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(¹) Text with EEA relevance

EN

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information concerning the entry into force of the Agreement between the European Union and the Government of the Faeroe Islands on Scientific and Technological Cooperation

The Agreement between the European Union and the Government of the Faeroes on Scientific and Technological Cooperation ⁽¹⁾, signed on 3 June 2010, has, in accordance with Article 5(2) thereof, entered into force on 28 June 2011.

⁽¹⁾ OJ L 245, 17.9.2010, p. 2.

REGULATIONS

COMMISSION REGULATION (EU) No 664/2011

of 11 July 2011

amending Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste to include certain mixtures of wastes in Annex IIIA thereto

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

of wastes classified under individual Basel entries for inclusion in Annex IIIA to Regulation (EC) No 1013/2006 was selected.

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

Having regard to Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁽¹⁾, and in particular point (c) of Article 58(1) thereof,

Whereas:

(1) Finland submitted a request to the Commission that mixtures of wastes classified under Basel entries B3040 and B3080 be considered for inclusion in Annex IIIA to Regulation (EC) No 1013/2006.

(2) The United Kingdom submitted a request to the Commission that mixtures of wastes classified under Basel entry B3020 be considered for inclusion in Annex IIIA to Regulation (EC) No 1013/2006.

(3) The Commission received comments from Belgium, Czech Republic, Denmark, Germany, Italy, Luxembourg, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Finland and Sweden with regard to the acceptability of mixing waste corresponding to different indents or sub-indents of Basel entries B1010, B2010, B2030, B3010, B3020, B3030, B3040 and B3050 to be considered for inclusion in Annex IIIA to Regulation (EC) No 1013/2006. Taking into account those comments, the Commission selected a list of mixtures of wastes classified under one single Basel entry for inclusion in Annex IIIA to Regulation (EC) No 1013/2006.

(4) The Commission assessed the requests by Finland and the United Kingdom and the comments of Member States and on the basis of that assessment, a list of mixtures

(5) It is important to clarify which procedures are applicable to shipments of mixtures of wastes classified under one single Basel entry. In order to allow the export of some of those mixtures of wastes to countries to which Decision C(2001) 107/Final of the OECD Council concerning the revision of Decision C(92) 39/Final on control of transboundary movements of wastes destined for recovery operations (the OECD Decision) does not apply using the general information requirements laid down in Article 18 of Regulation (EC) No 1013/2006, a transitional period for those countries is necessary before they can inform the Commission, whether relevant mixtures of wastes may be exported to that country and of the applicable control procedure, if any.

(6) Regulation (EC) No 1013/2006 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IIIA to Regulation (EC) No 1013/2006 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

However, in the case of exports to countries to which the OECD Decision does not apply, point 3 of Annex IIIA to Regulation (EC) No 1013/2006, as amended by this Regulation, shall apply as of 1 August 2012.

⁽¹⁾ OJ L 190, 12.7.2006, p. 1.

⁽²⁾ OJ L 312, 22.11.2008, p. 3.

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

Done at Brussels, 11 July 2011.

For the Commission
The President
José Manuel BARROSO

ANNEX

Annex IIIA to Regulation (EC) No 1013/2006 is amended as follows:

(1) point 2 is replaced by the following:

‘2. The following mixtures of wastes are included in this Annex:

- (a) mixtures of wastes classified under Basel entries B1010 and B1050;
- (b) mixtures of wastes classified under Basel entries B1010 and B1070;
- (c) mixtures of wastes classified under Basel entries B3040 and B3080;
- (d) mixtures of wastes classified under (OECD) entry GB040 and under Basel entry B1100 restricted to hard zinc spelter, zinc-containing drosses, aluminium skimmings (or skims) excluding salt slag and wastes of refractory linings, including crucibles, originating from copper smelting;
- (e) mixtures of wastes classified under (OECD) entry GB040, under Basel entry B1070 and under Basel entry B1100 restricted to wastes of refractory linings, including crucibles, originating from copper smelting.

The entries referred to in points (d) and (e) shall not apply for exports to countries to which the OECD Decision does not apply.’;

(2) the following point 3 is added:

‘3. The following mixtures of wastes classified under separate indents or sub-indents of one single entry are included in this Annex:

- (a) mixtures of wastes classified under Basel entry B1010;
 - (b) mixtures of wastes classified under Basel entry B2010;
 - (c) mixtures of wastes classified under Basel entry B2030;
 - (d) mixtures of wastes classified under Basel entry B3010 and listed under *Scrap plastic of non-halogenated polymers and copolymers*;
 - (e) mixtures of wastes classified under Basel entry B3010 and listed under *Cured waste resins or condensation products*;
 - (f) mixtures of wastes classified under Basel entry B3010 and listed under *Perfluoro alkoxy alkane*;
 - (g) mixtures of wastes classified under Basel entry B3020 restricted to unbleached paper or paperboard or of corrugated paper or paperboard, other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass, paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter);
 - (h) mixtures of wastes classified under Basel entry B3030;
 - (i) mixtures of wastes classified under Basel entry B3040;
 - (j) mixtures of wastes classified under Basel entry B3050.’
-

COMMISSION REGULATION (EU) No 665/2011

of 11 July 2011

on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 17(3) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority'.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission thereof, and to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) The three opinions referred to in this Regulation are related to applications for reduction of disease risk claims, as referred to in Article 14(1)(a) of Regulation (EC) No 1924/2006.
- (6) Following an application from Wrigley GmbH, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of sugar-free chewing gum and reduction of tooth demineralisation (Question No EFSA-Q-2010-00119) ⁽²⁾. The claim proposed by the applicant was worded as

follows: 'Chewing of sugar-free chewing gum remineralises tooth enamel which reduces the risk of dental caries'.

- (7) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 1 October 2010 that a cause and effect relationship has been established between the consumption of sugar-free chewing gum and the claimed effect. Accordingly, a health claim reflecting this conclusion should be considered as complying with the requirements of Regulation (EC) No 1924/2006, and it should be included in the Union list of permitted claims.
- (8) Following an application from Wrigley GmbH, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of sugar-free chewing gum and neutralisation of plaque acids which reduces the risk of dental caries (Question No EFSA-Q-2010-00120) ⁽³⁾. The claim proposed by the applicant was worded as follows: 'Chewing of sugar-free chewing gum neutralises plaque acids which reduces the risk of dental caries'.
- (9) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 1 October 2010 that a cause and effect relationship has been established between the consumption of sugar-free chewing gum and the claimed effect. Accordingly, a health claim reflecting this conclusion should be considered as complying with the requirements of Regulation (EC) No 1924/2006, and it should be included in the Union list of permitted claims.
- (10) Article 16(4) of Regulation (EC) No 1924/2006 provides that an opinion in favour of authorising a health claim should include certain particulars. Accordingly, those particulars should be set out in Annex I to this Regulation as regards the authorised claims and include, as the case may be, the revised wording of the claims, specific conditions of use of the claims, and, where applicable, conditions or restrictions of use of the food and/or an additional statement or warning, in accordance with the rules laid down in Regulation (EC) No 1924/2006 and in line with the opinions of the Authority.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ The EFSA Journal 2010; 8(10):1775.

⁽³⁾ The EFSA Journal 2010; 8(10):1776.

- (11) One of the objectives of Regulation (EC) No 1924/2006 is to ensure that health claims are truthful, clear and reliable and useful to the consumer, and that wording and presentation are taken into account in that respect. Therefore, where the wording of claims has the same meaning for consumers as that of an authorised health claim, because they demonstrate the same relationship that exists between a food category, a food or one of its constituents and health, they should be subject to the same conditions of use, as indicated in Annex I.
- (12) Following an application from GP International Holding BV, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of OPC Plus on the reduction of the risk of chronic venous insufficiency (Question No EFSA-Q-2009-00751) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'OPC Plus has been shown to increase the microcirculation and may therefore reduce the risk of chronic venous insufficiency'.
- (13) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 7 September 2010 that a cause and effect relationship had not been established between the consumption of OPC Plus and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (14) The comments from the applicants and the members of the public received by the Commission pursuant to

Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.

- (15) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

1. The health claims listed in Annex I to this Regulation may be made on foods on the European Union market in compliance with the conditions laid down in that Annex.
2. The health claims referred to in paragraph 1 shall be included in the Union list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.

Article 2

The health claim listed in Annex II to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.

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, 11 July 2011.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ The EFSA Journal 2010; 8(7):1691.

ANNEX I

PERMITTED HEALTH CLAIMS

Application – Relevant provisions of Regulation (EC) No 1924/2006	Applicant – Address	Nutrient, substance, food or food category	Claim	Conditions of use of the claim	Conditions and/or restrictions of use of the food and/or additional statement or warning	EFSA opinion reference
Article 14(1)(a) health claim referring to reduction of disease risk	Wrigley GmbH, Scientific and Regulatory Affairs EMEAI, Biberger Str. 18, 82008 Unterhaching, GERMANY	Sugar-free chewing gum	Sugar-free chewing gum helps reduce tooth demineralisation. Tooth demineralisation is a risk factor in the development of dental caries.	Information shall be given to the consumer that the beneficial effect is obtained with chewing of 2-3 g of sugar-free chewing gum for 20 minutes, at least three times per day after meals.		Q-2010-00119
Article 14(1)(a) health claim referring to reduction of disease risk	Wrigley GmbH, Scientific and Regulatory Affairs EMEAI, Biberger Str. 18, 82008 Unterhaching, GERMANY	Sugar-free chewing gum	Sugar-free chewing gum helps neutralise plaque acids. Plaque acids are a risk factor in the development of dental caries.	Information shall be given to the consumer that the beneficial effect is obtained with chewing of 2-3 g of sugar-free chewing gum for 20 minutes, at least three times per day after meals.		Q-2010-00120

ANNEX II

REJECTED HEALTH CLAIM

Application – Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(a) health claim referring to a reduction of a disease risk	OPC Plus	OPC Plus has been shown to increase the microcirculation and may therefore reduce the risk of chronic venous insufficiency	Q-2009-00751

COMMISSION REGULATION (EU) No 666/2011

of 11 July 2011

refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods⁽¹⁾, and in particular Article 18(5) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority'.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission thereof and to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from Synbiotec S.r.l., submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of

Synbio on maintenance and improvement of intestinal well-being (Question No EFSA-Q-2009-00889)⁽²⁾. The claim proposed by the applicant was worded as follows: 'Synbio persists in the intestinal tract and favours the natural regularity contributing to maintain and improve human intestinal well-being'.

- (6) On 27 September 2010, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Synbio and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

- (7) Following an application from MILTE ITALIA SpA, submitted pursuant to Article 13(5) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Silymarin BIO-C® on increase in production of breast milk (Question No EFSA-Q-2009-00957)⁽³⁾. The claim proposed by the applicant was worded, inter alia, as follows: 'Suggested for improving the physiological production of breast milk during breast feeding'.

- (8) On 28 September 2010, the Commission and the Member States received the scientific opinion from the Authority, which concluded that on the basis of the data presented, a cause and effect relationship had not been established between the consumption of Silymarin BIO-C® and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

- (9) All the health claims subject to this Regulation are health claims as referred to in point (a) of Article 13(1) of Regulation (EC) No 1924/2006 and may benefit from the transition period laid down in Article 28(5) of that Regulation. As the Authority concluded that cause and effect relationships have not been established between the foods and the respective claimed effects, the two claims do not comply with Regulation (EC) No 1924/2006, and therefore they may not benefit from the transition period provided for in that Article.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ The EFSA Journal 2010; 8(9):1773.

⁽³⁾ The EFSA Journal 2010; 8(9):1774.

- (10) In order to ensure that this Regulation is fully complied with, both food business operators and the national competent authorities should take the necessary actions to ensure that, at the latest 6 months following the entry into force of this Regulation, products bearing the health claims listed in its Annex are no longer present on the market.
- (11) The comments from the applicants and the members of the public received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

1. The health claims listed in the Annex to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 13(3) of Regulation (EC) No 1924/2006.
2. However, products bearing these health claims placed on the market or labelled prior to the date of entry into force of this Regulation may remain on the market for a maximum period of 6 months after that date.

Article 2

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, 11 July 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

REJECTED HEALTH CLAIMS

Application – Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Synbio	Synbio persists in the intestinal tract and favours the natural regularity contributing to maintain and improve human intestinal well-being	Q-2009-00889
Article 13(5) health claim based on newly developed scientific evidence and/or including a request for the protection of proprietary data	Silymarin BIO-C®	Suggested for improving the physiological production of breast milk during breast feeding	Q-2009-00957

COMMISSION IMPLEMENTING REGULATION (EU) No 667/2011**of 11 July 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 July 2011.

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

Done at Brussels, 11 July 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 00	EC	20,9	
	MK	47,5	
	ZZ	34,2	
0707 00 05	TR	100,3	
	ZZ	100,3	
0709 90 70	AR	27,2	
	EC	26,5	
	TR	110,5	
	ZZ	54,7	
0805 50 10	AR	61,3	
	BR	42,9	
	TR	64,0	
	UY	70,0	
	ZA	65,2	
	ZZ	60,7	
0808 10 80	AR	133,8	
	BR	94,4	
	CA	106,0	
	CL	99,0	
	CN	87,0	
	EC	60,7	
	NZ	111,8	
	US	173,6	
	UY	50,2	
	ZA	96,4	
	ZZ	101,3	
	0808 20 50	AR	99,9
		AU	75,6
CL		112,0	
CN		81,6	
NZ		131,8	
ZA		114,1	
ZZ		102,5	
0809 10 00	TR	246,4	
	XS	101,8	
	ZZ	174,1	
0809 20 95	CL	298,8	
	SY	253,3	
	TR	280,6	
	ZZ	277,6	
0809 40 05	BA	70,7	
	EC	75,9	
	ZZ	73,3	

⁽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'.

DECISIONS

COUNCIL DECISION

of 6 June 2011

on the position to be taken by the European Union within the EEA Joint Committee concerning an amendment to Annex VI (Social Security) and Protocol 37 to the EEA Agreement

(2011/407/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 48, in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Annex VI to the Agreement on the European Economic Area (the 'EEA Agreement') contains specific provisions and arrangements concerning social security and Protocol 37 contains a list of Committees where EEA EFTA States participate.
- (2) It is appropriate to include Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽²⁾, Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes ⁽³⁾ and Regulation (EC) No 987/2009 of the European

Parliament and Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁴⁾ in the EEA Agreement. In addition, it is appropriate to include a number of decisions and recommendations of the Administrative Commission. Furthermore, Protocol 37 should be amended to include in its list of committees the Administrative Commission for the coordination of social security systems, set up by Regulation (EC) No 883/2004.

- (3) Annex VI and Protocol 37 to the EEA Agreement should be amended accordingly,

HAS ADOPTED THIS DECISION:

Sole Article

The position to be taken by the Union in the EEA Joint Committee on an envisaged amendment to Annex VI (Social Security) and Protocol 37 to the EEA Agreement shall be based on the draft Decision of the EEA Joint Committee attached to this Decision.

Done at Brussels, 6 June 2011.

For the Council
The President
RÉTHELYI M.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 166, 30.4.2004, p. 1.

⁽³⁾ OJ L 284, 30.10.2009, p. 43.

⁽⁴⁾ OJ L 284, 30.10.2009, p. 1.

DRAFT

DECISION No .../2011 OF THE EEA JOINT COMMITTEE

of ...

amending Annex VI (Social security) and Protocol 37 to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, and in particular Articles 98 and 101 thereof,

Whereas:

- (1) Annex VI to the Agreement on the European Economic Area as amended by the Protocol adjusting the Agreement on the European Economic Area (the Agreement) was amended by Decision No .../... of the EEA Joint Committee of ... ⁽¹⁾.
- (2) Protocol 37 to the Agreement was amended by Decision No .../... of the EEA Joint Committee of ... ⁽²⁾.
- (3) Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ⁽³⁾, should be incorporated into the Agreement.
- (4) Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 amending Regulation (EC) No 883/2004 on the coordination of social security systems, and determining the content of its Annexes ⁽⁴⁾ should be incorporated into the Agreement.
- (5) Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems ⁽⁵⁾ should be incorporated into the Agreement.
- (6) Decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Council Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁶⁾ should be incorporated into the Agreement.
- (7) Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State ⁽⁷⁾ should be incorporated into the Agreement.
- (8) Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽⁸⁾ should be incorporated into the Agreement.
- (9) Decision No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits ⁽⁹⁾ should be incorporated into the Agreement.
- (10) Decision No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems ⁽¹⁰⁾ should be incorporated into the Agreement.
- (11) Decision No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems ⁽¹¹⁾ should be incorporated into the Agreement.
- (12) Decision No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivor's benefits ⁽¹²⁾ should be incorporated into the Agreement.

⁽¹⁾ OJ L ...⁽²⁾ OJ L ...⁽³⁾ OJ L 166, 30.4.2004, p. 1.⁽⁴⁾ OJ L 284, 30.10.2009, p. 43.⁽⁵⁾ OJ L 284, 30.10.2009, p. 1.⁽⁶⁾ OJ C 106, 24.4.2010, p. 1.⁽⁷⁾ OJ C 106, 24.4.2010, p. 5.⁽⁸⁾ OJ C 106, 24.4.2010, p. 9.⁽⁹⁾ OJ C 106, 24.4.2010, p. 11.⁽¹⁰⁾ OJ C 106, 24.4.2010, p. 13.⁽¹¹⁾ OJ C 106, 24.4.2010, p. 17.⁽¹²⁾ OJ C 106, 24.4.2010, p. 21.

- (13) Decision No S1 of 12 June 2009 concerning the European Health Insurance Card ⁽¹⁾ should be incorporated into the Agreement.
- (14) Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card ⁽²⁾ should be incorporated into the Agreement.
- (15) Decision No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council ⁽³⁾ should be incorporated into the Agreement.
- (16) Decision No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family ⁽⁴⁾ should be incorporated into the Agreement.
- (17) Decision No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment ⁽⁵⁾ should be incorporated into the Agreement.
- (18) Decision No U3 of 12 June 2009 concerning the scope of the concept of 'partial unemployment' applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council ⁽⁶⁾ should be incorporated into the Agreement.
- (19) Recommendation No P1 of 12 June 2009 concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States ⁽⁷⁾ should be incorporated into the Agreement.
- (20) Recommendation No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons
- engaging in part-time professional or trade activity in a Member State other than the State of residence ⁽⁸⁾ should be incorporated into the Agreement.
- (21) Recommendation No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State ⁽⁹⁾ should be incorporated into the Agreement.
- (22) For the Agreement to function well, Protocol 37 thereto should be amended to include the Administrative Commission for the coordination of social security systems set up by Regulation (EC) No 883/2004 and Annex VI should be amended in order to specify the procedures for association with that Commission and the bodies attached to it.
- (23) Regulation (EC) No 883/2004 repeals Council Regulation (EEC) No 1408/71 ⁽¹⁰⁾, which is incorporated into the Agreement and which should consequently be repealed under the Agreement.
- (24) Regulation (EC) No 987/2009 repeals, with effect from 1 May 2010, Council Regulation (EEC) No 574/72 ⁽¹¹⁾, which is incorporated into the Agreement and which should consequently be repealed under the Agreement.
- (25) All acts under the headings 'Acts of which the Contracting Parties shall take due account' and 'Acts of which the Contracting Parties shall take note' are obsolete and should consequently be repealed under the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

Annex VI to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

The text of point 5 'Administrative Commission on Social Security for Migrant Workers' of Protocol 37 containing the list provided for in Article 101 of the Agreement shall be replaced by the following:

⁽¹⁾ OJ C 106, 24.4.2010, p. 23.

⁽²⁾ OJ C 106, 24.4.2010, p. 26.

⁽³⁾ OJ C 106, 24.4.2010, p. 40.

⁽⁴⁾ OJ C 106, 24.4.2010, p. 42.

⁽⁵⁾ OJ C 106, 24.4.2010, p. 43.

⁽⁶⁾ OJ C 106, 24.4.2010, p. 45.

⁽⁷⁾ OJ C 106, 24.4.2010, p. 47.

⁽⁸⁾ OJ C 106, 24.4.2010, p. 49.

⁽⁹⁾ OJ C 106, 24.4.2010, p. 51.

⁽¹⁰⁾ OJ L 149, 5.7.1971, p. 2.

⁽¹¹⁾ OJ L 74, 27.3.1972, p. 1.

'Administrative Commission for the coordination of social security systems (Regulation (EC) No 883/2004 of the European Parliament and of the Council).'

Article 3

The texts of Regulations (EC) No 883/2004, (EC) No 987/2009 and (EC) No 988/2009, of Decisions No A1, No A2, No E1, No F1, No H1, No H2, No P1, No S1, No S2, No S3, No U1, No U2 and No U3, and of Recommendations No P1, No U1 and No U2 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 4

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement (*).

Article 5

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

Done at Brussels,

For the EEA Joint Committee
The President

The Secretaries
to the EEA Joint Committee

(*) [No constitutional requirements indicated.][Constitutional requirements indicated.]

ANNEX

TO DECISION OF THE EEA JOINT COMMITTEE No ...

The text of Annex VI to the Agreement shall be replaced by the following:

INTRODUCTION

When the acts referred to in this Annex contain notions or refer to procedures which are specific to the Community legal order, such as

- preambles,
- the addressees of the Community acts,
- references to territories or languages of the EC,
- references to rights and obligations of EC Member States, their public entities, undertakings or individuals in relation to each other; and
- references to information and notification procedures,

Protocol 1 on horizontal adaptations shall apply, unless otherwise provided for in this Annex.

SECTORAL ADAPTATIONS

- I. For the purposes of this Annex and notwithstanding the provisions of Protocol 1, the term "Member State(s)" contained in the acts referred to shall be understood to include, in addition to its meaning in the relevant EC acts, Iceland, Liechtenstein and Norway.
- II. In applying the provisions of the acts referred to in this Annex for the purposes of the present Agreement, the rights and duties conferred upon the Administrative Commission for the coordination of social security systems attached to the EC Commission and the rights and duties conferred upon the Audit Board and upon the Technical Commission for data processing, both attached to the said Administrative Commission, shall be assumed, according to the provisions of Part VII of the Agreement, by the EEA Joint Committee.

I. GENERAL SOCIAL SECURITY COORDINATION

ACTS REFERRED TO

1. **32004 R 0883**: Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1), as amended by:
 - **32009 R 0988**: Regulation (EC) No 988/2009 of the European Parliament and of the Council of 16 September 2009 (OJ L 284, 30.10.2009, p. 43),

The provisions of Regulation (EC) No 883/2004 shall, for the purposes of this Agreement, be adapted as follows:

- (a) the following subparagraph shall be added to Article 87(10):

"With regard to Liechtenstein, the provisions of the second sentences of Article 65(2) and (3) shall be applicable at the latest as from 1 May 2012.";

- (b) the following shall be added to Annex I(l):

"ICELAND

Advances of maintenance payments under the Act on Social Security No 100/2007.

LIECHTENSTEIN

Advances of maintenance payments under the Law on the grant of advances of maintenance payments of 21 June 1989 as amended.

NORWAY

Advance payment of child maintenance under the Advance payment of child maintenance Act of 17 February 1989 No 2.";

(c) the following shall be added to Annex I(II):

“ICELAND

Lump sum grants intended to offset the cost of international adoption pursuant to the Act on Adoption Grants No 152/2006.

NORWAY

Lump sum grants payable at childbirth pursuant to the National Insurance Act.

Lump sum grants payable at adoption pursuant to the National Insurance Act.”;

(d) the following shall be added to Annex II:

“ICELAND — DENMARK

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND — FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND — SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

ICELAND — NORWAY

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY — DENMARK

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY — FINLAND

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).

NORWAY — SWEDEN

Article 7 of the Nordic Convention on social security of 18 August 2003 (concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country increasing the cost of return travel to the country of residence).”;

(e) the following shall be added to Annex III:

“ICELAND

NORWAY”;

(f) the following shall be added to Annex IV:

“ICELAND

LIECHTENSTEIN”;

(g) the following shall be added to Annex VIII, Part 1:

“ICELAND

All applications from the old-age basic scheme and the defined benefit State employee scheme.

LIECHTENSTEIN

All applications for pensions of the old-age, survivors' and invalidity insurances from the statutory pension scheme as well as for old-age, survivors' and invalidity pensions from the occupational scheme as far as the regulations of the respective pension fund do not contain provisions concerning reduction.

NORWAY

All applications for old-age pension, except pensions mentioned in Annex IX.”;

- (h) the following shall be added to Annex VIII, Part 2:

“ICELAND

Old-age employment pension scheme.

LIECHTENSTEIN

Old-age, survivors' and invalidity pensions from the occupational scheme.”;

- (i) the following shall be added to Annex IX(I):

“ICELAND

Child pension in accordance with the Act on Social Security No 100/2007 and child pension in accordance with the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.”;

- (j) the following shall be added to Annex IX(II):

“ICELAND

Invalidity pension in the form of basic pension, pension supplement and age-related pension supplement according to the Act on Social Security No 100/2007.

Invalidity pension according to the Act on Mandatory Pension Insurance and on the Activities of Pension Funds No 129/1997.

NORWAY

Norwegian disability pension, also when converted into an old-age pension upon the reaching of the pensionable age, and all pensions (survivors' and old-age pensions) based on the deceased person's pension earnings.”;

- (k) the following shall be added to Annex X:

“LIECHTENSTEIN

(a) Allowances for blind persons (Law on the granting of allowances for blind persons of 17 December 1970 as amended);

(b) Maternity allowances (Law on the granting of maternity allowances of 25 November 1981 as amended);

(c) Supplementary benefits to the old-age, survivors' and invalidity insurance (Law on supplementary benefits to the old-age, survivors' and invalidity insurance of 10 December 1965 as amended).

NORWAY

(a) Guaranteed minimum supplementary pension to persons who are born disabled or become disabled at an early age under the National Insurance Act;

(b) Special benefits in accordance with the Act of 29 April 2005 No 21 on supplementary allowance to persons with short periods of residence in Norway.”;

- (l) the following shall be added to Annex XI:

“ICELAND

1. (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to an Icelandic social pension only if they have been, or have previously been, permanent residents of Iceland for at least 3 years, subject to the age limits prescribed by Icelandic legislation.

(b) The above mentioned provisions do not apply to Icelandic social pension entitlement for the members of the family of persons who are or have been gainfully employed in Iceland, or for students or the members of their families.

2. Where employment or self-employment in Iceland has terminated and the contingency occurs during employment or self-employment in another State to which this Regulation applies and where the disability pension of both the social security and the supplementary pension schemes (pension funds) in Iceland no longer includes the period between the contingency and the pensionable age (future periods), periods of insurance under the legislation of another State to which this Regulation applies shall be taken into consideration for the requirement of the future periods as if they were periods of insurance in Iceland.

LIECHTENSTEIN

1. Compulsory insurance under Liechtenstein sickness insurance scheme for benefits in kind (Krankenpflegerversicherung) and possible exemptions:

- (a) the Liechtenstein legal provisions governing compulsory sickness insurance for benefits in kind shall apply to the following persons not resident in Liechtenstein:
 - (i) persons subject to Liechtenstein legal provisions under Title II of the Regulation;
 - (ii) persons for whom Liechtenstein shall bear the costs of benefits according to Article 24, 25 and 26 of the Regulation;
 - (iii) persons receiving Liechtenstein unemployment benefits;
 - (iv) family members of persons referred to in (i) and (iii) or of an employed or self-employed person resident in Liechtenstein who is insured under the Liechtenstein sickness insurance scheme;
 - (v) family members of persons referred to in (ii) or of a pensioner resident in Liechtenstein who is insured under the Liechtenstein sickness insurance scheme.

As family members are considered those persons who are defined as family members according to the legislation of the State of residence.

- (b) Persons referred to in (a) may, on request, be exempted from compulsory insurance for benefits in kind if and as long as they are resident in Austria and can prove that they are eligible for cover in the event of sickness in a statutory or equivalent sickness insurance. The exemption cannot be revoked except in the case of a change of employer.

This request

- (i) must be submitted within 3 months of the date of which the obligation to take out insurance in Liechtenstein comes into effect; where, in justified cases, the request is submitted after this deadline, the exemption shall take effect as from the commencement of the insurance obligation. Persons being already insured in Austria at the time of the entry into force of the Regulation in the EEA are considered to be exempted from the Liechtenstein compulsory insurance for benefits in kind;
- (ii) shall apply to all family members residing in the same State.

2. Persons who are working, but not residing in Liechtenstein and who have statutory or equivalent insurance cover in their State of residence in accordance with point 1(b), as well as their family members, shall benefit from the provisions of Article 19 of the Regulation during their stay in Liechtenstein.
3. For the purposes of applying Articles 18, 19, 20 and 27 of the Regulation in Liechtenstein, the competent insurer shall bear all invoiced costs.
4. Where a person subject to Liechtenstein legal provisions under Title II of the Regulation is, in application of 1(b), subject for the purposes of sickness insurance to the legal provisions of another State covered by this Agreement, the costs of these benefits in kind for non-occupational accidents shall be shared equally between the Liechtenstein insurer against the occupational and non-occupational accidents and industrial diseases and the competent sickness insurance institution if an entitlement exists to benefits in kind from both bodies. The Liechtenstein insurer against occupational and non-occupational accidents and industrial diseases shall meet all costs in the event of occupational accidents, accidents on the way to work or industrial diseases, even where there is an entitlement to benefits from a sickness insurance body in the country of residence.

NORWAY

1. The transitional provisions of the Norwegian legislation entailing a reduction of the insurance period which is required for a full supplementary pension for persons born before 1937 shall be applicable to persons covered by the Regulation provided that they have been residents of Norway, or engaged in gainful occupation as employed or self-employed in Norway, for such a number of years as is required after their 16th birthday and before 1 January 1967. This requirement shall be 1 year for each year the person's year of birth falls before 1937.
2. A person insured under the National Insurance Act who provides care to insured care-needing old, disabled or sick persons shall, according to prescribed conditions, be credited pension points for such periods. Likewise, and without prejudice to Article 44 of Regulation (EC) No 987/2009, a person who takes care of small children shall be credited pension points when staying in another State to which this Regulation applies, provided that the person concerned is on parental leave under Norwegian labour law.
3. (a) Notwithstanding the provisions of Article 6, persons who have not been gainfully employed in one or more EC Member States or EFTA States are entitled to a Norwegian social pension only if they have been, or have previously been, permanent residents of Norway for at least 3 years, subject to the age limits prescribed by Norwegian legislation.

(b) The above mentioned provisions do not apply to Norwegian social pension entitlement for the members of the family of persons who are or have been gainfully employed in Norway, or for students or the members of their families.”.

MODALITIES FOR THE PARTICIPATION OF EFTA STATES IN THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS AND IN THE TECHNICAL COMMISSION FOR DATA PROCESSING AND IN THE AUDIT BOARD, BOTH ATTACHED TO THE ADMINISTRATIVE COMMISSION, IN ACCORDANCE WITH ARTICLE 101 OF THE AGREEMENT:

Iceland, Liechtenstein and Norway may each send a representative, present in an advisory capacity (observer), to the meetings of the Administrative Commission for the coordination of social security systems, attached to the European Commission, and to the meetings of the Technical Commission for data processing and of the Audit Board, both attached to the Administrative Commission.

2. **32009 R 0987**: Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

The provisions of Regulation (EC) No 987/2009 shall, for the purposes of this Agreement, be adapted as follows:

- (a) the following shall be added to Annex 1:

“ICELAND — DENMARK

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND — LUXEMBOURG

Arrangement of 30 November 2001 on the reimbursement of costs in the field of social security.

ICELAND — FINLAND

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND — SWEDEN

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

ICELAND — NORWAY

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — DENMARK

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — LUXEMBOURG

Article 2 to 4 of the Arrangement of 19 March 1998 on reimbursement of costs in the field of social security.

NORWAY — NETHERLANDS

Agreement of 23 January 2007 on the reimbursement of costs for benefits in kind provided under Regulation (EEC) No 1408/71 and (EEC) No 574/72.

NORWAY — PORTUGAL

Arrangement of 24 November 2000 under Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 and Article 105(2) of Regulation (EEC) No 574/72 on the reciprocal waiving of the reimbursement of costs of benefits in kind for sickness, maternity, accidents at work and occupational diseases and the costs incurred for administrative checks and medical examinations provided under these Regulations.

NORWAY — FINLAND

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — SWEDEN

Article 15 of the Nordic Convention on Social Security of 18 August 2003: Agreement on the reciprocal waiver of refund pursuant to Articles 36, 63 and 70 of Regulation (EEC) No 1408/71 (cost of benefits in kind in respect of sickness and maternity, accidents at work and occupational diseases, and unemployment benefits) and Article 105 of Regulation (EEC) No 574/72 (costs of administrative checks and medical examinations).

NORWAY — UNITED KINGDOM

The Exchange of Letters of 20 March 1997 and 3 April 1997 concerning Articles 36(3) and 63(3) of Regulation (EEC) No 1408/71 (reimbursement or waiving of reimbursement of the costs of benefits in kind), and Article 105 of Regulation (EEC) No 574/72 (waiving of the costs of administrative checks and medical examinations).";

(b) the following shall be added to Annex 3:

"NORWAY";

(c) the following shall be added to Annex 5:

"LIECHTENSTEIN

NORWAY".

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE DUE ACCOUNT

- 3.1. **32010 D 0424(01)**: Decision No A1 of 12 June 2009 concerning the establishment of a dialogue and conciliation procedure concerning the validity of documents, the determination of the applicable legislation and the provision of benefits under Council Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 1).

- 3.2. **32010 D 0424(02)**: Decision No A2 of 12 June 2009 concerning the interpretation of Article 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the legislation applicable to posted workers and self-employed workers temporarily working outside the competent State (OJ C 106, 24.4.2010, p. 5).
- 4.1. **32010 D 0424(03)**: Decision No E1 of 12 June 2009 concerning the practical arrangements for the transitional period for the data exchange via electronic means referred to in Article 4 of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 9).
- 5.1. **32010 D 0424(04)**: Decision No F1 of 12 June 2009 concerning the interpretation of Article 68 of Regulation (EC) No 883/2004 of the European Parliament and of the Council relating to priority rules in the event of overlapping of family benefits (OJ C 106, 24.4.2010, p. 11).
- 6.1. **32010 D 0424(05)**: Decision No H1 of 12 June 2009 concerning the framework for the transition from Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 to Regulations (EC) No 883/2004 and (EC) No 987/2009 of the European Parliament and of the Council and the application of Decisions and Recommendations of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 13).
- 6.2. **32010 D 0424(06)**: Decision No H2 of 12 June 2009 concerning the methods of operation and the composition of the Technical Commission for data processing of the Administrative Commission for the coordination of social security systems (OJ C 106, 24.4.2010, p. 17).
- 7.1. **32010 D 0424(07)**: Decision No P1 of 12 June 2009 on the interpretation of Articles 50(4), 58 and 87(5) of Regulation (EC) No 883/2004 of the European Parliament and of the Council for the award of invalidity, old-age and survivor's benefits (OJ C 106, 24.4.2010, p. 21).
- 8.1. **32010 D 0424(08)**: Decision No S1 of 12 June 2009 concerning the European Health Insurance Card (OJ C 106, 24.4.2010, p. 23).
- 8.2. **32010 D 0424(09)**: Decision No S2 of 12 June 2009 concerning the technical specifications of the European Health Insurance Card (OJ C 106, 24.4.2010, p. 26).

The provisions of Decision No S2 shall, for the purposes of this Agreement, be read with the following adaptation:

Notwithstanding point 3.3.2 of the Annex to the Decision, the EFTA States shall nevertheless have the possibility to insert the European stars on the European Health Insurance Cards to be issued by them.

- 8.3. **32010 D 0424(10)**: Decision No S3 of 12 June 2009 defining the benefits covered by Articles 19(1) and 27(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council and Article 25(A)(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 40).
- 9.1. **32010 D 0424(11)**: Decision No U1 of 12 June 2009 concerning Article 54(3) of Regulation (EC) No 987/2009 of the European Parliament and of the Council relating to increases in unemployment benefit for dependent members of the family (OJ C 106, 24.4.2010, p. 42).
- 9.2. **32010 D 0424(12)**: Decision No U2 of 12 June 2009 concerning the scope of Article 65(2) of Regulation (EC) No 883/2004 of the European Parliament and of the Council on the right to unemployment benefits of wholly unemployed persons other than frontier workers who were resident in the territory of a Member State other than the competent Member State during their last period of employment or self-employment (OJ C 106, 24.4.2010, p. 43).
- 9.3. **32010 D 0424(13)**: Decision No U3 of 12 June 2009 concerning the scope of the concept of "partial unemployment" applicable to the unemployed persons referred to in Article 65(1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council (OJ C 106, 24.4.2010, p. 45).

ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE

- 10.1. **32010 H 0424(01)**: Recommendation No P1 of 12 June 2009 concerning the Gottardo judgment, according to which the advantages enjoyed by a State's own nationals under a bilateral convention on social security with a non-member country must also be granted to workers who are nationals of other Member States (OJ C 106, 24.4.2010, p. 47).

- 11.1. **32010 H 0424(02)**: Recommendation No U1 of 12 June 2009 concerning the legislation applicable to unemployed persons engaging in part-time professional or trade activity in a Member State other than the State of residence (OJ C 106, 24.4.2010, p. 49).
- 11.2. **32010 H 0424(03)**: Recommendation No U2 of 12 June 2009 concerning the application of Article 64(1)(a) of Regulation (EC) No 883/2004 of the European Parliament and of the Council to unemployed persons accompanying their spouses or partners pursuing a professional or trade activity in a Member State other than the competent State (OJ C 106, 24.4.2010, p. 51).

II. SAFEGUARDING OF SUPPLEMENTARY PENSION RIGHTS

ACTS REFERRED TO

12. **398 L 0049**: Council Directive 98/49/EC of 29 June 1998 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community (OJ L 209, 25.7.1998, p. 46).
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COUNCIL DECISION

of 28 June 2011

laying down simplified rules and procedures on sanitary controls of fishery products, live bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products thereof and products derived from these by-products coming from Greenland

(Text with EEA relevance)

(2011/408/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 203 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Greenland is included in the list of overseas countries and territories set out in Annex II to the Treaties. In accordance with Article 198 of the Treaty on the Functioning of the European Union (hereinafter 'the Treaty'), the purpose of the association of the overseas countries and territories with the Union is to promote the economic and social development of the overseas countries and territories and to establish close economic relations between them and the Union as a whole.
- (2) Denmark and Greenland have requested that veterinary checks between the Union and Greenland on fishery products, bivalve molluscs, echinoderms, tunicates, marine gastropods, by-products and products derived from these by-products that are regarded as originating in Greenland according to Annex III to Council Decision 2001/822/EC of 27 November 2001 on the association of the overseas countries and territories with the European Community ('Overseas Association Decision')⁽¹⁾, and of the same products which are introduced into Greenland from third countries, be permitted in accordance with the rules on sanitary and veterinary controls applicable to trade within the Union.
- (3) Trade in those products between Greenland and the Union should, therefore, be conducted in compliance with Union rules on animal health and food safety. Accordingly, Denmark and Greenland should undertake

to ensure that consignments of products dispatched to the Union from Greenland are in conformity with the applicable Union rules concerning animal health and food safety. In particular, eligible feed and food business operators should be registered and listed in accordance with Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules⁽²⁾.

- (4) Veterinary checks at border inspection posts in Greenland should be carried out in accordance with Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries⁽³⁾. Veterinary checks at border inspection posts should be carried out in close cooperation with customs officials. To simplify those tasks it is appropriate to provide the competent authorities with references to the Combined Nomenclature (CN) specified in Annex I to Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC⁽⁴⁾.
- (5) The competent authority in Greenland should provide official assurances to the Commission on the enforcement of the Union rules and animal health requirements for the products concerned. Those assurances should cover, in particular, compliance with the applicable provisions laid down in Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption⁽⁵⁾, Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin⁽⁶⁾ and Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals⁽⁷⁾. Those assurances should also include a commitment to ensure compliance with the rules on trade within the Union.

⁽²⁾ OJ L 165, 30.4.2004, p. 1.

⁽³⁾ OJ L 24, 30.1.1998, p. 9.

⁽⁴⁾ OJ L 116, 4.5.2007, p. 9.

⁽⁵⁾ OJ L 300, 14.11.2009, p. 1.

⁽⁶⁾ OJ L 139, 30.4.2004, p. 55.

⁽⁷⁾ OJ L 328, 24.11.2006, p. 14.

⁽¹⁾ OJ L 314, 30.11.2001, p. 1.

- (6) Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products⁽¹⁾ requires the establishment of national monitoring plans for aquaculture animals. Accordingly, those provisions should also apply to Greenland.
- (7) In order to permit importation of the products covered by this Decision into the Union from Greenland in accordance with the rules on trade within the Union laid down in Union legal acts, as well as to ensure the sanitary safety of the products concerned, Denmark and Greenland should undertake to transpose and implement the relevant provisions of Union laws in Greenland, before the date from which this Decision should apply.
- (8) Denmark and Greenland should also undertake to ensure that imports into Greenland from third countries of the products concerned comply with Union rules on animal health and food safety.
- (9) Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽²⁾ provides for the introduction of a computerised system linking veterinary authorities, with a view, in particular, to facilitate the rapid exchange of information relating to animal health and welfare between the competent authorities (Traces). Commission Decision 2004/292/EC of 30 March 2004 on the introduction of the Traces system⁽³⁾ provides that the Member States are to use Traces from 1 April 2004. Traces is essential for the effective monitoring of trade in animals and products of animal origin and accordingly, it should be used for the transmission of data on movements and trade in such products between Greenland and the Union.
- (10) Outbreaks of animal diseases listed in Council Directive 82/894/EEC of 21 December 1982 on the notification of animal diseases within the Community⁽⁴⁾, are to be reported to the Commission through the Animal Disease Notification System (ADNS) in accordance with Commission Decision 2005/176/EC of 1 March 2005 laying down the codified form and the codes for the notification of animal diseases pursuant to Directive 82/894/EEC⁽⁵⁾. For the products concerned, those provisions should also apply to Greenland.
- (11) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁶⁾ established a rapid alert system for the notification of a direct or indirect risk to human health deriving from food or feed. Those provisions should also apply to Greenland for the products concerned.
- (12) Before Greenland can carry out veterinary checks on products that are introduced into Greenland from third countries, a Union inspection should be carried out in Greenland in order to verify that one or more border inspection posts in Greenland are in compliance with the requirements laid down in Directive 97/78/EC and Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries⁽⁷⁾ and Commission Decision 2001/812/EC of 21 November 2001 laying down the requirements for the approval of border inspection posts responsible for veterinary checks on products introduced into the Community from third countries⁽⁸⁾.
- (13) In the event that the results of such an inspection are positive, one or more border inspection posts in Greenland should be listed in Commission Decision 2009/821/EC of 28 September 2009 drawing up a list of approved border inspection posts, laying down certain rules on the inspections carried out by Commission veterinary experts and laying down the veterinary units in Traces⁽⁹⁾. In order to ensure effective control of the products covered by this Decision introduced in Greenland and in the Union, it is appropriate that this Decision apply as from the moment at which one or more border inspection posts in Greenland are listed in Decision 2009/821/EC.
- (14) This Decision does not affect any possible arrangements related to the import of fishery products based on the Protocol (No 34) on special arrangements for Greenland annexed to the Treaties,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down simplified rules and procedures for the application of sanitary controls for fishery products, bivalve molluscs, echinoderms, tunicates and marine gastropods and to by-products thereof and products derived from these by-products (hereinafter 'the products'), originating from Greenland or introduced into Greenland from third countries and thereafter imported from Greenland into the Union (hereinafter 'the products coming from Greenland').

⁽¹⁾ OJ L 125, 23.5.1996, p. 10.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 94, 31.3.2004, p. 63.

⁽⁴⁾ OJ L 378, 31.12.1982, p. 58.

⁽⁵⁾ OJ L 59, 5.3.2005, p. 40.

⁽⁶⁾ OJ L 31, 1.2.2002, p. 1.

⁽⁷⁾ OJ L 21, 28.1.2004, p. 11.

⁽⁸⁾ OJ L 306, 23.11.2001, p. 28.

⁽⁹⁾ OJ L 296, 12.11.2009, p. 1.

*Article 2***Definitions**

For the purposes of this Decision, the following definitions shall apply:

- (a) 'bivalve molluscs' means molluscs as defined in point 2.1 of Section 2 of Annex I to Regulation (EC) No 853/2004;
- (b) 'fishery products' means products as defined in point 3.1 of Section 3 of Annex I to Regulation (EC) No 853/2004;
- (c) 'by-products and products derived from these by-products' means animal by-products and derived products within the meaning of points 1 and 2 respectively of Article 3 of Regulation (EC) No 1069/2009, as far as they are derived from fishery products, bivalve molluscs, echinoderms, tunicates or marine gastropods;
- (d) 'products originating from Greenland' means products provided for in points (a), (b) and (c) of this Article, as defined in accordance with the provisions of Annex III to Decision 2001/822/EC.

*Article 3***General rules concerning sanitary controls of the products between the Union and Greenland**

1. Denmark and Greenland shall ensure that the relevant legal acts of the Union which are applicable to the products defined in Article 2, are implemented in Greenland.
2. Member States shall not apply the veterinary checks applicable on products covered by this Decision. The products coming from Greenland shall be placed on the internal market under the sanitary rules applicable within the Union, provided that Denmark and Greenland ensure, in particular, the full respect of the following conditions:
 - (a) the effective transposition and implementation in Greenland of the applicable rules laid down in legal acts of the Union concerning animal health and food safety, relating to the products;
 - (b) the drawing-up and keeping up to date by the competent authorities in Denmark and Greenland of a list of feed and food business operators which have been registered in accordance with Article 31 of Regulation (EC) No 882/2004;
 - (c) the conformity of consignments of products dispatched to the Union from Greenland with the applicable rules laid down in legal acts of the Union concerning animal health and food safety.

*Article 4***Monitoring plans for aquaculture animals**

Denmark and Greenland shall submit for approval to the Commission monitoring plans for the detection of the presence of residues and substances in aquaculture animals in Greenland, in accordance with Directive 96/23/EC.

*Article 5***Checks on products introduced into Greenland from third countries**

1. Veterinary checks shall be carried out on consignments of the products introduced into Greenland from third countries in accordance with the rules laid down in Directive 97/78/EC.

To facilitate those veterinary checks, the Commission shall provide to the competent authorities of Denmark and Greenland the CN codes of the products, listed in Annex I to Commission Decision 2007/275/EC.

2. Proposals for border inspection posts in Greenland shall be submitted to the Commission for approval in accordance with Article 6(2) of Directive 97/78/EC.

The list of border inspection posts approved for Greenland shall be included in the list of border inspection posts in the Member States, approved in accordance with Directives 91/496/EEC and 97/78/EC.

*Article 6***Information system**

1. Data on movements of, and trade in the products to and from Greenland shall be transmitted in Danish language through the integrated computerised veterinary system (Traces) in accordance with Decision 2004/292/EC.
2. The notification of aquatic diseases concerning the products in Greenland shall be transmitted through the animal disease notification system (ADNS), in accordance with Directive 82/894/EEC and Decision 2005/176/EC.
3. The notification of direct or indirect risks to human health deriving from the products in Greenland shall be transmitted through the rapid alert system for feed and food (RASFF) established by Regulation (EC) No 178/2002.

*Article 7***Identification mark**

Consignments of the products dispatched to the Union from Greenland shall be marked with the identification mark for Greenland, 'GL', in accordance with the rules set out in Section I(B) of Annex II to Regulation (EC) No 853/2004.

*Article 8***Confirmation of compliance with the conditions laid down in this Decision**

Denmark and Greenland shall provide, before the date referred to in Article 9, from which this Decision shall apply, written confirmation to the Commission that the necessary measures for the application of this Decision have been taken.

*Article 9***Entry into force and applicability**

This Decision shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from the date of listing in Commission Decision 2009/821/EC of the first border inspection post in Greenland.

Done at Luxembourg, 28 June 2011.

For the Council

The President

FAZEKAS S.

COMMISSION DECISION**of 11 July 2011**

on the position to be taken by the European Union, within the EU-Switzerland Joint Committee, on the rules of procedure to be adopted by it in accordance with Article 19(4) of the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures

(2011/409/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Agreement of 25 June 2009 between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures ⁽¹⁾ (hereinafter 'the Agreement'),

Having regard to Council Decision 2009/556/EC of 25 June 2009 concerning the provisional application and conclusion of the Agreement between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures ⁽²⁾, and in particular the second paragraph of Article 5 thereof,

Whereas:

Article 19(4) of the Agreement states that the joint committee set up by that Agreement (hereinafter 'the EU-Switzerland Joint Committee') must adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

Sole Article

The position to be taken by the European Union within the EU-Switzerland Joint Committee on the rules of procedure to be adopted in accordance with Article 19(4) of the Agreement shall be laid down in the attached draft decision of the EU-Switzerland Joint Committee.

Done at Brussels, 11 July 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 199, 31.7.2009, p. 24.

⁽²⁾ OJ L 199, 31.7.2009, p. 22.

Draft**DECISION No 1/2011 OF THE EU-SWITZERLAND JOINT COMMITTEE**

of ...

adopting the rules of procedure of the Joint Committee and setting up a working group

THE JOINT COMMITTEE,

Having regard to the Agreement of 25 June 2009 between the European Community and the Swiss Confederation on the simplification of inspections and formalities in respect of the carriage of goods and on customs security measures ⁽¹⁾, and in particular Article 19(4) and (5),

HAS AGREED AS FOLLOWS:

CHAPTER I

RULES OF PROCEDURE*Article 1***Composition and chair**

The Joint Committee shall be composed of representatives of the European Union and representatives of the Swiss Confederation. The committee shall be chaired alternately by the parties for one calendar year.

Before each meeting, the chair shall be informed of the intended composition of the delegation of each party.

If both parties agree, the Joint Committee may invite experts to its meetings to provide the specific information requested.

*Article 2***Secretariat**

The chair shall carry out the tasks of secretary of the Joint Committee. All correspondence to the Joint Committee, including requests for items to be included in agendas, must be addressed to the chair.

*Article 3***Meetings**

Once he has obtained the Agreement of the parties, the chair of the Joint Committee shall fix the date and place of meetings. Meetings shall be held alternately in Brussels and Switzerland.

*Article 4***Agendas for meetings**

The chair shall draw up a provisional agenda for each meeting. It shall be forwarded to the parties not later than 10 days before the beginning of the meeting.

The provisional agenda shall consist of those items in respect of which the request for inclusion has reached the chair at least 15 days before the beginning of the meeting. Supporting documentation must be received by both parties at least seven days ahead of the meeting. In cases of special urgency, these time limits may be shortened provided both parties agree.

The agenda shall be adopted by the Joint Committee at the beginning of each meeting.

*Article 5***Advertising**

Unless otherwise agreed, the meetings of the Joint Committee shall not be made public.

The Joint Committee's deliberations shall be confidential.

*Article 6***Minutes of meeting**

After each meeting, the chair shall draw up the minutes. The draft minutes shall be submitted to the Joint Committee for approval. Once the minutes have been approved, they shall be signed by the chair and a copy sent to the parties.

*Article 7***Adoption of instruments**

Recommendations and decisions within the meaning of Article 21 of the Agreement shall be entitled 'recommendation' and 'decision' respectively, followed by a serial number, the date of their adoption and a description of their subject. They shall be signed by the chair and sent to the parties.

*Article 8***Written procedure**

In cases of special urgency, decisions and recommendations may be adopted by the written procedure provided both parties agree.

*Article 9***Expenses**

Each party shall bear the expenses it incurs in taking part in the meetings of the Joint Committee.

⁽¹⁾ OJ L 199, 31.7.2009, p. 24.

*Article 10***List of umpires**

The Joint Committee shall draw up a list of umpires as required in Annex III to the Agreement within two months of its decision to submit a dispute to arbitration as provided for in Article 29(3) of the Agreement.

CHAPTER II

WORKING PARTY*Article 11***Working group on customs security procedures and measures**

A working group shall be set up to assist the Joint Committee in carrying out its tasks in the areas referred to in Chapters II (procedures) and III (customs security measures) of the Agreement.

*Article 12***Rules of procedure of the working group**

Articles 1 to 6 and 9 of this Decision shall apply, *mutatis mutandis*, to the meetings of the working group.

*Article 13***Entry into force**

This Decision shall take effect on the day following its adoption.

Done at Brussels, ...

For the Joint Committee
The President

DECISION OF THE EUROPEAN CENTRAL BANK

of 7 July 2011

on temporary measures relating to the eligibility of marketable debt instruments issued or guaranteed by the Portuguese Government

(ECB/2011/10)

(2011/410/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank (hereinafter the 'Statute of the ESCB'), and in particular Article 12.1 and the second indent of Article 34.1, in conjunction with the first indent of Article 3.1 and Article 18.2 thereof,

Whereas:

- (1) Pursuant to Article 18.1 of the Statute of the ESCB, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral. The criteria determining the eligibility of collateral for the purposes of Eurosystem monetary policy operations are laid down in Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem⁽¹⁾ (hereinafter referred to as the 'General Documentation').
- (2) Pursuant to Section 1.6 of the General Documentation, the Governing Council of the ECB may, at any time, change the instruments, conditions, criteria and procedures for the execution of Eurosystem monetary policy operations. Pursuant to Section 6.3.1 of the General Documentation, the Eurosystem reserves the right to determine whether an issue, issuer, debtor or guarantor fulfils its requirements for high credit standards on the basis of any information it may consider relevant.
- (3) The exceptional circumstances prevailing in the financial market, in conjunction with the fiscal position of the Portuguese Government, have disrupted the assessment by the market of securities issued by the Portuguese Government, with negative effects on the stability of the financial system. This exceptional situation requires a swift and temporary adaptation of the Eurosystem monetary policy framework.
- (4) The Governing Council has assessed the fact that the Portuguese Government has approved and is in the

process of implementing an economic and financial adjustment programme, which it has negotiated with the European Commission, the ECB and the International Monetary Fund, and which the Portuguese Government has committed to fully implement. The Governing Council has also assessed, from a Eurosystem credit risk management perspective, the effects of such a programme on the securities issued by the Portuguese Government. The Governing Council considers the programme to be appropriate, so that, from a credit risk management perspective, the marketable debt instruments issued by the Portuguese Government or guaranteed by the Portuguese Government retain a quality standard sufficient for their continued eligibility as collateral for Eurosystem monetary policy operations, irrespective of any external credit assessment. These positive assessments provide the basis for an exceptional and temporary adaptation of the Eurosystem monetary policy framework, put in place with a view to contributing to the soundness of financial institutions, thereby strengthening the stability of the financial system as a whole and protecting the customers of those institutions.

- (5) The Governing Council will closely monitor the continued strong commitment of the Portuguese Government to fully implement the economic and financial adjustment programme underlying this exceptional and temporary adaptation of the Eurosystem monetary policy framework.
- (6) This exceptional adaptation of the Eurosystem monetary policy framework was decided and publicly announced by the Governing Council on 7 July 2011. It will apply temporarily, until the Governing Council considers that the stability of the financial system allows the normal application of the Eurosystem framework for monetary policy operations,

HAS ADOPTED THIS DECISION:

Article 1

Suspension of certain provisions of the General Documentation

1. The Eurosystem's minimum requirements for credit quality thresholds, as specified in the Eurosystem credit assessment framework rules for marketable assets in Section 6.3.2 of the General Documentation, shall be suspended in accordance with Articles 2 and 3.

⁽¹⁾ OJ L 310, 11.12.2000, p. 1.

2. In the event of any discrepancy between this Decision and the General Documentation, the former shall prevail.

Article 2

Continued eligibility as collateral of marketable debt instruments issued by the Portuguese Government

The Eurosystem's credit quality threshold shall not apply to marketable debt instruments issued by the Portuguese Government. Such assets shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations, irrespective of their external credit rating.

Article 3

Continued eligibility as collateral of marketable debt instruments guaranteed by the Portuguese Government

The Eurosystem's credit quality threshold shall not apply to marketable debt instruments issued by entities established in

Portugal and fully guaranteed by the Portuguese Government. A guarantee provided by the Portuguese Government shall continue to be subject to the requirements contained in Section 6.3.2 of the General Documentation. Such assets shall constitute eligible collateral for the purposes of Eurosystem monetary policy operations, irrespective of their external credit rating.

Article 4

Entry into force

This Decision shall enter into force on 7 July 2011.

Done at Frankfurt am Main, 7 July 2011.

The President of the ECB
Jean-Claude TRICHET

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