORSZÁG

- Vagyonfelügyelő,
- Felszámoló,

MALTA

- Amministratur Provizorju,
- Riċevitur Uffiċjali,
- Stralċjarju,

- Manager Speċjali,
- Kuraturi f'każ ta' proċeduri ta' falliment,

NEDERLAND

- De curator in het faillissement,
- De bewindvoerder in de surséance van betaling,
- De bewindvoerder in de schuldsaneringsregeling natuurlijke personen,

ÖSTERREICH

- Masseverwalter,
- Sanierungsverwalter,
- Ausgleichsverwalter,
- Besonderer Verwalter,
- Einstweiliger Verwalter,
- Sachwalter,
- Treuhänder,
- Insolvenzgericht,
- Konkursgericht,

POLSKA

- Syndyk,
- Nadzorca sądowy,
- Zarządca,

PORTUGAL

- Administrador da insolvência,
- Gestor judicial,
- Liquidatário judicial,
- Comissão de credores,

ROMÂNIA

- Practician în insolvență,
- Administrator judiciar,
- Lichidator,

SLOVENIJA

- Upravitelj prisilne poravnave,
- Stečajni upravitelj,
- Sodišče, pristojno za postopek prisilne poravnave,
- Sodišče, pristojno za stečajni postopek,

SLOVENSKO

- Predbežný správca,
- Správca,

SUOMI/FINLAND

- Pesänohittaja/boförvaltare,
- Selvittäjä/utredare,

SVERIGE

- Förvaltare,
- Rekonstruktör,

UNITED KINGDOM

- Liquidator,
 - Supervisor of a voluntary arrangement,
 - Administrator,
 - Official Receiver,
 - Trustee,
 - Provisional Liquidator,
 - Judicial factor.'
-

COMMISSION IMPLEMENTING REGULATION (EU) No 584/2011

of 17 June 2011

approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Grana Padano (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) In accordance with the first subparagraph of Article 9(1) of Regulation (EC) No 510/2006, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Grana Padano' registered under Commission Regulation (EC) No 1107/96⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 9 of Regulation (EC) No 510/2006, the Commission published the amendment application in the *Official Journal of the European Union*, as required by the first subparagraph of Article 6(2) of that Regulation⁽³⁾.
- (3) Pursuant to Article 7 of Regulation (EC) No 510/2006, a statement of objection from the company Chäs & Co Käsehandel GmbH, Inhaber Urs Reichen, Grubenstr. 39,

8045 Zürich, Switzerland was forwarded to the Commission by the Swiss authorities. In its letter dated 6 April 2010, the Commission invited the interested parties to hold appropriate consultations.

- (4) Given that an agreement was reached within 6 months including minor amendments to the specification, the Commission must now issue a decision.
- (5) In the light of the above, the amendments should be approved and the amended single document should be published,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification presented in Annex 2 concerning the name in Annex 1 to this Regulation are hereby approved.

Article 2

The amended single document in Annex 2 to this Regulation shall be applied.

*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, 17 June 2011.

*For the Commission**The President*

José Manuel BARROSO

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.⁽²⁾ OJ L 148, 21.6.1996, p. 1.⁽³⁾ OJ C 199, 25.8.2009, p. 24.

ANNEX I

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.3. Cheeses

ITALY

Grana Padano (PDO)

ANNEX II

SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006

'GRANA PADANO'

EC No: IT-PDO-0217-0011-26.7.2006

PGI () PDO (X)

1. Name

'Grana Padano'

2. Member State or third country

Italy

3. Description of the agricultural product or foodstuff

3.1. Type of product (Annex III)

Class 1.3 – Cheeses

3.2. Description of the product to which the name in point 1 applies

Hard cheese made from cooked paste; it is matured slowly, manufactured throughout the year and used whole or grated; it is produced from raw, partially skimmed milk from cows, milked twice a day, whose basic diet consists of fresh or dried fodder; milk used may come from one milking or from two milkings mixed together. The cheese is cylindrical in form with a slightly convex or virtually straight heel, and with flat faces featuring a slightly raised edge.

It has a diameter of 35 to 45 cm and the heel is 18 to 25 cm high, depending on technical production conditions.

Weight: from 24 to 40 kg; rind: hard and smooth, 4-8 mm thick.

The paste is hard, with a finely grained structure, flaky from the middle out and with barely visible eyes. The minimum fat content of the dry matter is 32 %. The colour of the rind is dark or a natural golden yellow and the paste is white or straw-coloured. The paste has a fragrant aroma and a delicate taste.

3.3. Raw materials (for processed products only)

Raw cow's milk, natural whey and calf rennet.

The milk comes from cows reared in the geographical area defined in point 4.

3.4. Feed (for products of animal origin only)

The basic feed for the dairy cattle, consisting of green or preserved fodder, is fed to lactating cows, dry cows and heifers over 7 months old.

Milk cows are fed primarily with feed produced on the home farm or in the 'Grana Padano PDO' production area.

No less than 50 % of the dry matter of the daily ration must be made up of feed with a ratio of fodder to feed of no less than 1, by reference to the dry matter.

At least 75 % of the dry matter of the fodder in the daily ration should come from feed produced in the production area of the milk.

The authorised feeds are listed in a positive list which includes:

— fodder: fresh fodder, hay, straw, silage (not permitted for 'Trentingrana' production),

— raw materials for feed, by category, which may be added to the fodder: cereals and their derivatives, oil seeds and their derivatives, tubers and root vegetables and products derived from them, dehydrated fodder, derivatives of the sugar industry, legume seeds, fats, minerals, additives.

3.5. *Specific steps in production that must take place in the defined geographical area*

The production and maturing operations must take place on the territory of the production area defined in point 4.

3.6. *Specific rules concerning slicing, grating, packaging, etc.*

Grating and related packaging must take place within the production area defined in point 4 since fresh grated cheese is a highly sensitive product and the preservation of its organoleptic characteristics requires it to be packaged immediately in conditions such as to avoid any drying out; furthermore, immediate packaging in packs bearing the designation of origin is more likely to ensure the authenticity of the grated product, which by nature is more difficult to identify than a whole cheese (as confirmed by the judgment of the Court of Justice in Case C-469/00).

The use, for the production of grated 'Grana Padano', of cheese left over from the cutting and packaging of 'Grana Padano PDO' marketed in pieces of varying and/or fixed weight, as blocks, cubes, bite-sized pieces, etc., is permitted only under the following conditions: the maximum proportion of rind must be 18 %; traceability of the whole 'Grana Padano PDO' cheese from which the leftover cheese comes must be ensured at all times; where leftover cheese is to be used later and/or transferred from one establishment to another, it must be sorted by registration number and month of production; it may be transferred only within the same farm or between farms of the same group and only within the area of origin. The marketing of leftover cheese for the production of grated 'Grana Padano' is therefore prohibited.

3.7. *Specific rules on labelling*

The official mark attesting to the product having met the requirements justifying the use of the 'Grana Padano' Protected Designation of Origin, and which must therefore appear both on the whole wheel and on all the packaging of 'Grana Padano PDO' cheese in portions and grated, consists of a rhomboid shape over which the words 'GRANA' and 'PADANO' are stamped in upper case letters. In the upper and lower corners of the rhomboid, which are rounded, are inscribed respectively the initials 'G' and 'P'.

The marking bands which cold stamp the origin mark on the wheels at the moulding stage are made up of a number of rhomboidal diamond shapes which contain within them the alternating words 'GRANA' and 'PADANO', and bear the cheese manufacturer's identification references and the month and year of manufacture.

Only 'Grana Padano PDO' produced in the Autonomous Province of Trento, made using milk from cows fed throughout the year with fodder which does not include silage of any kind, qualifies for use of the special 'Trentingrana' marking bands, consisting of a line of rhomboidal diamond shapes split by the word 'TRENTINO'; in the centre, between the outlines of stylised mountains, the word 'TRENTINO' appears right way up and in vertical rotation.

Identification of origin is completed with the affixing of a casein nameplate bearing the words 'Grana Padano', the year of manufacture and an alphanumeric code which unambiguously identifies each cheese wheel.

'Grana Padano' cheese which has been matured for at least 20 months after being moulded – within the production area – may be described as 'RISERVA'. Classification in the category 'Grana Padano RISERVA' is shown by a second brand, affixed to the heel of the cheese at the request of the operators, in accordance with the same rules governing the affixing of the PDO mark. The mark in question is composed of a circle with the word 'RISERVA' written across the centre. In the upper half are written the word 'OLTRE' [more than] and the number '20', and in the lower half appears the word 'MESI' [months].

The following additional categories are applicable in the case of packaged products: 'Grana Padano OLTRE 16 MESI' and 'Grana Padano RISERVA'.

On the packaging containing cheese of the category 'Grana Padano OLTRE 16 MESI', the 'Grana Padano' logo also bears the words 'OLTRE 16 MESI' on a single line between two parallel lines.

On the packaging containing cheese of the category 'Grana Padano RISERVA', the brand RISERVA appears in addition to the 'Grana Padano' logo.

4. **Concise definition of the geographical area**

The production area for 'Grana Padano', whole or grated, consists of the territory of the provinces of Alessandria, Asti, Biella, Cuneo, Novara, Turin, Verbania, Vercelli, Bergamo, Brescia, Como, Cremona, Lecco, Lodi, Mantova on the left bank of the Po, Milan, Monza, Pavia, Sondrio, Varese, Trento, Padua, Rovigo, Treviso, Venice, Verona, Vicenza, Bologna on the right bank of the Reno, Ferrare, Forlì Cesena, Piacenza, Ravenna and Rimini, as well as the following municipalities in the province of Bolzano: Anterivo, Lauregno, Proves, Senale-San Felice and Trodena.

5. Link with the geographical area

5.1. Specificity of the geographical area

The production area for 'Grana Padano PDO' is largely contiguous with the region of the Po plain, that is to say the geographical area of the Po river plain, characterised by fairly flat water meadows with alluvial soil of fluvial-glacial origin and well supplied with water, which is one of the most fertile areas of the world and among the best suited for growing fodder.

In particular, these soil characteristics, together with the area's microclimate, favour the production of maize, which represents the greatest proportion of the fodder for the cows whose milk is intended for 'Grana Padano PDO', since it can make up up to 50 % of the dry matter ingested.

The reclamation and irrigation of the Po plain since the 11th century has given rise to the local development of cattle rearing. The resulting availability of substantial quantities of milk which was surplus to the daily needs of the rural population prompted the need to transform it into a durable cheese. Even today, the large supply of local fodder, in particular maize, linked to the vast supply of water, is an essential element for maintaining cattle rearing and milk production.

5.2. Specificity of the product

The specificity of 'Grana Padano PDO' may be ascribed to the following elements:

- size and weight of the cheese,
- particular morphology of the paste, linked to the production technique, characterised by a granular texture which gives rise to its typical flakiness,
- white or straw colour, with a delicate flavour and fragrant aroma, due essentially to the widespread use of waxy corn in the fodder fed to the cattle,
- water and fat content largely similar to the protein content,
- high level of natural breakdown of the proteins in peptones, peptides and free amino acids,
- resistance to lengthy ripening, even beyond 20 months.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The causal link between 'Grana Padano PDO' and its area of origin may be traced to the following factors.

- The high irrigation potential of the Po plain and the resulting availability of fodder, including mainly waxy corn, which is responsible for the specific characteristics of the white or straw colour, flavour and aroma of the paste as set out in point 5.2.
- Indeed, the direct result of using corn or waxy corn silage is the inclusion in the cows' diet of fewer colorants such as carotene, anthocyanins and chlorophyll than if using a feed based on straw of various kinds or green fodder essences. This is a direct effect of storage in silos.
- The use of raw milk, which has the effect of including in the process of cheese-making lactic bacteria typical of the area.
- The use of natural whey, which creates an unbroken microbiological link with the production area. In fact, the milk, which turns to whey and thus to natural whey inoculum, is the link in the chain joining the cheese-making process to the production area and also ensures the continued and constant inclusion of lactic bacteria typical of the area of origin, to which are due the main special characteristics of 'Grana Padano PDO' cheese.

The causal link between the characteristics of the product and its area of origin is also provided by the 'casaro' (cheesemaker) who has since time immemorial been of central and fundamental importance in the manufacture of 'Grana Padano PDO'.

Even today, the task of transforming milk into 'Grana Padano PDO' is entrusted to cheesemakers rather than to technicians or scientists.

Reference to publication of the specification

The Government has launched the national objection procedure in respect of the proposal to amend the 'Grana Padano' protected designation of origin.

The full text of the product specification is available:

— at the following site:

<http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/335>

or

— by going direct to the home page of the Ministry (www.politicheagricole.it) and clicking on 'Qualità e sicurezza' (upper right-hand corner of the screen) and finally on 'Disciplinari di Produzione all'esame dell'UE [regolamento CE n. 510/2006]':

COMMISSION IMPLEMENTING REGULATION (EU) No 585/2011

of 17 June 2011

laying down temporary exceptional support measures for the fruit and vegetable sector

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 191 in conjunction with Article 4 thereof,

Whereas:

- (1) The Union fruit and vegetables market is undergoing an unprecedented crisis following a deadly enterohaemorrhagic *Escherichia coli* (*E. coli*) outbreak in Germany, which has been associated with the consumption of certain fresh fruit and vegetables. The crisis started on 26 May 2011, when press reports appeared concerning allegations of cucumbers being the cause of the outbreak.
- (2) Precautionary measures have been adopted by several Member States and third countries and a sudden loss of consumer confidence due to perceived public health risks is causing a very significant disturbance of the Union fruit and vegetables market, especially in respect of cucumbers, tomatoes, sweet peppers, courgettes and certain products of the lettuce and endive families produced in the Union.
- (3) In view of the current and expected market situation, and having regard to the fact that Regulation (EC) No 1234/2007 and Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, to be replaced as from 22 June 2011 by Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽³⁾ do not specifically provide for sector-specific instruments adequate to address the practical problems occurring in the fruit and vegetables sector, it is necessary to adopt exceptional measures, as a matter of urgency and for a limited period of time.
- (4) As cucumbers, tomatoes, sweet peppers, courgettes and certain products of the lettuce and endive families are the

main products affected by the fruit and vegetables crisis, it is appropriate to limit the scope of the exceptional measures to those products.

- (5) In view of the specific nature of the fruit and vegetables sector, crisis management and market support measures referred to in Article 103c(2) of Regulation (EC) No 1234/2007 are most appropriate to support producer organisation recognised for the production of fruit and vegetables.
- (6) Additional support should be granted by the Union in respect of market withdrawals, green harvesting and non-harvesting of cucumbers, tomatoes, sweet peppers, courgettes and certain products of the lettuce and endive families intended for fresh consumption. Having regard to the significant disturbance of the fruit and vegetables market and the relatively limited membership of producer organisations in some Member States, it is also necessary to grant Union support for such measures to producers of fruit and vegetables who are not members of a recognised producer organisation and who signed a contract with a recognised producer organisation to withdraw, cucumbers, tomatoes, sweet peppers, courgettes and certain products of the lettuce and endive families.
- (7) For the sake of uniformity and in order to avoid over-compensation, maximum levels of additional Union support for withdrawals, green harvesting and non-harvesting should be set at Union level. In order to take the particular characteristics of non-harvesting and green harvesting operations into account, Member States should convert the kg based approach for withdrawals into a hectare based approach, on the basis of yields.
- (8) Producer organisations are the basic actors of the fruit and vegetables sector and are the most suited entities to ensure that Union support is paid to producers who are not members of a recognised producer organisation. They should ensure that Union support is paid to the producers who are not members of a recognised producer organisation through the conclusion of a contract. As not all Member States have the same degree of organisation at the supply side of the fruit and vegetables market, it is appropriate to allow the competent authority of the Member States to pay the Union support directly to the producers where this is duly justified.
- (9) For the sake of budgetary discipline, it is necessary to provide for a ceiling for the expenditure to be financed by the European Agricultural Guarantee Fund (EAGF) and to set up a notification and monitoring system, under which the Member States inform the Commission in respect of their withdrawal, non-harvesting and green harvesting operations.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

⁽³⁾ OJ L 157, 15.6.2011, p. 1.

- (10) In order to limit the impact of the harm caused to the fruit and vegetables sector, this Regulation should cover a period starting on 26 May 2011. For reasons of urgency, this Regulation should enter into force on the day of its publication.
- (11) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. Exceptional support shall be granted to producer organisations referred to in Article 122 (a)(iii) of Regulation (EC) No 1234/2007 and to producers who are not members of those organisations, for the period from 26 May 2011 to 30 June 2011 and in relation to the following products of the fruit and vegetables sector intended for fresh consumption:
- (a) tomatoes falling within CN code 0702 00 00;
- (b) lettuce falling within CN code 0705 11 00 and CN 0705 19 00 and curled-leaved and broad-leaved (Batavian) endives falling within CN 0705 29 00;
- (c) cucumbers falling within CN code 0707 00 05;
- (d) sweet peppers falling within CN code 0709 60 10;
- (e) courgettes falling within CN code 0709 90 70.
2. The measures taken under this Regulation shall be considered to be intervention measures to regulate agricultural markets within the meaning of Article 3(1)(b) of Council Regulation (EC) No 1290/2005. ⁽¹⁾

Article 2

Maximum amount of support

Total Union expenditure incurred for the purposes of this Regulation shall not exceed EUR 210 000 000. It shall be financed by the European Agricultural Guarantee Fund (EAGF) and be used solely for the purpose of financing the measures provided for under this Regulation.

Article 3

Applicability of rules

Save as explicitly provided for otherwise in this Regulation, Regulation (EC) No 1234/2007, Regulation (EC) No

1580/2007 and Implementing Regulation (EU) No 543/2011 shall apply in respect of producer organisations and its members and shall apply *mutatis mutandis* in respect of the producers referred to in Article 5.

Article 4

Producer organisations

1. The 5 % ceiling referred to in Article 80(2) of Regulation (EC) No 1580/2007 and in Article 79(2) of Implementing Regulation (EU) No 543/2011 shall not apply in respect of the products referred to in Article 1(1) of this Regulation when those products are withdrawn during the period referred to in that Article.
2. Non-harvesting measures referred to in Article 85(2) of Regulation (EC) No 1580/2007 and in Article 84(1)(b) of Implementing Regulation (EU) No 543/2011 may, in respect of products and during the period referred to in Article 1(1) of this Regulation, be undertaken even where commercial production has been taken from the producing area concerned during the normal production cycle. In such cases, the compensation amounts referred to in Article 86(4) of Regulation (EC) No 1580/2007 and in Article 85(4) of Implementing Regulation (EU) No 543/2011 shall be proportionally reduced to the production already harvested, as established on the basis of the accounting and/or tax data of the producer organisations concerned.
3. The Union contribution to the maximum amounts set by Member States in accordance with Article 80 of Regulation (EC) No 1580/2007 or with Article 79 of Implementing Regulation (EU) No 543/2011 shall not exceed the amounts set out in Part A of Annex I to this Regulation, in case of withdrawals for destinations, other than free distribution. Those amounts shall be doubled in case of free distribution.
4. The ceiling of one-third of expenditure referred to in the second subparagraph of Article 103c(2) of Regulation (EC) No 1234/2007 and the 25 % maximum ceiling for the increase of operational fund referred to in Article 67(1)(c) of Regulation (EC) No 1580/2007 and in Article 66(3)(c) of Implementing Regulation (EU) No 543/2011 shall not apply in respect of expenditure incurred for measures referred to in paragraphs 1 and 2 of this Article during the period referred to in Article 1(1).
5. Additional Union support shall be granted in respect of withdrawal, non-harvesting and green harvesting operations carried out in relation to the products and during the period referred to in Article 1(1). Support for green harvesting shall cover only the products which are physically on the fields and which are effectively green harvested.

The additional Union support shall not be included in the operational programmes of the producer organisations and not be taken into account for the purpose of the calculation of the ceilings of 4,1 % and 4,6 % referred to in Article 103d(2) of Regulation (EC) No 1234/2007.

The amounts of additional Union support for withdrawals are set out in Part B of Annex I to this Regulation.

⁽¹⁾ OJ L 209, 11.8.2005, p. 1.

In case of non-harvesting and green harvesting, Member States shall set the amounts of additional Union support per hectare at a level to cover not more than 90 % of the amounts fixed for withdrawals in Part B of Annex I to this Regulation.

The additional Union support shall be granted even if producer organisations do not provide for those operations in the framework of their operational programmes.

6. Expenditure incurred in accordance with this Article shall form part of the operational fund of the producer organisations. Articles 103b(2) and 103d(1) of Regulation (EC) No 1234/2007 shall not apply for the additional Union support referred to in paragraph 5 of this Article.

Article 5

Producer non-members of producer organisations

1. Union support shall be granted to producers of fruit and vegetables who are not members of a recognised producer organisation (hereinafter referred to as 'producer non-members') to carry out withdrawal, non-harvesting and green harvesting operations in respect of the products and during the period referred to in Article 1(1). Where a producer organisation has been suspended in accordance with Article 116(2) of Regulation (EC) No 1580/2007 or Article 114(2) of Implementing Regulation (EU) No 543/2011, its members shall be deemed to be a producer non-members for the purpose of this Regulation.

Support for green harvesting shall cover only the products which are physically on the fields and which are effectively green harvested.

2. In case of withdrawals, producer non-members shall sign a contract with a recognised producer organisation.

The Union support shall be paid to such producers by the producer organisation with which they signed such a contract. The second and the fifth subparagraphs of Article 4(5) and Article 4(6) shall apply *mutatis mutandis*.

3. The amounts of support to be granted pursuant to paragraph 1 in the situation referred to in paragraph 2 shall be the amounts set out in Part B of Annex I, less the amounts that correspond to the real costs incurred by the producer organisation for withdrawing the respective products, which the producer organisation shall retain. Evidence of those costs shall be provided by means of invoices. Producer organisations shall accept all reasonable requests from producers that are not a member of a producer organisation for the purposes of this Regulation.

4. For duly justified reasons, such as the limited degree of organisation of the producers in the Member State concerned, and in a non-discriminatory way, Member States may authorise that a producer non-member makes a notification to the competent authority of the Member State, instead of signing the contract referred to in paragraph 2. For such notification, Article 79 of Regulation (EC) No 1580/2007 or Article 78 of Implementing Regulation (EU) No 543/2011 shall apply *mutatis mutandis*.

In those cases, the competent authority of the Member State shall pay the Union support directly to the producer, in accordance with its own legislation. The amounts of the support shall be the amounts set out in Part B of Annex I.

5. In case of non-harvesting and green harvesting operations, producer non-members shall make the appropriate notification to the competent authority of the Member State in accordance with the detailed provisions adopted by the Member State pursuant to Article 86(1)(a) of Regulation (EC) No 1580/2007 or to Article 85(1)(a) of Implementing Regulation (EU) No 543/2011.

The amounts of Union support for non-harvesting and green harvesting operations shall be the amounts set pursuant to the fourth subparagraph of Article 4(5).

Article 6

Checks on withdrawal, non-harvesting and green harvesting operations

1. The withdrawal operations referred to in Articles 4 and 5 shall be subject to first-level checks in accordance with Article 110 of Regulation (EC) No 1580/2007 and Article 108 of Implementing Regulation (EU) No 543/2011. However, those checks shall be limited to 10 % of the quantity of products withdrawn from the market.

For withdrawal operations referred to in Article 5(4), the first-level checks shall cover 100 % of the quantity of products withdrawn.

2. Non-harvesting and green harvesting operations as referred to in Articles 4 and 5 shall be subject to the checks and conditions provided for in Article 112 of Regulation (EC) No 1580/2007 and Article 110 of Implementing Regulation (EU) No 543/2011, except as regards the requirement that no partial harvest has taken place. Checks shall be limited to 10 % of the producing areas referred to in Article 4(2).

For non-harvesting and green harvesting operations referred to in Article 5(5), the checks shall cover 100 % of the producing areas.

Article 7

Notifications

1. Member States shall notify the Commission every Wednesday (before noon, Brussels time) from the day of entry into force of this Regulation of the notifications received during the previous week from the producer organisations and from producer non-members. Those notifications shall relate to the operations to be undertaken for the purposes of this Regulation, in terms of quantities, surface and maximum Union expenditure for each of the products referred to in Article 1(1).

Member States shall use the templates set out in Annex II.

Member States shall notify the Commission on 22 June 2011 of the information referred to in the first subparagraph, using the templates set out in Annex II, in relation to withdrawal, non-harvesting or green harvesting operations undertaken between 26 May 2011 and the date of the entry into force of this Regulation.

2. Member States shall notify the Commission by 18 of July 2011 of the information on the total quantities withdrawn, the total surface on which non-harvesting or green harvesting operations have been undertaken and the requests for total Union support for the corresponding withdrawal and non-harvesting operations.

Member States shall use the template set out for in Annex III.

Union support shall not be granted for withdrawal, non-harvesting or green harvesting operations not notified to the Commission in accordance with this paragraph.

3. Where requests for Union support notified in accordance with paragraph 2 exceed the maximum amount of support referred to in Article 2, the Commission shall set, without the assistance of the Committee referred to in Article 195(1) of Regulation (EC) No 1234/2007, an allocation coefficient for the grant of total available Union support on the basis of received requests. In case request for support do not exceed the maximum amount of support, the allocation coefficient shall be set at 100 %.

Member States shall apply the allocation coefficient for all applications referred to in Article 8.

Article 8

Application for and payment of Union support

1. Producer organisations shall apply for the payment of the Union support referred to in Article 4(5) and 5(2) by 11 July 2011.

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

Done at Brussels, 17 June 2011.

2. By way of derogation from the deadlines fixed pursuant to Article 73 of Regulation (EC) No 1580/2007 and Article 72 of Implementing Regulation (EU) No 543/2011, producer organisations shall apply for the payment of the total Union support referred to in Article 4(1) to (4) of this Regulation in accordance with the procedure referred to in Article 73 of Regulation (EC) No 1580/2007 and in Article 72 of Implementing Regulation (EU) No 543/2011 by 11 July 2011.

The ceiling of 80 % of the initially approved amount of aid of operational programme established in the third subparagraph of Article 73 of Regulation (EC) No 1580/2007 and Article 72 of Implementing Regulation (EU) No 543/2011 shall not apply

3. Producer non-members shall, by 11 July 2011, apply themselves to the competent authorities of the Member States for the payment of Union support in the situations referred to in Article 5(4) and (5). The Member States shall designate the competent authorities by 30 June 2011.

4. The applications for Union support referred to in paragraphs 1, 2 and 3 shall be accompanied by supporting documents justifying the amount of Union support requested and contain a written undertaking that the applicant has not received any double Union or national funding or compensation under an insurance policy in respect of the operations qualifying for Union support under this Regulation.

5. The competent authorities of the Member States shall not make payments before the allocation coefficient referred to in Article 7(3) has been set. They shall ensure that all payments to be made for the purposes of this Regulation are made by 15 October 2011 at the latest.

Article 9

Entry into force

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

For the Commission
The President
José Manuel BARROSO

ANNEX I

PART A

Maximum amounts of Union contribution to support for market withdrawals as referred to in Article 4(3)

Product as referred to in Article 1(1)	Maximum support (EUR/100 kg)
Lettuce and curled-leaved and broad-leaved endives	15,5
Cucumbers	9,6
Sweet peppers	17,8
Courgettes	11,8

PART B

Maximum amounts of additional Union support for market withdrawals as referred to in Article 4(5)

Product as referred to in Article 1(1)	Maximum support (EUR/100 kg)
Tomatoes	33,2
Lettuce and curled-leaved and broad-leaved endives	38,9
Cucumbers	24,0
Sweet peppers	44,4
Courgettes	29,6

ANNEX II

Templates for notification as referred to in article 7(1)

NOTIFICATION ON WITHDRAWALS

Country:

Date ⁽¹⁾:

Product ⁽²⁾	POs				Producer non-members		Total EU support (EUR)
	Quantities to be withdrawn (t)	EU additional support (EUR) (Article 4(5) of Implementing Regulation (EU) No 585/2011)	EU operational fund support EUR (Article 80(1) of Regulation (EC) No 1580/2007; Article 79(1) of Implementing Regulation (EU) No 543/2011) ⁽³⁾	Total EU support (EUR)	Quantities to be withdrawn (t)	EU additional support (EUR) (Article 5(3) and (4) of Implementing Regulation (EU) No 585/2011)	
Cucumber							
Tomato							
Lettuces and endives							
Sweet peppers							
Courgettes							
Total							

⁽¹⁾ One different Excel sheet shall be completed for every week (including nil notifications for weeks with no operations, in case of Member States that have made a previous notification).

⁽²⁾ Products as defined in Article 1(1).

⁽³⁾ Only the Union contribution shall be considered for the calculation, e.g. for tomatoes EUR 3,6325/100 kg.

The following table is to be completed on the first day of notification.

Maximum amounts of support fixed by the Member State according to Article 80(1) of Regulation (EC) No 1580/2007; Article 79(1) of Implementing Regulation (EU) No 543/2011:

	Union contribution (EUR/100 kg)	PO contribution (EUR/100 kg)
Cucumber		
Lettuces and endives		
Sweet peppers		
Courgettes		

NOTIFICATION ON GREEN/NON-HARVESTING

Country:

Date ⁽¹⁾:

Product ⁽²⁾	POs			Producer non-members		Total EU support (EUR)
	Area (ha) ⁽³⁾	EU operational fund support (EUR) (Article 86(4) of Regulation (EC) No 1580/2007; Article 85(4) of Implementing Regulation (EU) No 543/2011) ⁽⁴⁾	EU additional support (EUR) (Article 4(5) of Implementing Regulation (EU) No 585/2011)	Total EU support (EUR)	Area (ha) ⁽³⁾	
Cucumber						
Tomato						
Lettuces and endives						
Sweet peppers						
Courgettes						
Total						

⁽¹⁾ One different Excel sheet shall be completed for every week (including nill notifications for weeks with no operations, in case of Member States that have made a previous notification).

⁽²⁾ Products as defined in Article 1(1).

⁽³⁾ Where commercial production has already been harvested, the figure to be registered shall estimate the equivalent surface with production.

⁽⁴⁾ Only the Union contribution shall be considered for the calculation.

The following table is to be completed on the first day of notification.

Maximum amounts of support fixed by the Member State according to Article 86(4) of Regulation (EC) No 1580/2007; Article 85(4) of Implementing Regulation (EU) No 543/2011:

	Open air		Greenhouse	
	Union contribution (EUR/ha)	PO contribution (EUR/ha)	Union contribution (EUR/ha)	PO contribution (EUR/ha)
Tomatoes				
Cucumber				
Lettuces and endives				
Sweet peppers				
Courgettes				

ANNEX III

Templates for notification as referred to in article 7(2)

NOTIFICATION ON WITHDRAWALS

Country:

Date:

26 May to 30 June 2011

Product ⁽¹⁾	POs				Producer non members		Total EU support (EUR)
	Total quantities withdrawn (t)	EU additional support (EUR) (Article 4(5) of Implementing Regulation (EU) No 585/2011)	EU operational fund support (EUR) (Article 80(1) of Regulation (EC) No 1580/2007; Article 79(1) of Implementing Regulation (EU) No 543/2011) ⁽²⁾	Total EU Support (EUR)	Total quantities withdrawn (t)	EU additional support (EUR) (Article 5(3) and (4) of Implementing Regulation (EU) No 585/2011)	
Cucumber							
Tomato							
Lettuce and endives							
Sweet peppers							
Courgettes							
Total							

⁽¹⁾ Products as defined in Article 1(1).⁽²⁾ Only the Union contribution shall be considered for the calculation, e.g. for tomatoes EUR 3,6325/100 kg.

NOTIFICATION ON GREEN/NON-HARVESTING

Country:

Date:

26 May to 30 June 2011

Product ⁽¹⁾	POs				Producer non-members		Total EU support (EUR)
	Area (ha) ⁽²⁾	EU operational fund support (EUR) (Article 86(4) of Regulation (EC) No 1580/2007; Article 85(4) of Implementing Regulation (EU) No 543/2011) ⁽²⁾	EU additional support (EUR) (Article 4(5) of Implementing Regulation (EU) No 585/2011)	Total EU support (EUR)	Area (ha) ⁽²⁾	EU support (EUR) (Article 5(5) of Implementing Regulation (EU) No 585/2011)	
Cucumber							
Tomato							
Lettuce and endives							

Product ⁽¹⁾	POs			Producer non-members		Total EU support (EUR)	
	Area (ha) ⁽²⁾	EU operational fund support (EUR) (Article 86(4) of Regulation (EC) No 1580/2007; Article 85(4) of Implementing Regulation (EU) No 543/2011) ⁽³⁾	EU additional support (EUR) (Article 4(5) of Implementing Regulation (EU) No 585/2011)	Total EU support (EUR)	Area (ha) ⁽²⁾		EU support (EUR) (Article 5(5) of Implementing Regulation (EU) No 585/2011)
Sweet peppers							
Courgettes							
Total							

⁽¹⁾ Products as defined in Article 1(1).

⁽²⁾ Where commercial production has already been harvested, the figure to be registered shall estimate the equivalent surface with production.

⁽³⁾ Only the Union contribution shall be considered for the calculation.

COMMISSION IMPLEMENTING REGULATION (EU) No 586/2011**of 17 June 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 18 June 2011.

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

Done at Brussels, 17 June 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	57,8
	MK	31,8
	TR	54,0
	ZZ	47,9
0707 00 05	TR	97,3
	ZZ	97,3
0709 90 70	TR	111,4
	ZZ	111,4
0805 50 10	AR	65,2
	BR	40,6
	TR	76,6
	ZA	100,1
	ZZ	70,6
0808 10 80	AR	90,6
	BR	79,3
	CL	84,5
	CN	80,6
	NZ	97,4
	UY	98,4
	ZA	85,5
	ZZ	88,0
0809 10 00	TR	158,2
	ZZ	158,2
0809 20 95	TR	385,5
	XS	175,4
	ZZ	280,5

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

COMMISSION IMPLEMENTING REGULATION (EU) No 587/2011**of 17 June 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 Implementing Regulation (EU) No 570/2011 ⁽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 18 June 2011.

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

Done at Brussels, 17 June 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 158, 16.6.2011, p. 31.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 18 June 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⁾	47,19	0,00
1701 11 90 ⁽¹⁾	47,19	0,75
1701 12 10 ⁽¹⁾	47,19	0,00
1701 12 90 ⁽¹⁾	47,19	0,45
1701 91 00 ⁽²⁾	50,08	2,45
1701 99 10 ⁽²⁾	50,08	0,00
1701 99 90 ⁽²⁾	50,08	0,00
1702 90 95 ⁽³⁾	0,50	0,22

⁽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

of 9 June 2011

on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Principality of Liechtenstein

(2011/352/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (the Protocol) ⁽¹⁾, which was signed on 28 February 2008 ⁽²⁾ and entered into force on 7 April 2011, and in particular Article 10(1) thereof,

Whereas:

- (1) Article 10(1) of the Protocol provides that the provisions of the Schengen *acquis* shall be put into effect by the Principality of Liechtenstein only pursuant to a Council decision to that effect after verification that the necessary conditions for the implementation of that *acquis* have been fulfilled by the Principality of Liechtenstein.
- (2) The Council has verified that the Principality of Liechtenstein ensures satisfactory levels of data protection by taking the following steps: a full questionnaire was forwarded to the Principality of Liechtenstein, whose replies were recorded, and verification and evaluation visits were made to the Principality of Liechtenstein, in accordance with the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/Com-ex (98) 26 def.) ⁽³⁾ (the Decision of the Executive Committee of 16 September 1998), in the area of Data Protection.
- (3) On 9 June 2011, the Council concluded that the Principality of Liechtenstein had fulfilled the conditions in the area of Data Protection. It is therefore possible to set a date from which the Schengen *acquis* relating to the Schengen Information System (SIS) may apply to the Principality of Liechtenstein.

- (4) The entry into force of this Decision should allow for real SIS data to be transferred to the Principality of Liechtenstein. The concrete use of these data should allow the Council, through the applicable Schengen evaluation procedures as set out in the Decision of the Executive Committee of 16 September 1998, to verify the correct application of the provisions of the Schengen *acquis* relating to the SIS in the Principality of Liechtenstein. Once those evaluations have been carried out, the Council should decide on the lifting of checks at internal borders with the Principality of Liechtenstein.
- (5) The Agreement between the Principality of Liechtenstein, the Republic of Iceland and the Kingdom of Norway concerning the implementation, application and development of the Schengen *acquis* and concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Liechtenstein, Iceland or Norway stipulates that it shall be put into effect in respect of the implementation, application and development of the Schengen *acquis* on the same date as the Protocol is put into effect.
- (6) A separate Council Decision should be adopted setting a date for the lifting of checks at internal borders. Until the date set out in that Decision, certain restrictions on the use of the SIS should be imposed,

HAS ADOPTED THIS DECISION:

Article 1

1. From 19 July 2011, the provisions of the Schengen *acquis* relating to the SIS, as referred to in Annex I, shall apply to the Principality of Liechtenstein in its relations with the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ Council Decisions 2008/261/EC (OJ L 83, 26.3.2008, p. 3) and 2008/262/EC (OJ L 83, 26.3.2008, p. 5).

⁽³⁾ OJ L 239, 22.9.2000, p. 138.

2. The provisions of the Schengen *acquis* relating to the SIS, as referred to in Annex II, shall apply from the date laid down in those provisions to the Principality of Liechtenstein in its relations with the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

3. From 9 June 2011, real SIS data may be transferred to the Principality of Liechtenstein.

From 19 July 2011, the Principality of Liechtenstein shall be allowed to enter data into the SIS and use SIS data, subject to paragraph 4.

4. Until the date of the lifting of checks at internal borders with the Principality of Liechtenstein, the Principality of Liechtenstein:

- (a) shall not be obliged to refuse entry to its territory to or to expel third country nationals for whom an SIS alert has been issued by a Member State for the purpose of refusing entry;
- (b) shall refrain from entering the data covered by Article 96 of the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders ⁽¹⁾ (the Schengen Convention).

Article 2

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

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Luxembourg, 9 June 2011.

For the Council

The President

PINTÉR S.

⁽¹⁾ OJ L 239, 22.9.2000, p. 19.

ANNEX I

List of the provisions of the Schengen *acquis* relating to the SIS to be rendered applicable to the Principality of Liechtenstein

1. In respect of the provisions of the Schengen Convention:

Article 64 and Articles 92 to 119 of the Schengen Convention.
2. In respect of decisions and declarations of the Executive Committee established by the Schengen Convention concerning the SIS:
 - (a) Decision of the Executive Committee of 15 December 1997 amending the Financial Regulation on C.SIS (SCH/Com-ex (97) 35) ⁽¹⁾;
 - (b) — Declaration of the Executive Committee of 18 April 1996 defining the concept of an alien (SCH/Com-ex (96) decl. 5) ⁽²⁾,

— Declaration of the Executive Committee of 28 April 1999 on the structure of SIS (SCH/Com-ex (99) decl. 2 rev.) ⁽³⁾.
3. In respect of other instruments concerning the SIS:
 - (a) Directive 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 ⁽⁴⁾ in so far as it applies in relation to the processing of data within the SIS;
 - (b) Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, 'Sisnet' ⁽⁵⁾;
 - (c) the SIRENE Manual ⁽⁶⁾;
 - (d) Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ⁽⁷⁾, and any subsequent decisions on the date of application of those functions;
 - (e) Council Decision 2005/211/JHA of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism ⁽⁸⁾, and any subsequent decisions on the date of application of those functions;
 - (f) Regulation (EC) No 1160/2005 of the European Parliament and of the Council of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles ⁽⁹⁾;
 - (g) Article 5(4)(a) and the provisions of Title II and the annexes thereto referring to the Schengen Information System (SIS) of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽¹⁰⁾;
 - (h) Council Regulation (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽¹¹⁾;
 - (i) Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽¹²⁾.

⁽¹⁾ OJ L 239, 22.9.2000, p. 444.

⁽²⁾ OJ L 239, 22.9.2000, p. 458.

⁽³⁾ OJ L 239, 22.9.2000, p. 459.

⁽⁴⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁵⁾ OJ L 85, 6.4.2000, p. 12.

⁽⁶⁾ Parts of the SIRENE Manual were published in OJ C 38, 17.2.2003, p. 1. The manual was amended by Commission Decisions 2006/757/EC (OJ L 317, 16.11.2006, p. 1) and 2006/758/EC (OJ L 317, 16.11.2006, p. 41).

⁽⁷⁾ OJ L 162, 30.4.2004, p. 29.

⁽⁸⁾ OJ L 68, 15.3.2005, p. 44.

⁽⁹⁾ OJ L 191, 22.7.2005, p. 18.

⁽¹⁰⁾ OJ L 105, 13.4.2006, p. 1.

⁽¹¹⁾ OJ L 299, 8.11.2008, p. 1.

⁽¹²⁾ OJ L 299, 8.11.2008, p. 43.

ANNEX II

List of the provisions of the Schengen *acquis* relating to the SIS to be rendered applicable to the Principality of Liechtenstein from the date laid down in those provisions

1. Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates ⁽¹⁾.
 2. Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽²⁾.
 3. Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽³⁾.
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⁽¹⁾ OJ L 381, 28.12.2006, p. 1.

⁽²⁾ OJ L 381, 28.12.2006, p. 4.

⁽³⁾ OJ L 205, 7.8.2007, p. 63.

COMMISSION IMPLEMENTING DECISION

of 17 June 2011

establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Germany in 2007

(notified under document C(2011) 4161)

(Only the German text is authentic)

(2011/353/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 4(2) and (3) thereof,

Whereas:

- (1) In accordance with Article 75 of the Financial Regulation and Article 90(1) of the Implementing Rules, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. With a view to helping to eradicate avian influenza as rapidly as possible the Union should contribute financially to eligible expenditure borne by the Member States. Article 4(3) first and second indents of that Decision lays down rules on the percentage that must be applied to the costs incurred by the Member States.
- (3) Commission Regulation (EC) No 349/2005 ⁽²⁾ lays down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC. Article 3 of that Regulation lays down rules on the expenditure eligible for Union financial support.
- (4) Commission Decision 2008/441/EC of 4 June 2008 on a financial contribution from the Community towards emergency measures to combat avian influenza in Germany in 2007 ⁽³⁾ granted a financial contribution

from the Union to Germany towards the costs incurred for the eradication of avian influenza. In accordance with that Decision, a first tranche of EUR 320 000,00 was paid.

- (5) On 13 May and 25 July 2008, Germany submitted an official request for reimbursement as set out in Article 7(1) and (2) of Regulation (EC) No 349/2005. On 9 February 2009, an audit *ex ante* was launched. The Commission's final conclusions were communicated to Germany by letter dated 20 September 2010 and confirmed by letter dated 21 February 2011.
- (6) The payment of the financial contribution from the Union must be subject to the condition that the planned activities were actually implemented and that the authorities provided all the necessary information within the set deadlines.
- (7) The German authorities have fully complied with their technical and administrative obligations as set out in Article 4(1) of Decision 2009/470/EC and Article 7 of Regulation (EC) No 349/2005.
- (8) In view of the above considerations, the total amount of the financial contribution from the Union to the eligible expenditure incurred associated with the eradication of avian influenza in Germany in 2007 should now be fixed.
- (9) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

The financial contribution from the Union towards the expenditure associated with eradicating avian influenza in Germany in 2007 is fixed at EUR 1 141 550,98. It constitutes a financing decision in the meaning of Article 75 of the Financial Regulation.

Article 2

The balance of the financial contribution is fixed at EUR 821 550,98.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 55, 1.3.2005, p. 12.

⁽³⁾ OJ L 156, 14.6.2008, p. 14.

Article 3

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 17 June 2011.

For the Commission
John DALLI
Member of the Commission

COMMISSION DECISION

of 17 June 2011

authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council

(notified under document C(2011) 4177)

(Only the German text is authentic)

(Text with EEA relevance)

(2011/354/EU)

THE EUROPEAN COMMISSION,

principles set out in Annex II to Directive 2001/18/EC. It also includes a monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC.

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

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed⁽¹⁾, and in particular Article 7(3) and Article 19(3) thereof,

Whereas:

(1) On 18 January 2008, Bayer CropScience AG submitted to the competent authority of the Netherlands an application, in accordance with Article 5 and Article 17 of Regulation (EC) No 1829/2003, for the placing on the market of foods, food ingredients, and feed containing, consisting of, or produced from GHB614 cotton ('the application').

(2) The application also covers the placing on the market of products other than food and feed containing or consisting of GHB614 cotton for the same uses as any other cotton with the exception of cultivation. Therefore, in accordance with Article 5(5) and Article 17(5) of Regulation (EC) No 1829/2003, it includes the data and information required by Annexes III and IV to Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC⁽²⁾ and information and conclusions about the risk assessment carried out in accordance with the

(3) On 10 March 2009, the European Food Safety Authority ('EFSA') gave a favourable opinion in accordance with Article 6 and Article 18 of Regulation (EC) No 1829/2003. It considered that cotton GHB614 is as safe as its non-genetically modified counterpart with respect to potential effects on human and animal health or the environment. Therefore it concluded that it is unlikely that the placing on the market of the products containing, consisting of, or produced from GHB614 cotton as described in the application ('the products') will have any adverse effects on human or animal health or the environment in the context of their intended uses⁽³⁾. In its opinion, EFSA considered all the specific questions and concerns raised by the Member States in the context of the consultation of the national competent authorities as provided for by Article 6(4) and Article 18(4) of that Regulation.

(4) In particular, EFSA concluded that GHB614 cotton is compositionally and agronomically equivalent to its non-genetically modified counterpart and other conventional cotton varieties except for the introduced trait and that the molecular characterisation provided no indication of unintended effects of the genetic modification and as a consequence, that animal safety studies with the whole food/feed (e.g. a 90-day toxicity study in rats) are not needed.

(5) In its opinion, EFSA also concluded that the environmental monitoring plan, consisting of a general surveillance plan, submitted by the applicant is in line with the intended use of the products. However due to the physical characteristics of cotton seeds and methods of transportation, EFSA recommended that, within general surveillance, specific measures are introduced to actively monitor the occurrence of feral cotton plants in areas where seed spillage and plant establishment are likely to occur.

⁽¹⁾ OJ L 268, 18.10.2003, p. 1.

⁽²⁾ OJ L 106, 17.4.2001, p. 1.

⁽³⁾ <http://registerofquestions.efsa.europa.eu/roqFrontend/questionLoader?question=EFSA-Q-2006-020>

- (6) In order to better describe the monitoring requirements and to comply with the EFSA recommendation, the monitoring plan submitted by the applicant has been modified. Specific measures to limit losses and spillage and to eradicate adventitious cotton populations have been introduced.
- (7) Taking into account those considerations, authorisation should be granted for the products.
- (8) A unique identifier should be assigned to each GMO as provided for in Commission Regulation (EC) No 65/2004 of 14 January 2004 establishing a system for the development and assignment of unique identifiers for genetically modified organisms ⁽¹⁾.
- (9) On the basis of the EFSA opinion, no specific labelling requirements other than those provided for in Article 13(1) and Article 25(2) of Regulation (EC) No 1829/2003, appear to be necessary for foods, food ingredients and feed containing, consisting of, or produced from GHB614 cotton. However, in order to ensure the use of the products within the limits of the authorisation provided for by this Decision, the labelling of feed containing or consisting of the GMO and products other than food and feed containing or consisting of the GMO for which authorisation is requested should be complemented by a clear indication that the products in question must not be used for cultivation.
- (10) Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC ⁽²⁾, lays down labelling requirements in Article 4(6) for products containing or consisting of GMOs. Traceability requirements for products containing or consisting of GMOs are laid down in paragraphs (1) to (5) of Article 4 and for food and feed produced from GMOs are laid down in Article 5 of that Regulation.
- (11) The authorisation holder should submit annual reports on the implementation and the results of the activities set out in the monitoring plan for environmental effects. Those results should be presented in accordance with Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council ⁽³⁾. The EFSA opinion does not justify the imposition of specific conditions or restrictions for the placing on the market and/or specific conditions or restrictions for the use and handling, including post-market monitoring requirements for the use of the food and feed, or of specific conditions for the protection of particular ecosystems/environment and/or geographical areas, as provided for in point (e) of Article 6(5) and Article 18(5) of Regulation (EC) No 1829/2003.
- (12) All relevant information on the authorisation of the products should be entered in the Community register of genetically modified food and feed, as provided for in Regulation (EC) No 1829/2003.
- (13) This Decision is to be notified through the Biosafety Clearing-House to the Parties to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity, pursuant to Article 9(1) and Article 15(2)(c) of Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms ⁽⁴⁾.
- (14) The applicant has been consulted on the measures provided for in this Decision.
- (15) The Standing Committee on the Food Chain and Animal Health has not delivered an opinion within the time limit laid down by its Chair and the Commission therefore submitted to the Council a proposal relating to these measures. Since, at its meeting on 17 March 2011 the Council was unable to reach a decision by qualified majority either for or against the proposal and the Council indicated that its proceedings on this file were concluded, these measures are to be adopted by the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Genetically modified organism and unique identifier

Genetically modified cotton (*Gossypium hirsutum*) GHB614, as specified in point (b) of the Annex to this Decision, is assigned the unique identifier BCS-GHØØ2-5, as provided for in Regulation (EC) No 65/2004.

⁽¹⁾ OJ L 10, 16.1.2004, p. 5.

⁽²⁾ OJ L 268, 18.10.2003, p. 24.

⁽³⁾ OJ L 275, 21.10.2009, p. 9.

⁽⁴⁾ OJ L 287, 5.11.2003, p. 1.

*Article 2***Authorisation**

The following products are authorised for the purposes of Article 4(2) and Article 16(2) of Regulation (EC) No 1829/2003 in accordance with the conditions set out in this Decision:

- (a) foods and food ingredients containing, consisting of, or produced from BCS-GHØØ2-5 cotton;
- (b) feed containing, consisting of, or produced from BCS-GHØØ2-5 cotton;
- (c) products other than food and feed containing or consisting of BCS-GHØØ2-5 cotton for the same uses as any other cotton with the exception of cultivation.

*Article 3***Labelling**

1. For the purposes of the labelling requirements laid down in Article 13(1) and Article 25(2) of Regulation (EC) No 1829/2003 and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'cotton'.
2. The words 'not for cultivation' shall appear on the label of and in documents accompanying products containing or consisting of BCS-GHØØ2-5 cotton referred to in Article 2(b) and (c).

*Article 4***Monitoring for environmental effects**

1. The authorisation holder shall ensure that the monitoring plan for environmental effects, as set out in point (h) of the Annex, is put in place and implemented.

2. The authorisation holder shall submit to the Commission annual reports on the implementation and the results of the activities set out in the monitoring plan in accordance with Decision 2009/770/EC.

*Article 5***Community register**

The information set out in the Annex to this Decision shall be entered in the Community register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003.

*Article 6***Authorisation holder**

The authorisation holder shall be Bayer CropScience AG.

*Article 7***Validity**

This Decision shall apply for a period of 10 years from the date of its notification.

*Article 8***Addressee**

This Decision is addressed to Bayer CropScience AG, Alfred-Nobel-Straße 50, 40789 Monheim am Rhein, Germany.

Done at Brussels, 17 June 2011.

For the Commission

John DALLI

Member of the Commission

ANNEX

(a) Applicant and authorisation holder

Name: Bayer CropScience AG

Address: Alfred-Nobel-Straße 50, 40789 Monheim am Rhein, Germany

(b) Designation and specification of the products

- (1) Foods and food ingredients containing, consisting of, or produced from BCS-GHØØ2-5 cotton;
- (2) Feed containing, consisting of, or produced from BCS-GHØØ2-5 cotton;
- (3) Products other than food and feed containing or consisting of BCS-GHØØ2-5 cotton for the same uses as any other cotton with the exception of cultivation.

The genetically modified BCS-GHØØ2-5 cotton (*Gossypium hirsutum*), as described in the application, expresses the 2mEPSPS protein which confers tolerance to the glyphosate herbicide.

(c) Labelling

- (1) For the purposes of the specific labelling requirements laid down in Article 13(1) and Article 25(2) of Regulation (EC) No 1829/2003, and in Article 4(6) of Regulation (EC) No 1830/2003, the 'name of the organism' shall be 'cotton';
- (2) The words 'not for cultivation' shall appear on the label of and in documents accompanying products containing or consisting of BCS-GHØØ2-5 cotton referred to in Article 2(b) and (c) of this Decision.

(d) Method for detection

- Event specific real-time PCR based method for the quantification of BCS-GHØØ2-5 cotton,
- Validated on seeds by the Community reference laboratory established under Regulation (EC) No 1829/2003, published at <http://gmo-crl.jrc.ec.europa.eu/statusofdoss.htm>,
- Reference Material: AOCS 1108-A and 0306-A accessible via the American Oil Chemists society at <http://www.aocs.org/tech/crm/>

(e) Unique identifier

BCS-GHØØ2-5

(f) Information required under Annex II to the Cartagena Protocol on Biosafety to the Convention on Biological Diversity

Biosafety Clearing-House, Record ID: see [to be completed when notified].

(g) Conditions or restrictions on the placing on the market, use or handling of the products

Not required.

(h) Monitoring plan

Monitoring plan for environmental effects conforming with Annex VII to Directive 2001/18/EC

[Link: plan published on the Internet]

(i) Post market monitoring requirements for the use of the food for human consumption

Not required.

Note: links to relevant documents may need to be modified over the time. Those modifications will be made available to the public via the updating of the Community register of genetically modified food and feed.

★ Commission Implementing Regulation (EU) No 584/2011 of 17 June 2011 approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Grana Padano (PDO))	65
★ Commission Implementing Regulation (EU) No 585/2011 of 17 June 2011 laying down temporary exceptional support measures for the fruit and vegetable sector	71
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Commission Implementing Regulation (EU) No 587/2011 of 17 June 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	82

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★ Commission Implementing Decision of 17 June 2011 establishing the financial contribution by the Union to the expenditure incurred in the context of the emergency measures taken to combat avian influenza in Germany in 2007 (notified under document C(2011) 4161)	88
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★ Commission Decision of 17 June 2011 authorising the placing on the market of products containing, consisting of, or produced from genetically modified cotton GHB614 (BCS-GHØØ2-5) pursuant to Regulation (EC) No 1829/2003 of the European Parliament and of the Council (notified under document C(2011) 4177) ⁽¹⁾	90
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⁽¹⁾ Text with EEA relevance

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