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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 21 March 2013

on signing, on behalf of the European Union, of the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation

(2013/156/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(5), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 19 December 2011 the Council authorised the Commission to open negotiations with Armenia on readmission of persons residing without authorisation. The negotiations were successfully concluded and the Agreement between the European Union and the Republic of Armenia on the readmission of persons residing without authorisation ('the Agreement') was initialled on 18 October 2012.
- (2) The Agreement should be signed, on behalf of the Union, subject to its conclusion.
- (3) In accordance with Articles 1 and 2 of Protocol No 21 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 to the Treaty on the Functioning of the European Union, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (4) In accordance with Articles 1 and 2 of Protocol No 22 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 Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Agreement between the European Union and the Republic of Armenia on readmission of persons residing without authorisation is hereby authorised, subject to the conclusion of the said Agreement ⁽¹⁾.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

Article 3

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

Done at Brussels, 21 March 2013.

For the Council

The President

P. HOGAN

⁽¹⁾ The text of the Agreement will be published together with the decision on its conclusion.

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 290/2013

of 26 March 2013

amending for the 190th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al Qaida network

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the Al-Qaida network,⁽¹⁾ and in particular Article 7(1)(a), 7a(1) and 7a(5) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 18 March 2013 the Sanctions Committee of the United Nations Security Council (UNSC) decided to remove one natural person from its list of persons, groups and entities to whom the freezing of funds and economic resources should apply. On 19 March 2013, the Sanctions Committee of the UNSC decided to add

one entity to the list. Furthermore, on 15 March 2013, the Sanctions Committee of the UNSC decided to amend three entries on the list.

- (3) Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 26 March 2013.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 139, 29.5.2002, p. 9.

ANNEX

Annex I to Regulation (EC) No 881/2002 is amended as follows:

- (1) The following entry shall be added under the heading 'Legal persons, groups and entities':

'Ansar Eddine (*alias* Ansar Dine). Address: Mali. Date of designation referred to in Article 2a (4)(b): 20.3.2013.'

- (2) The following entry under the heading 'Natural persons' is deleted:

'Abdelghani **Mzoudi** (*alias* (a) Abdelghani Mazwati, (b) Abdelghani Mazuti, (c) Talha). Address: Morocco. Date of birth: 6.12.1972. Place of birth: Marrakesh (Morocco). Nationality: Moroccan. Passport No: F 879567 (Moroccan passport issued in Marrakesh, Morocco, on 29.4.1992). National identification No: E 427689 (Moroccan National Identity Card, issued on 20.3.2001 by the Moroccan Consulate General in Düsseldorf, Germany). Other information: (a) Father's name is Abdeslam Ahmed; (b) Mother's name is Aicha Hammou; (c) After his acquittal he left Germany for Morocco in June 2005. Date of designation referred to in Article 2a (4)(b): 10.6.2003.'

- (3) The entry 'Hassan Dahir **Aweys** (*alias* (a) Ali, Sheikh Hassan Dahir Aweys, (b) Awes, Shaykh Hassan Dahir, (c) Hassen Dahir Aweyes, (d) Ahmed Dahir Aweys, (e) Mohammed Hassan Ibrahim, (f) Aweys Hassan Dahir, (g) Hassan Tahir Oais, (h) Hassan Tahir Uways, (i) Hassan Dahir Awes, (j) Sheikh Aweys, (k) Sheikh Hassan, (l) Sheikh Hassan Dahir Aweys). Title: (a) Sheikh, (b) Colonel. Address: Somalia. Date of birth: 1935. Place of birth: Somalia. Nationality: Somali. Other information: (a) Reported to be in Eritrea as of November 2007; (b) Family background: from the Hawiye's Habergidir, Ayr clan; (c) Senior leader of Al-Itihaad Al-Islamiya (AIAI) and Hizbul Islam in Somalia (d) Since 12 April 2010 also subject to the measures set out in Regulation (EU) No 356/2010 concerning Somalia and Eritrea. Date of designation referred to in Article 2a (4)(b): 9.11.2001.' under the heading 'Natural persons' shall be replaced by the following:

'Hassan Dahir **Aweys** (*alias* (a) Ali, Sheikh Hassan Dahir Aweys, (b) Awes, Shaykh Hassan Dahir, (c) Hassen Dahir Aweyes, (d) Ahmed Dahir Aweys, (e) Mohammed Hassan Ibrahim, (f) Aweys Hassan Dahir, (g) Hassan Tahir Oais, (h) Hassan Tahir Uways, (i) Hassan Dahir Awes, (j) Sheikh Aweys, (k) Sheikh Hassan, (l) Sheikh Hassan Dahir Aweys). Title: (a) Sheikh, (b) Colonel. Address: Somalia. Date of birth: 1935. Place of birth: Somalia. Nationality: Somali. Other information: (a) Southern Somalia (as of November 2012), (b) Also reported to be in Eritrea as of November 2007. Date of designation referred to in Article 2a (4)(b): 9.11.2001.'

- (4) The entry 'Hassan Abdullah Hersi **Al-Turki** (*alias* (a) Hassan Turki, (b) Hassen Abdelle Fihaye, (c) Sheikh Hassan Abdullah Fahaih, (d) Hassan Al-Turki, (e) Hassan Abdillahi Hersi Turki, (f) Sheikh Hassan Turki, (g) Xasan Cabdilaahi Xirsi, (h) Xasan Cabdulle Xirsi). Date of birth: approximately 1944. Place of birth: Region V, Ethiopia (the Ogaden Region in eastern Ethiopia). Nationality: Somali. Other information: (a) Reported to be active in Southern Somalia, lower Juba near Kismayo, mainly in Jilibe and Burgabo as of November 2007; (b) Family background: from the Ogaden clan, Reer- Abdille subclan; (c) Part of the Al-Itihaad Al-Islamiya (AIAI) leadership; (d) Subject to the measures set out in Regulation (EU) No 356/2010 concerning Somalia. Date of designation referred to in Article 2a (4) (b): 6.7.2004.' under the heading 'Natural persons' shall be replaced by the following:

'Hassan Abdullah Hersi **Al-Turki** (*alias* (a) Hassan Turki, (b) Hassen Abdelle Fihaye, (c) Sheikh Hassan Abdullah Fahaih, (d) Hassan Al-Turki, (e) Hassan Abdillahi Hersi Turki, (f) Sheikh Hassan Turki, (g) Xasan Cabdilaahi Xirsi, (h) Xasan Cabdulle Xirsi). Date of birth: approximately 1944. Place of birth: Region V, Ethiopia (the Ogaden Region in eastern Ethiopia). Nationality: Somali. Address: Reported to be in Southern Somalia, lower Juba near Kismayo, mainly in Jilibe and Burgabo as of November 2012. Date of designation referred to in Article 2a (4) (b): 6.7.2004.'

- (5) The entry 'Al-Itihaad Al-Islamiya/AIAI. (*alias* AIAI) Other information: (a) Reported to operate in Somalia and Ethiopia; (b) Leadership include Hassan Abdullah Hersi Al-Turki and Hassan Dahir Aweys; (c) AIAI has received funds through the Al-Haramain Islamic Foundation (Somalia). Date of designation referred to in Article 2a (4) (b): 6.10.2001.' under the heading 'Legal persons, groups and entities' shall be replaced by the following:

'Al-Itihaad Al-Islamiya/AIAI (*alias* AIAI). Other information: Reported to have operated in Somalia and Ethiopia. Date of designation referred to in Article 2a (4) (b): 6.10.2001.'

COMMISSION IMPLEMENTING REGULATION (EU) No 291/2013**of 26 March 2013****amending Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 872/2004 concerning further restrictive measures in relation to Liberia ⁽¹⁾, and in particular Article 11(a) thereof,

Whereas:

- (1) Annex I to Regulation (EC) No 872/2004 lists the natural and legal persons, bodies and entities covered by the freezing of funds and economic resources under that Regulation.
- (2) On 21 January 2013, the Sanctions Committee of the United Nations Security Council decided to amend one

entry on the list of persons, groups and entities to whom the freezing of funds and economic resources should apply.

- (3) Annex I to Regulation (EC) No 872/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 872/2004 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 26 March 2013.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 162, 30.4.2004, p. 32.

ANNEX

Annex I to Regulation (EC) No 872/2004 is amended as follows:

The entry 'Richard Ammar **Chichakli** (*alias* Ammar M. **Chichakli**). Address: (a) 225 Syracuse Place, Richardson, Texas 75081, USA; (b) 811 South Central Expressway Suite 210 Richardson, Texas 75080, USA. Date of birth: 29.3.1959. Place of birth: Syria. Nationality: USA. Other information: (a) Social Security No: 405 41 5342 or 467 79 1065; (b) a certified public accountant and certified fraud examiner; (c) an officer of San Air General Trading'. shall be replaced by the following:

'Richard Ammar **Chichakli** (*alias* (a) Ammar M. Chichakli, (b) Jihad Almustafa, (c) Jihad Almusara, (d) Jhad Almustasa). Address: (a) 225 Syracuse Place, Richardson, Texas 75081, USA; (b) 811 South Central Expressway Suite 210 Richardson, Texas 75080, USA, (c) 51 Churchill Ave., Reservoir VIC 3073, Australia. Date of birth: (a) 29.3.1959, (b) 10.7.1967. Place of birth: (a) Syria, (b) Deirazzor, Syria. Nationality: USA. Passport No: 002680351 (Syrian passport, issued 25.4.2007, expires 24.4.2013). Other information: (a) Social Security No: 405 41 5342 or 467 79 1065, (b) Driver's license number 099711346 (issued by the State of Victoria, Australia); (c) a certified public accountant and certified fraud examiner, (d) an officer of San Air General Trading. Date of designation referred to in Article 6(b): 30.11.2005'.

COMMISSION IMPLEMENTING REGULATION (EU) No 292/2013**of 26 March 2013****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:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral 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.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

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 to this Regulation.

Article 2

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

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

Done at Brussels, 26 March 2013.

*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	JO	97,3
	MA	69,4
	TN	99,5
	TR	136,0
	ZZ	100,6
0707 00 05	MA	152,2
	TR	158,6
	ZZ	155,4
0709 91 00	EG	66,7
	ZZ	66,7
0709 93 10	MA	39,3
	TR	89,0
	ZZ	64,2
0805 10 20	EG	59,6
	IL	72,5
	MA	62,5
	TN	56,8
	TR	66,3
0805 50 10	ZZ	63,5
	TR	86,3
0808 10 80	ZZ	86,3
	AR	96,1
0808 10 80	BR	87,8
	CL	131,0
	CN	76,5
	MK	28,2
	US	171,7
	ZA	113,5
	ZZ	100,7
	ZZ	100,7
0808 30 90	AR	107,3
	CL	150,0
	CN	85,7
	TR	208,9
	US	185,9
	ZA	119,3
ZZ	142,9	

⁽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 7 March 2013

fixing the date of application of Decision 2007/533/JHA on the establishment, operation and use of the second generation Schengen Information System (SIS II)

(2013/157/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) ⁽¹⁾, and in particular Article 71(2) thereof,

Whereas:

- (1) Article 71(2) of Decision 2007/533/JHA specifies that the Decision shall apply to the Member States participating in SIS 1 + from a date to be fixed by the Council, acting by the unanimity of its Members representing the Governments of the Member States participating in SIS 1 +.
- (2) In accordance with Article 11(3) of Council Regulation (EU) No 1272/2012 of 20 December 2012 on migration from the Schengen Information System (SIS 1 +) to the second generation Schengen Information System (SIS II) ⁽²⁾ the switchover into SIS II will start on the date fixed by the Council acting in accordance with Article 71(2) of Decision 2007/533/JHA.
- (3) In accordance with Article 71(3)(a) of Decision 2007/533/JHA, the Commission has adopted the necessary implementing measures by Commission Implementing Decision 2013/115/EU ⁽³⁾ adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) and Commission Decision 2010/261/EU of 4 May 2010 on the Security Plan for Central SIS II and the Communication Infrastructure ⁽⁴⁾.
- (4) In accordance with Article 71(3)(b) of Decision 2007/533/JHA, all Member States fully participating in SIS 1 + have notified it that they have made the necessary technical and legal arrangements to process SIS II data and exchange supplementary information.
- (5) In accordance with Article 71(3)(c) of Decision 2007/533/JHA, the Commission has declared the successful completion of a comprehensive test of SIS II, which was conducted by the Commission together with the Member States, and the relevant preparatory bodies of the Council validated on 6 February 2013 the proposed test result and confirmed that the level of performance of SIS II is at least equivalent to that achieved with SIS 1 +.
- (6) In accordance with Article 71(3)(d) of Decision 2007/533/JHA, the Commission has made the necessary technical arrangements for allowing Central SIS II to be connected to N.SIS II of the Member States concerned.
- (7) In accordance with Article 9(1) and (5) of Regulation (EU) No 1272/2012 the Member States participating in SIS 1 + have successfully completed functional SIRENE tests and the relevant preparatory body of the Council has validated their results on 15 February 2013.
- (8) The conditions laid down by Article 71(3) of Decision 2007/533/JHA thus being fulfilled, it is for the Council to determine the date from which the SIS II shall apply to the Member States participating in the SIS 1 +.
- (9) In view of the need for the entry into operation of SIS II to be as early as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (10) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of 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* ⁽⁵⁾ which fall within the area referred to in Article 1, point G, of Council Decision 1999/437/EC ⁽⁶⁾ on certain arrangements for the application of that Agreement.

⁽¹⁾ OJ L 205, 7.8.2007, p. 63.

⁽²⁾ OJ L 359, 29.12.2012, p. 21.

⁽³⁾ OJ L 71, 14.3.2013, p. 1.

⁽⁴⁾ OJ L 112, 5.5.2010, p. 31.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁶⁾ OJ L 176, 10.7.1999, p. 31.

- (11) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning 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* ⁽¹⁾ which fall within the area referred to in Article 1, point G, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽²⁾.
- (12) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning 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* ⁽³⁾ which fall within the area referred to in Article 1, point G, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁴⁾.
- (13) In accordance with Articles 1 and 2 of the Protocol (No 22) 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 Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (14) The United Kingdom is taking part in this Decision, in accordance with Article 5(1) of the Protocol (No 19) 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* ⁽⁵⁾.
- (15) Ireland is taking part in this Decision, in accordance with Article 5(1) of the Protocol (No 19) 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* ⁽⁶⁾.
- (16) This Decision is without prejudice to the arrangements for the partial participation of Ireland and the United Kingdom in the Schengen *acquis* as determined by Decisions 2002/192/EC and 2000/365/EC respectively.
- (17) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession.
- (18) It should be noted that 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 services in the Member States responsible for issuing vehicle registration certificates ⁽⁷⁾ shall, pursuant to its Article 3, apply from the date set in accordance with Article 71(2) of Decision 2007/533/JHA,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/533/JHA shall apply to the Member States participating in the SIS 1 + from 9 April 2013.

Article 2

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

Done at Brussels, 7 March 2013.

For the Council
The President
 A. SHATTER

⁽¹⁾ OJ L 53, 27.2.2008, p. 52.

⁽²⁾ OJ L 53, 27.2.2008, p. 1.

⁽³⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁴⁾ OJ L 160, 18.6.2011, p. 19.

⁽⁵⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁶⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁷⁾ OJ L 381, 28.12.2006, p. 1.

COUNCIL DECISION

of 7 March 2013

fixing the date of application of Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II)

(2013/158/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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) ⁽¹⁾, and in particular Article 55(3) thereof,

Whereas:

- (1) Article 55(3) of Regulation (EC) No 1987/2006 specifies the Regulation shall apply to the Member States participating in SIS 1 + from a date to be fixed by the Council, acting by the unanimity of its Members representing the Governments of the Member States participating in SIS 1+.
- (2) In accordance with Article 11(3) of Council Regulation (EU) No 1273/2012 of 20 December 2012 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) ⁽²⁾ the switchover into SIS II will start on the date fixed by the Council acting in accordance with Article 55(2) of Regulation (EC) No 1987/2006.
- (3) In accordance with Article 55(3)(a) of Regulation (EC) No 1987/2006, the Commission has adopted the necessary implementing measures by Commission Implementing Decision 2013/115/EU ⁽³⁾ adopting the Sirene Manual and other implementing measures for the second generation Schengen Information System (SIS II) and Commission Decision 2010/261/EU of 4 May 2010 on the Security Plan for Central SIS II and the Communication Infrastructure ⁽⁴⁾.
- (4) In accordance with Article 55(3)(b) of Regulation (EC) No 1987/2006, all Member States fully participating in SIS 1 + have notified it that they have made the necessary technical and legal arrangements to process SIS II data and exchange supplementary information.
- (5) In accordance with Article 55(3)(c) of Regulation (EC) No 1987/2006, the Commission has declared the successful completion of a comprehensive test of SIS II, which was conducted by the Commission together with the Member States, and the relevant preparatory bodies of the Council validated on 6 February 2013 the proposed test result and confirmed that the level of performance of SIS II is at least equivalent to that achieved with SIS 1+.
- (6) In accordance with Article 55(3)(d) of Regulation (EC) No 1987/2006, the Commission has made the necessary technical arrangements for allowing Central SIS II to be connected to N.SIS II of the Member States concerned.
- (7) In accordance with Article 9(1) and (5) of Regulation (EU) No 1273/2012 the Member States participating in SIS 1 + have successfully completed functional Sirene tests and the relevant preparatory body of the Council has validated their results on 15 February 2013.
- (8) The conditions laid down by Article 55(3) of Regulation (EC) No 1987/2006 thus being fulfilled, it is for the Council to determine the date from which the SIS II shall apply to the Member States participating in the SIS 1+.
- (9) In view of the need for the entry into operation of SIS II to be as early as possible, this Decision should enter into force on the day of its publication in the *Official Journal of the European Union*.
- (10) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of 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* ⁽⁵⁾ which fall within the area referred to in Article 1, point G, of Council Decision 1999/437/EC ⁽⁶⁾ on certain arrangements for the application of that Agreement.
- (11) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning 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* ⁽⁷⁾ which fall within the area referred to in Article 1, point G, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁸⁾.
- (12) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning 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

⁽¹⁾ OJ L 381, 28.12.2006, p. 4.⁽²⁾ OJ L 359, 29.12.2012, p. 32.⁽³⁾ OJ L 71, 14.3.2013, p. 1.⁽⁴⁾ OJ L 112, 5.5.2010, p. 31.⁽⁵⁾ OJ L 176, 10.7.1999, p. 36.⁽⁶⁾ OJ L 176, 10.7.1999, p. 31.⁽⁷⁾ OJ L 53, 27.2.2008, p. 52.⁽⁸⁾ OJ L 53, 27.2.2008, p. 1.

Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ which fall within the area referred to in Article 1, point G, of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽²⁾.

- (13) In accordance with Articles 1 and 2 of Protocol (No 22) 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. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (14) This Decision constitutes a development of the 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* ⁽³⁾; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (15) This Decision constitutes a development of the 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* ⁽⁴⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

- (16) This Decision is without prejudice to the arrangements for the partial participation of Ireland and the United Kingdom in the Schengen *acquis* as determined by Decisions 2002/192/EC and 2000/365/EC respectively.
- (17) As regards Cyprus, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within the meaning of Article 3(2) of the 2003 Act of Accession,

HAS ADOPTED THIS DECISION:

Article 1

Regulation (EC) No 1987/2006 shall apply to the Member States participating in the SIS 1 + from 9 April 2013.

Article 2

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

Done at Brussels, 7 March 2013.

For the Council
The President
A. SHATTER

⁽¹⁾ OJ L 160, 18.6.2011, p. 21.

⁽²⁾ OJ L 160, 18.6.2011, p. 19.

⁽³⁾ OJ L 131, 1.6.2000, p. 43.

⁽⁴⁾ OJ L 64, 7.3.2002, p. 20.

POLITICAL AND SECURITY COMMITTEE DECISION ATALANTA/1/2013**of 22 March 2013****on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta)**

(2013/159/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6 (1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Force Commander.
- (2) On 27 November 2012, the PSC adopted Decision Atalanta/3/2012 ⁽²⁾ appointing Rear Admiral Ángel GARCÍA DE PAREDES PÉREZ DE SEVILLA as EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta).
- (3) The EU Operation Commander has recommended the appointment of Commodore Jorge NOVO PALMA as the new EU Force Commander for Atalanta to succeed Rear Admiral Ángel GARCÍA DE PAREDES PÉREZ DE SEVILLA.
- (4) The EU Military Committee supports that recommendation.

- (5) In accordance with Article 5 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Commodore Jorge NOVO PALMA is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast as from 6 April 2013.

Article 2

Decision Atalanta/3/2012 is hereby repealed.

Article 3

This Decision shall enter into force on 6 April 2013.

Done at Brussels, 22 March 2013.

*For the Political and Security Committee**The Chairperson*

O. SKOOG

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ Political and Security Committee Decision Atalanta/3/2012 of 27 November 2012 on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) (OJ L 332, 4.12.2012, p. 20).

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