

# Official Journal of the European Union

C 12



English edition

## Information and Notices

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EN

**Price:**  
**EUR 3**

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<sup>(1)</sup> Text with EEA relevance

## II

*(Information)*INFORMATION FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES  
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## EUROPEAN COMMISSION

**Authorisation for State aid pursuant to Articles 107 and 108 of the TFEU****Cases where the Commission raises no objections****(Text with EEA relevance)**

(2012/C 12/01)

Date of adoption of the decision	26.4.2011
Reference number of State aid	SA.31494 (N 376/10)
Member State	Netherlands
Region	—
Title (and/or name of the beneficiary)	Natuurbeheer
Legal basis	Wet inrichting landelijk gebied
Type of measure	Aid scheme
Objective	Environmental protection
Form of aid	Direct grant
Budget	Annual budget: EUR 28,5 million Overall budget: EUR 171 million
Intensity	84 %
Duration (period)	1.1.2011-31.10.2017
Economic sectors	Agriculture
Name and address of the granting authority	Gedeputeerde staten van de provincies
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	20.12.2011
Reference number of State aid	SA.33370 (11/N)
Member State	France
Region	—
Title (and/or name of the beneficiary)	Régimes d'aide au cinéma et à l'audiovisuel
Legal basis	Décret 99-130 du 24 février 1999; décret 98-35 du 14 janvier 1998; décret 95-110 du 2 février 1995; loi 85-695 du 11 juillet 1985; décret 2008-508 du 29 mai 2008; décret 2008-509 du 29 mai 2009
Type of measure	Aid scheme
Objective	Culture
Form of aid	Parafiscal levy
Budget	Annual budget: EUR 744 million Overall budget: EUR 4 464 million
Intensity	50 %
Duration (period)	Until 31.12.2017
Economic sectors	Media
Name and address of the granting authority	Centre National du Cinéma et de l'Image Animée 12 rue de Lübeck 75784 Paris Cedex 16 FRANCE
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	8.11.2011
Reference number of State aid	SA.33538 (11/N)
Member State	Ireland
Region	—
Title (and/or name of the beneficiary)	Regional Airports — Capital Expenditure grant Scheme
Legal basis	Article 28.4 of the Constitution of Ireland Central Fund (Permanent Provisions) Act, 1965; Appropriation Act, 2010
Type of measure	Aid scheme
Objective	Sectoral development
Form of aid	Direct grant

Budget	Overall budget: EUR 65,5 million
Intensity	90 %
Duration (period)	Until 31.12.2014
Economic sectors	Air transport
Name and address of the granting authority	Department of Transport Tourism and Sport 44 Kildare Street Dublin 2 IRELAND
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

Date of adoption of the decision	20.12.2011
Reference number of State aid	SA.33662 (11/NN)
Member State	Germany
Region	Berlin, Mecklenburg-Vorpommern
Title (and/or name of the beneficiary)	Solon SE
Legal basis	<ol style="list-style-type: none"> <li>1. Gesetz über die Feststellung des Bundeshaushaltsplans für das Jahr 2011 (Haushaltsgesetz 2011), vom 22. Dezember 2010</li> <li>2. Gesetz über die Feststellung des Haushaltsplans von Berlin für die Haushaltsjahre 2010 und 2011 (Haushaltsgesetz 2010/2011), vom 17. Dezember 2009</li> <li>3. Gesetz über die Feststellung des Haushaltsplans des Landes Mecklenburg-Vorpommern für die Haushaltsjahre 2010 und 2011 und die Festlegung der Verbundquoten des Kommunalen Finanzausgleichs in den Jahren 2010 und 2011, vom 18. Dezember 2009</li> </ol>
Type of measure	Individual aid
Objective	Rescue of firms in difficulty
Form of aid	Guarantee, Interest subsidy
Budget	Annual budget: EUR 46,84 million Overall budget: EUR 46,84 million
Intensity	—
Duration (period)	8.8.2011-31.12.2011
Economic sectors	Electrical and optical equipment

Name and address of the granting authority	<p>Ministerium für Wirtschaft, Arbeit und Tourismus Mecklenburg-Vorpommern Johannes-Stelling-Straße 14 19053 Schwerin DEUTSCHLAND</p> <p>Bundesamt für zentrale Dienste und offene Vermögensfragen DGZ-Ring 12 13086 Berlin DEUTSCHLAND</p> <p>Senatsverwaltung für Finanzen Berlin Klosterstraße 59 10179 Berlin DEUTSCHLAND</p> <p>Finanzministerium Mecklenburg-Vorpommern Schloßstraße 9-11 19053 Schwerin DEUTSCHLAND</p>
Other information	—

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at:

[http://ec.europa.eu/community\\_law/state\\_aids/state\\_aids\\_texts\\_en.htm](http://ec.europa.eu/community_law/state_aids/state_aids_texts_en.htm)

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## IV

(Notices)

## NOTICES FROM EUROPEAN UNION INSTITUTIONS, BODIES, OFFICES AND AGENCIES

## EUROPEAN COMMISSION

**Euro exchange rates <sup>(1)</sup>****13 January 2012**

(2012/C 12/02)

**1 euro =**

Currency	Exchange rate	Currency	Exchange rate
USD US dollar	1,2771	AUD Australian dollar	1,2364
JPY Japanese yen	98,06	CAD Canadian dollar	1,3019
DKK Danish krone	7,4365	HKD Hong Kong dollar	9,9196
GBP Pound sterling	0,83320	NZD New Zealand dollar	1,6090
SEK Swedish krona	8,8892	SGD Singapore dollar	1,6468
CHF Swiss franc	1,2100	KRW South Korean won	1 466,53
ISK Iceland króna		ZAR South African rand	10,2672
NOK Norwegian krone	7,6930	CNY Chinese yuan renminbi	8,0648
BGN Bulgarian lev	1,9558	HRK Croatian kuna	7,5480
CZK Czech koruna	25,450	IDR Indonesian rupiah	11 700,55
HUF Hungarian forint	309,71	MYR Malaysian ringgit	4,0005
LTL Lithuanian litas	3,4528	PHP Philippine peso	55,904
LVL Latvian lats	0,7002	RUB Russian rouble	40,5047
PLN Polish zloty	4,4060	THB Thai baht	40,573
RON Romanian leu	4,3345	BRL Brazilian real	2,2740
TRY Turkish lira	2,3642	MXN Mexican peso	17,2983
		INR Indian rupee	65,7040

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS****DECISION No E3****of 19 October 2011****concerning the transitional period as defined in Article 95 of Regulation (EC) No 987/2009 of the European Parliament and of the Council****(Text of relevance to the EEA and to the EC/Switzerland Agreement)****(2012/C 12/03)**

THE ADMINISTRATIVE COMMISSION FOR THE COORDINATION OF SOCIAL SECURITY SYSTEMS,

Acting in accordance with the conditions laid down in Article 71(2), second subparagraph, of Regulation (EC) No 883/2004,

Having regard to Article 72(d) of Regulation (EC) No 883/2004 on the coordination of social security systems <sup>(1)</sup>, under which the Administrative Commission is responsible to encourage as far as possible the use of new technologies, in particular by modernising procedures for exchanging information and adapting the information flow between institutions for the purposes of exchange by electronic means, taking into account the development of data processing in each Member State,

Whereas:

Having regard to Article 4 of 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 <sup>(2)</sup>, under which the Administrative Commission is empowered to lay down the structure, content, format and detailed arrangements for the exchange of documents and structured electronic documents and to lay down the practical arrangements for sending information, documents or decisions by electronic means to the person concerned,

(1) Article 95 of Regulation (EC) No 987/2009 provides for a transitional period of 24 months from its entry into force to allow Member States to implement and integrate the necessary national infrastructure for exchanging data by electronic means.

(2) Article 95 of Regulation (EC) No 987/2009 empowers the Administrative Commission to agree on an extension of the transitional period for Member States if the delivery of the Community infrastructure is significantly delayed.

Having regard to Article 95(1), first subparagraph, of Regulation (EC) No 987/2009, concerning the transitional period, stating that each Member State may benefit from a transitional period for exchanging data by electronic means and that these transitional periods shall not exceed 24 months from the date of entry into force of the implementing Regulation,

(3) The Administrative Commission has conducted an overall assessment of the situation of the project, both at EU and national levels, based on the analysis from the European Commission and from the EESSI Project Steering Committee.

(4) According to this assessment, an extension of the transitional period is considered to be necessary in order to ensure the effective implementation of the EESSI system, taking into account the progress of preparations both at EU and national levels but considering at the same time that it is in the interest of all parties that this extension is limited in time.

Having regard to Article 95(1), second subparagraph, of Regulation (EC) No 987/2009, under which the Administrative Commission may agree on any appropriate extension of these periods if the delivery of the necessary Community infrastructure (Electronic Exchange of Social Security Information — EESSI) is significantly delayed with regard to the entry into force of the implementing Regulation,

(5) Considering the technical complexity of the project and in view of the different possible implementing solutions each with a different time path, the Administrative Commission considers it appropriate to extend the transitional period by 24 months in addition to the period identified under Article 95(1) of Regulation (EC) No 987/2009.

<sup>(1)</sup> OJ L 166, 30.4.2004, p. 1.

<sup>(2)</sup> OJ L 284, 30.10.2009, p. 1.



- (6) The Administrative Commission, however, encourages Member States to start the electronic data exchange as soon as possible, without delay, to limit the period of parallel paper and electronic exchange as much as possible, in accordance with the intermediate milestones to be defined by the Administrative Commission, based on a proposal from the EESSI Project Steering Committee.
- (7) The Administrative Commission calls upon the EESSI Project Steering Committee to establish appropriate monitoring tools, to propose intermediate milestones and to monitor closely the progress of the implementation of EESSI in each of the Member States during the extended period.
- (8) In accordance with Article 95(1) of Regulation (EC) No 987/2009, the Administrative Commission may review this Decision on the basis of the overall planning and analysis of the EESSI Project Steering Committee.
- (9) 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 <sup>(1)</sup> will continue to apply *mutatis mutandis* during the extended period,

HAS DECIDED AS FOLLOWS:

1. The transitional periods, referred to in Article 95(1) of Regulation (EC) No 987/2009 for the full exchange of data by electronic means by the Member States will be extended by 24 months until 30 April 2014.
2. This Decision shall be published in the *Official Journal of the European Union*. This Decision shall apply from the first day of the month following its publication in the *Official Journal of the European Union*.

*The Chair of the Administrative Commission*  
Elżbieta ROŻEK

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<sup>(1)</sup> OJ C 106, 24.4.2010, p. 9.

# EUROPEAN EXTERNAL ACTION SERVICE

## Decision of the High Representative of the Union for Foreign Affairs and Security Policy

of 23 March 2011

### establishing the rules applicable to National Experts Seconded to the European External Action Service

(2012/C 12/04)

THE HIGH REPRESENTATIVE,

Having regard to the Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service, in particular Article 6(3) thereof,

Whereas:

- (1) According to Article 6(3) of the Council Decision establishing the European External Action Service <sup>(1)</sup> (EEAS) (the Council Decision) the EEAS may, in specific cases, have recourse to a limited number of specialised seconded national experts.
- (2) The High Representative shall, also according to Article 6(3) of the Council Decision, adopt rules, equivalent to those laid down in Council Decision 2003/479/EC of 16 June 2003 (now repealed and replaced by Council Decision 2007/829/EC of 5 December 2007 <sup>(2)</sup>) concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council, under which SNEs are put at the disposal of the EEAS in order to provide specialist expertise.
- (3) Seconded national experts (SNEs) should enable the EEAS to benefit from their high level of knowledge and professional experience, in particular in areas where such expertise is not readily available.
- (4) The secondment of national experts to the EEAS should foster the exchange of professional experience and knowledge of European policies.
- (5) SNEs should be drawn from public administrations in Member States or from international organisations.
- (6) The rights and obligations of SNEs and seconded military staff set out in this Decision should ensure that they carry out their duties solely in the interests of the EEAS.

(7) This Decision should set out all the conditions of employment of SNEs.

(8) Special provision should be made for military staff seconded to the EEAS to form the European Union Military Staff.

(9) Special provision should be made for SNEs seconded to Union delegations. Inequality of treatment between SNEs from different institutions (principally from the European Commission and the EEAS) in Union Delegations should be avoided where possible,

HAS ADOPTED THIS DECISION:

#### CHAPTER I

#### GENERAL PROVISIONS

##### Article 1

##### Scope

1. These rules are applicable to seconded national experts (SNEs) seconded to the European External Action Service (EEAS) by Member States' public administrations. They shall also apply to experts on secondment from an international organisation.
2. The persons covered by these rules shall remain in the service of their employer throughout the period of secondment and shall continue to be paid by that employer.
3. The EEAS shall recruit SNEs in accordance with requirements and budgetary possibilities. The Human Resources Department shall establish the arrangements for such recruitment.
4. SNEs must be nationals of a Member State.
5. The Member States and the EEAS shall cooperate to ensure, as far as possible, that recruitment of SNEs to the EEAS is based on merit whilst ensuring adequate geographical and gender balance, in particular to ensure a meaningful presence of nationals from all the Member States.

<sup>(1)</sup> OJ L 201, 3.8.2010, p. 30.

<sup>(2)</sup> OJ L 327, 13.2.2007, p. 10.

6. Secondment shall be implemented by an exchange of letters between the Chief Operating Officer and the Permanent Representation of the Member State concerned, or the international organisation, as appropriate. The place of secondment must be indicated in the exchange of letters. A copy of the rules applicable to SNEs on secondment to the EEAS shall be attached to the exchange of letters.

#### Article 2

##### Period of secondment

1. The period of secondment may not be less than six months nor exceed two years and may be renewed successively up to a total period not exceeding four years. Exceptionally, at the request of the relevant Managing Director or equivalent, and where the interests of the service warrant it, the Human Resources Department may authorise one or more extensions of the secondment for a maximum of two more years at the end of the four-year period.

2. Notwithstanding paragraph 1, the period for which an SNE is seconded to take part in the preparation of crisis management operations or to study their launch may be less than six months.

3. The intended period of secondment shall be fixed at the outset in the exchange of letters provided for in Article 1(6). The same procedure shall apply in the case of a renewal of the period of secondment.

4. An SNE who has already been seconded to the EEAS may be seconded again, subject to the following conditions:

- (a) the SNE must continue to meet the conditions for secondment; and
- (b) a period of at least six years must have elapsed between the end of the previous period of secondment and any further secondment; if, at the end of the first secondment, the SNE has received an extension, the six-year period shall begin to run from the expiry of that extension.

This provision shall not prevent the EEAS from accepting the secondment, less than six years after the end of the first period of secondment, of an SNE whose initial secondment lasted for less than six years, but in that case the new secondment shall not exceed the unexpired part of the six-year period.

#### Article 3

##### Place of secondment

1. SNEs shall be seconded to the EEAS central administration in Brussels, or to a Union Delegation.

2. The place of secondment may be changed during the secondment by means of a further exchange of letters in accordance with Article 1(6) if the possibility of changing that place was not envisaged in the original exchange of letters. The administration which seconded an SNE shall be kept informed of any changes to the place of secondment.

#### Article 4

##### Duties

1. An SNE shall assist members of the staff of the EEAS and carry out the tasks assigned to him/her. The duties carried out shall be defined by mutual agreement between the EEAS and the administration which seconded the national expert in the interest of the EEAS and taking into account the SNE's qualifications.

2. Subject to paragraph 8 below, an SNE may take part in missions and meetings only:

- (a) if accompanying a member of the EEAS staff;

or

- (b) as an observer or solely for information purposes, if alone.

Unless a mandate has been entrusted to an SNE under paragraph 8 below, he/she may not represent the EEAS with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

The limitations in this paragraph do not apply to SNEs seconded to the Civilian Planning and Conduct Capability, the Crisis Management and Planning Directorate, or the EU Situation Centre.

3. The EEAS, through the SNE's line manager, shall retain sole responsibility for approving the results of tasks performed by the SNE.

4. The EEAS, the SNE's employer and the SNE shall make every effort to avoid any conflict of interest or appearance of such a conflict in relation to the SNE's duties during secondment. To that end, the Human Resources Department shall, in good time, inform the SNE and the employer of the intended duties and shall ask each of them to confirm in writing that they know of no reason why the SNE should not be assigned to those duties including, in particular, with reference to the SNE's employment experience.

5. The SNE shall be asked in particular to declare any potential conflict between his/her family circumstances (in particular the professional activities of close family members or any important financial interests of his/her own, or of close family members) and the proposed duties while on secondment. The employer and the SNE shall undertake to notify the SNE's line manager and the Human Resources Department of any change of circumstances during the secondment which could give rise to any such conflict.

6. Where the SNE's line manager considers that the nature of the tasks entrusted to the SNE requires particular security precautions, security clearance shall be obtained before the SNE is seconded.

7. In the event of failure to comply with the provisions of paragraphs 2, 4 and 5, the EEAS may terminate the secondment of the SNE under the terms of Article 9(2)(c).

8. Notwithstanding paragraph 1 and the first subparagraph of paragraph 2, the Managing Director, or equivalent, of the service to which the SNE is assigned may, acting under the authority of the High Representative and acting on a proposal from the SNE's line manager, entrust the SNE with specific tasks or duties and charge him/her with the conduct of one or more specific missions or meetings provided that there is no conflict of interest.

#### Article 5

##### **Rights and obligations**

1. During the period of secondment:

- (a) the SNE shall carry out his/her duties objectively and impartially and shall behave solely with the interests of the EEAS in mind;
- (b) the SNE shall abstain from any action, and in particular any public expression of opinion, which may reflect on his/her position at the EEAS;
- (c) any SNE who, in the performance of his/her duties, is called upon to give a decision on the handling or outcome of a matter in which he/she has a personal interest that could impair his/her independence, shall inform his/her line manager;
- (d) the SNE shall not, whether alone or together with others, publish or cause to be published any text dealing with the work of the European Union without obtaining permission from his/her line manager: permission shall be refused only where the intended publication is liable to prejudice the interests of the European Union;
- (e) all rights in any work done by an SNE in the performance of his/her duties shall be the property of the EEAS;
- (f) the SNE shall reside at the place of secondment or at no greater distance therefrom than is compatible with the proper performance of his/her activities;
- (g) the SNE shall assist and tender advice to the superior to whom he/she is assigned and shall be responsible to his/her superior for the performance of the duties entrusted to him/her;
- (h) the SNE shall, in the exercise of his/her duties, accept no instructions from his/her employer or national government: he/she shall not undertake any activities for his/her employer, nor for governments, nor for any other person, private company or public body.

2. Both during and after the period of secondment, the SNE shall exercise the greatest discretion with regard to all facts and information of which he/she becomes aware in the course of or in connection with the performance of his/her duties. He/she shall not in any form whatsoever disclose to any unauthorised person any document or information not already lawfully made public, nor shall he/she use it for personal gain.

3. At the end of the secondment, the SNE shall continue to be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to him/her and in accepting certain posts or advantages.

4. SNEs shall be subject to the security rules in force in the EEAS.

5. Failure to comply with the provisions of paragraphs 1, 2 and 4 during the period of secondment shall entitle the EEAS to terminate the secondment of an SNE under the terms of Article 9(2)(c).

#### Article 6

##### **Level, professional experience and knowledge of languages**

1. To qualify for secondment to the EEAS, the SNE must have at least three years' full-time experience of administrative, scientific, technical, advisory or supervisory functions equivalent to those of function groups AD or AST as defined in the Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the Union <sup>(1)</sup>.

2. The SNE must have a thorough knowledge of one Union language and a satisfactory knowledge of a second language for the performance of his/her duties.

#### Article 7

##### **Selection procedures**

1. SNEs shall be selected according to an open and transparent procedure, the practical details of which shall be decided by the Human Resources Department.

In duly justified exceptional circumstances, and in the interests of the service, an SNE may be selected without following such procedures. Authorisation for such derogation must be sought from the Chief Operating Officer.

2. Before the secondment, the line manager must ensure that sufficient budget allocation is available.

3. Applications shall be forwarded to the Human Resources Department by the relevant Permanent Representation.

#### Article 8

##### **Suspension of secondment**

1. The Human Resources Department may authorise suspensions of secondment and specify the terms applicable. During such suspensions:

- (a) the allowances referred to in Articles 16 and 17 shall not be payable;
- (b) the expenses referred to in Articles 19 and 20 shall be payable only if the suspension is at the EEAS's request.

<sup>(1)</sup> OJ L 56, 4.3.1968, p. 1.

2. The Human Resources Department shall inform the SNE's employer.

#### Article 9

##### Termination of periods of secondment

1. Subject to paragraph 2, secondment may be terminated at the request of the EEAS (agreed by the Human Resources Department and the relevant Managing Director or equivalent) or of the SNE's employer, provided three months' notice is given. It may also be terminated at the SNE's request provided the same notice is given and subject to agreement of the Human Resources Department and the relevant Managing Director or equivalent.

2. In certain exceptional circumstances, the secondment may be terminated without notice:

- (a) by the SNE's employer, if the employer's essential interests so require;
- (b) by agreement between the Human Resources Department and the relevant Managing Director or equivalent and the employer, at the request of the SNE to both parties, if the SNE's essential personal or professional interests so require; or
- (c) by the EEAS (agreed by the Human Resources Department and the relevant Managing Director or equivalent) in the event of failure by the SNE to comply with his/her obligations under these rules; the SNE shall first be given an opportunity to submit his/her defence.

3. In the event of termination under paragraph 2(c), the Human Resources Department shall immediately inform the employer.

#### CHAPTER II

##### WORKING CONDITIONS

#### Article 10

##### Social security

1. Before the period of secondment begins, the employer from which the SNE is to be seconded shall certify to the EEAS that, throughout the period of secondment, the SNE will remain subject to the social security legislation applicable to the public administration or international organisation which employs the SNE and which will assume responsibility for expenses incurred abroad. To this end, the SNE's employer shall provide the Human Resources Department with the certificate referred to in Article 11(1) of Council Regulation (EEC) No 574/72 <sup>(1)</sup>.

2. From the commencement of his/her secondment, the SNE shall be covered by the EEAS against the risk of accident. The Human Resources Department shall provide him/her with a copy of the terms of this cover on the day on which he/she reports to the relevant department of the EEAS to complete the administrative formalities related to the secondment.

3. When, in the context of a mission in which the SNE is participating under the terms of Articles 4 and 21, or when, as a result of specific risks at the place of secondment, additional or specific insurance is required, the relevant costs shall be borne by the EEAS.

#### Article 11

##### Working hours

1. An SNE shall be subject to the rules in force in the EEAS as regards working hours. These rules may be modified by the Chief Operating Officer where the needs of the EEAS so require.

2. An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request from the SNE's line manager, and subject to compatibility with the interests of the EEAS, the Human Resources Department may authorise an SNE to work part-time, after agreement from his/her employer.

3. Where part-time working is authorised, the SNE shall work at least half of the normal working time.

4. The allowances in force within the EEAS for shift-work or standby duty may be paid to SNEs.

#### Article 12

##### Absence for reasons of sickness or accident

1. In the event of absence for reasons of sickness or accident, an SNE shall notify his/her line manager as soon as possible, stating his/her present address. He/she shall produce a medical certificate if absent for more than three days and may be required to undergo a medical examination arranged by the EEAS.

2. If absence due to sickness or accident of not more than three days exceeds a total of 12 days over a period of 12 months, an SNE shall be required to produce a medical certificate for any further absence due to sickness.

3. Where the period of sick leave exceeds three months or the period of service performed by the SNE, whichever is the longer, the allowances referred to in Article 16(1) and (2) shall be automatically suspended. This provision shall not apply in the event of illness linked to pregnancy. Sick leave may not extend beyond the duration of the secondment of the person concerned.

4. However, an SNE who is the victim of a work-related injury which occurs during the secondment shall continue to receive in full the allowances provided for in Article 16(1) and (2) throughout the period during which he/she is unfit for work up to the end of the period of secondment.

#### Article 13

##### Annual leave, special leave and holidays

1. An SNE shall be entitled to two-and-a-half working days of leave per whole month of service (30 days per calendar year).

<sup>(1)</sup> OJ L 74, 27.3.1972, p. 1.



2. Leave is subject to prior authorisation by the SNEs line manager.

3. An SNE shall be granted special leave in the following cases:

- marriage of the SNE: four days,
- change of residence of the SNE: two days,
- removal to take up duties: up to two days,
- serious illness of spouse: up to three days,
- death of spouse: four days,
- serious illness of a relative in the ascending line: up to two days,
- death of a relative in the ascending line: up to two days,
- marriage of a child: two days,
- birth of a child: 10 days, to be taken during the 14 weeks following the birth,
- death of wife during maternity leave: a number of days corresponding to the remaining maternity leave which would be applicable under the Staff Regulations,
- serious illness of a child: up to two days,
- very serious illness of a child, as certified by a doctor, or hospitalisation of a child aged 12 or under: up to five days,
- death of a child: four days,
- adoption of a child: one period of 20 weeks (24 weeks if the child is disabled), on the same basis as would be applicable under the Staff Regulations.

Additional special leave of two days per period of 12 months may be granted at the request (with due justification) of the SNE.

For the purposes of this provision, an unmarried partner of an SNE may be treated as a spouse on the same basis as would be applicable under the Staff Regulations.

4. Upon a duly substantiated application by the SNE's employer, up to two days of additional special leave in a 12-month period may be granted by the EEAS (the Human Resources Department and the relevant Managing Director or equivalent) on a case-by-case basis.

5. In the case of part-time work, annual leave shall be reduced proportionately.

6. Days of annual leave not taken by the end of the period of secondment shall be forfeited.

#### Article 14

##### Maternity leave

1. An SNE who is pregnant shall be granted maternity leave of 20 weeks, during which period she shall receive the allowances provided for in Article 16. The leave shall begin not earlier than six weeks before the probable date of delivery indicated in the certificate and shall end not earlier than 14 weeks after the date of delivery. In the event of multiple or

premature birth or birth of a handicapped child, the period of leave shall be 24 weeks. For the purposes of this provision, a premature birth shall be one which occurs before the end of the 34th week of pregnancy.

2. Where the national legislation of the SNE's employer grants longer maternity leave, the secondment shall be suspended for the period exceeding that granted by the EEAS. In that case, a period equivalent to the suspension shall be added at the end of the secondment if the interests of the EEAS warrant it.

3. An SNE may, alternatively, apply for a suspension of the secondment to cover the whole of the period allowed for maternity. In that case, a period equivalent to the suspension shall be added at the end of the secondment if the interests of the EEAS warrant it.

#### Article 15

##### Management and control

Management and control of leave shall lie with the SNE's line manager and the Human Resources Department. Control of working time and absences shall be the responsibility of the SNE's line manager.

#### CHAPTER III

#### ALLOWANCES AND EXPENSES

#### Article 16

##### Allowances

1. An SNE shall be entitled to a daily subsistence allowance throughout the period of secondment. Where the distance between the place of origin and the place of secondment is 150 km or less, the daily allowance shall be EUR 31,92. Where the distance is more than 150 km, the daily allowance shall be EUR 127,65.

2. If the SNE has not received removal expenses from either the EEAS or from the employer, an additional monthly allowance shall be paid as shown in the table below:

Distance between place of origin and place of secondment (km)	Amount in euro
0-150	0
> 150	82,05
> 300	145,86
> 500	237,05
> 800	382,92
> 1 300	601,73
> 2 000	720,27

3. These allowances shall be payable for periods of mission, annual leave, maternity leave, special leave and holidays granted by the EEAS.

4. When the SNE starts the secondment, he/she shall receive an advance amount equivalent to 75 days of the subsistence allowance, whereupon entitlement to any further such allowances shall cease during the corresponding period. If the secondment to the EEAS is ended before the expiry of the period taken into account to calculate the advance, the SNE shall be obliged to return the amount corresponding to the remaining part of that period.

5. At the time of the exchange of letters provided for in Article 1(6) the Human Resources Department shall be informed by the SNE's employer of any payment similar to that mentioned in paragraphs 1 and 2 of this Article received by the SNE. Any such amounts shall be deducted from the corresponding allowances paid by the EEAS.

6. Daily and monthly allowances shall be adjusted each year without retroactive effect on the basis of the adaptation of the basic salaries of Union officials in Brussels and Luxembourg.

#### Article 17

##### Additional flat-rate allowance

1. Except where the place of origin of the SNE is 150 km or less from the place of secondment, he/she shall, receive an additional flat-rate allowance equal to the difference between the gross annual salary (less family allowances) paid by his/her employer plus any allowances paid by the EEAS, pursuant to Article 16, and the basic salary payable to an official in step 1 of grade AD 6 or grade AST 4, depending on the function group to which he/she is assimilated.

2. This allowance shall be adjusted once a year without retroactive effect on the basis of the adaptation of the basic salaries of Union officials.

#### Article 18

##### Places of recruitment, secondment, origin and return

1. For the purposes of these rules,

- the place of recruitment shall be the place where the SNE performed his/her duties for the employer immediately prior to secondment,
- the place of secondment shall be Brussels, or the Union delegation to which the SNE is assigned is located,
- the place of origin shall be the place where his/her employer's head office is located,
- the place of return shall be the place where the SNE will perform his/her main activity after the secondment is terminated.

2. If either the place of recruitment or the place of return is located outside the territory of the European Union or in a Member State other than that in which the SNE employer's

head office is located or, if the SNE does not pursue a professional activity after his/her secondment is terminated, the place of origin shall be considered to be the place of recruitment or place of return, as appropriate.

The place of recruitment, the place or places of secondment and the place of origin shall be determined in the exchange of letters referred to in Article 1(6). The place of return shall be determined on the basis of a declaration by the SNE's employer.

3. For the purposes of applying this Article, circumstances arising from work done by SNEs for a State other than that of the place of secondment or for an international organisation shall not be taken into account.

#### Article 19

##### Travel expenses

1. An SNE whose place of recruitment is more than 150 km from the place of secondment shall be entitled to reimbursement of travel expenses:

- (a) for him/herself;
- (b) for his/her spouse and dependent children, provided that they live with the SNE and that the removal is reimbursed by the EEAS.

2. Unless the journey is made by air, the amount shall be reimbursed at a flat rate, limited to the cost of the second-class rail fare, without supplements. This shall also apply to journeys made by car. Where the rail journey exceeds 500 km or where the standard route involves a sea crossing, air travel may be reimbursed up to the actual cost of a reduced-price ticket (PEX or APEX), on production of tickets and boarding cards.

3. The SNE shall be entitled to reimbursement for him/herself and, if applicable, for the persons referred to in paragraph 1(b), of travel expenses to the place of return at the end of the secondment within the above limits. The reimbursement may not be for a sum higher than that to which the SNE would have been entitled if he/she had returned to his/her place of recruitment.

4. If an SNE has effected his/her removal from his/her place of recruitment to his/her place of secondment, he/she shall be entitled each year to a flat-rate payment equal to the cost of a return journey from his/her place of secondment to his/her place of origin for him/herself, his/her spouse and any dependent children.

5. For the purposes of this provision, an unmarried partner of an SNE may be treated as a spouse on the same basis as would be applicable under the Staff Regulations.

#### Article 20

##### Removal expenses

1. The SNE may remove his/her furniture and his/her personal effects from the place of recruitment to the place of secondment, at the EEAS's expense, after obtaining the prior authorisation of the Human Resources Department, provided the following conditions are met:

- (a) the initial period of secondment must be for two years;

- (b) the SNE's place of recruitment must be 100 km or more from the place of secondment;
- (c) the removal must be completed within six months of the starting date of the secondment;
- (d) authorisation must be requested at least two months before the intended date of removal;
- (e) the removal costs are not being refunded by the employer; and
- (f) the SNE must send originals of estimates, receipts and invoices to the Human Resources Department and a certificate from the SNE's employer confirming that the employer is not bearing the removal costs.

2. Subject to paragraph 3, where the removal to the place of secondment has been reimbursed by the EEAS, the SNE shall be entitled at the end of the secondment, after prior authorisation, to reimbursement of removal costs from the place of secondment to the place of return, pursuant to the rules in force in the EEAS concerning reimbursement of removal costs, subject to fulfillment of the conditions set out in paragraph 1(d) and (e) above and the following further conditions:

- (a) the removal cannot take place earlier than six months before the end of the secondment;
- (b) the removal must be completed within six months following the end of the secondment;
- (c) the amount of removal expenses reimbursed by the EEAS for the removal at the end of the secondment may not exceed the amount of the removal expenses to which he/she would have been entitled if he/she had returned to his/her place of recruitment; and
- (d) after sending the originals of estimates received and the invoice for the removal to the EEAS, and a declaration by the SNE's employer confirming that the employer is not bearing all or part of the removal costs.

3. An SNE whose secondment is terminated at his/her request or at the employer's request within two years of the start of the secondment shall not be entitled to reimbursement of removal costs at the end of the secondment.

4. Reimbursement of expenses under this Article shall be made in accordance with the relevant rules and conditions applicable in the EEAS.

#### Article 21

##### Missions and mission expenses

- 1. An SNE may be sent on mission subject to Article 4.
- 2. Mission expenses shall be reimbursed in accordance with the provisions in force at the EEAS.

#### Article 22

##### Training

An SNE shall be entitled to attend training courses organised by the EEAS, if the interests of the EEAS warrant it. The reasonable

interests of the SNE, having regard in particular to the performance of his/her professional duties, shall be considered when the SNEs line manager takes the decision on permission to attend courses.

#### Article 23

##### Administrative provisions

1. The SNE shall report to the Human Resources Department on the first day of secondment to complete the requisite administrative formalities. He/she shall take up his/her duties on either the first or the 16th of the month.

2. An SNE assigned to a Union Delegation shall report to the Head of the Union Delegation at his/her place of secondment.

3. Payments shall be made by the EEAS, in euro, into a bank account opened at a banking institution in Brussels. In the case of an SNE seconded to a place other than Brussels, payments may be made in euro into a bank account opened at a banking institution either in Brussels or at the SNE's place of origin.

#### CHAPTER IV

##### SNE'S SECONDED TO UNION DELEGATIONS

#### Article 24

##### Rules applying to SNEs seconded to Union Delegations

Subject to the rules set out in this Chapter, the rules laid down elsewhere in this Decision shall also apply to SNEs seconded to Union Delegations.

#### Article 25

##### Allowances

1. The allowances referred to in Article 16 shall be paid in euro in Belgium. They shall be subject to the weighting applicable to the remuneration of officials employed in Belgium.

2. By way of derogation from paragraph 1, the Human Resources Department may, at the SNE's request, authorise the payment of subsistence allowances in the currency of the place of secondment or, in exceptional and duly justified cases and in order to maintain purchasing power, in another currency. The allowances shall then be subject to the weighting provided for in Article 12 of Annex X to the Staff Regulations and converted at the corresponding exchange rate.

3. An allowance for living conditions, fixed according to the same criteria as those laid down in Article 10 of Annex X to the Staff Regulations, shall be paid to SNEs seconded to EU delegations in third countries. The daily subsistence allowance referred to in Article 16(1) of these Rules shall constitute the reference amount referred to in Article 10 of Annex X to the Staff Regulations.

#### Article 26

##### Reimbursement of costs

1. The expenses referred to in Article 19(1)(b) and Article 19(4) shall not be reimbursed.



2. The expenses referred to in Article 20 shall not be reimbursed.

#### Article 27

##### **Annual leave**

The rules on annual leave applicable to EEAS staff in Union Delegations shall apply equally to EEAS SNE's in Union Delegations.

#### CHAPTER V

##### **NATIONAL EXPERTS ON FREE SECONDMENT**

#### Article 28

##### **SNEs on free secondment**

1. For the purposes of this Decision, a 'cost-free SNE' shall mean an SNE for whom the EEAS does not pay any of the allowances provided for in Chapters III or IV or cover any of the expenses provided for in this Decision, other than those related to the performance of their duties during their secondment, and without prejudice to any different agreement between the EEAS and the administration which seconds the cost-free SNE.

2. The Human Resources Department may, on request by the relevant Managing Director or equivalent, authorise the secondment of cost-free SNEs on a case-by-case basis, taking into consideration their place of origin, the Department in question, the geographical balance and the work to be carried out.

#### CHAPTER VI

##### **APPLICATION OF THE RULES TO SECONDED NATIONAL MILITARY STAFF**

#### Article 29

##### **Rules applying to seconded military staff**

Subject to the rules in this chapter, the rules laid down elsewhere in this Decision shall also apply to military staff seconded to the EEAS in order to form the European Union Military Staff (EUMS) pursuant to Council Decision 2001/80/CFSP of 22 January 2001 on the establishment of the Military Staff of the European Union <sup>(1)</sup>, as amended.

#### Article 30

##### **Conditions**

Seconded military staff must be on paid service in the armed forces of a Member State throughout their secondment.

#### Article 31

##### **Recruitment**

The Director-General of the EUMS shall establish the arrangements for recruitment of seconded military staff <sup>(2)</sup>.

#### Article 32

##### **Exchange of letters**

The exchange of letters referred to in Article 1(6) shall take place between the Chief Operating Officer and the Permanent Representation of the Member State concerned for the Director-General of the EUMS, the Deputy Director-General of the EUMS and all Director and Branch Chief appointments, and between the Director-General of the EUMS and the Permanent Representation of the Member State concerned for all other appointments. This exchange of letters must also mention any restriction on an SNE's participation in missions.

#### Article 33

##### **Length of secondment**

1. The length of secondment may not be less than six months nor more than three years and it may be extended successively up to a total period not exceeding four years.

2. Except in exceptional cases, a period of at least three years must have elapsed between the end of the previous period of secondment and a further secondment, where the conditions so justify and in agreement with the Director-General of the EUMS

#### Article 34

##### **Tasks**

Notwithstanding Article 4, seconded military staff acting under the authority of the High Representative shall fulfil the mission, carry out the tasks and perform the duties assigned to them in accordance with the Annex to Decision 2001/80/CFSP, as amended.

#### Article 35

##### **Security clearance**

The appropriate level of the seconded military staff member's security clearance must be stipulated in the exchange of letters referred to in Article 1(6) and may not be lower than SECRET.

#### Article 36

##### **Professional experience**

Notwithstanding Article 6(1), a military staff member working at administrative or advisory level and showing a high degree of competence for the duties to be carried out may be seconded to the EEAS.

#### Article 37

##### **Suspension and termination of secondment**

1. Authorisation for Article 8(1) to be applied to a seconded military staff member shall be given by the Director-General of the EUMS.

2. Notwithstanding Article 9(2), secondment may be terminated without notice if the interests of the EEAS or of the seconded military staff member's national administration so require or for any other sufficient cause.

<sup>(1)</sup> OJ L 27, 30.1.2001, p. 7.

<sup>(2)</sup> EUMS Manning and Turnover Policy, Document 5402/2011.

*Article 38***Serious failure to comply with obligations**

1. Secondment may be terminated without notice in serious cases of intentional or negligent failure of the seconded military staff member to comply with his/her obligations. Notwithstanding Article 9(2)(c), the decision shall be taken by the Director-General of the EUMS after the person concerned has had an opportunity to submit his/her defence. Before taking a decision, the Director-General of the EUMS shall notify the Permanent Representative of the Member State of which the seconded military staff member is a national. Following that decision, the expenses referred to in Articles 19 and 20 shall no longer be reimbursed.

Prior to the decision referred to in the first subparagraph, a seconded military staff member may be suspended where serious failure to comply with his/her obligations is alleged against him/her by the Director-General of the EUMS after the person concerned has been given an opportunity to submit his/her defence. The allowances referred to in Articles 16 and 17 shall not be paid during this suspension, which may not exceed three months.

2. The Director-General of the EUMS shall inform the national authorities of any violation by a military staff member on secondment of the rules set out or referred to in this Decision.

3. A military staff member on secondment shall continue to be subject to his/her national disciplinary rules.

*Article 39***Working hours**

The second sentence of Article 11(2) shall not apply to seconded military staff.

*Article 40***Special leave**

Unpaid additional special leave may be granted by the EEAS for training by the employer, subject to a duly reasoned application by the employer.

*Article 41***Allowances**

The exchange of letters referred to in Article 1(5) may stipulate that allowances provided for in Articles 16 and 17 will not be paid.

## CHAPTER VII

**FINAL PROVISIONS***Article 42***Complaints**

1. Without prejudice to the possibilities for instituting proceedings after taking up his/her position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union, any SNE may submit a complaint to the Human Resources Department about an act adopted by the EEAS under this Decision which adversely affects him/her, with the exception of decisions which are direct consequences of decisions taken by his/her employer.

2. The complaint must be lodged within two months. The period shall start to run on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification. The Human Resources Department shall notify the person concerned of its reasoned decision within four months of the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it.

*Article 43***Repeals**

Council Decision 2007/829/EC of 5 December 2007 and the Commission Decision of 12 November 2008 (C(2008) 6866) shall remain applicable to all secondments taking place at the time of the entry into force of this Decision, without prejudice to Article 44.

*Article 44***Effect**

This Decision shall take effect on the day of its adoption. With effect from that day it shall apply to:

- (a) any new secondment to the EEAS; and
- (b) any renewal of a secondment made previously to the Commission or Council, but which function has been transferred to the EEAS. In such cases, the period of secondment as set out in Article 2 shall be deemed to start from the date of the transfer to the EEAS.

Done at Brussels, 23 March 2011.

*The High Representative*  
C. ASHTON

## NOTICES FROM MEMBER STATES

**Information from the European Commission on the notification of competent authority by the Hellenic Republic under Directive 94/22/EC of the European Parliament and of the Council on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons**

(2012/C 12/05)

1. The European Commission informs that, in accordance with Article 10 of Directive 94/22/EC of the European Parliament and of the Council of 30 May 1994 on the conditions for granting and using authorisations for the prospection, exploration and production of hydrocarbons, the Hellenic Republic notified that the competent authority is the Directorate of Petroleum Policy of the Directorate-General for Energy of the Secretariat-General for Environment and Climate Change of the Ministry of Environment, Energy and Climate Change, Mesogion 119, 101 92 Athens, Greece.

2. All enquiries related to this notice should be directed to the Directorate of Petroleum Policy, Mesogion 119, 101 92 Athens, Greece, Tel. +30 2106969312 and +30 2106969422, Fax +30 2106969034, E-mail: [petrelpolit@eka.ypeka.gr](mailto:petrelpolit@eka.ypeka.gr)

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## NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

## EUROPEAN COMMISSION

**Publication of the Norwegian Ministry of Transport and Communications' intention of awarding a public service contract directly in accordance with Regulation (EC) No 1370/2007 of the European Parliament and of the Council on public passenger transport services by rail and by road and repealing Council Regulations (EEC) No 1191/69 and (EEC) No 1107/70 (\*)**

(2012/C 12/06)

1. Name and address of the competent authority:

The Norwegian Ministry of Transport and Communication  
Departement for Rail Transport  
PO Box 8010 Dep  
0030 Oslo  
NORWAY

2. Type of award envisaged:

Direct award

3. Services and areas potentially covered by the award:

National passenger services by rail: all services covered by a public service contract in 2011, except the Gjøvik line and the Ofoten line.

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(\*) Published in the EEA Supplement No 2, 12.1.2012, page 5.

## V

*(Announcements)*PROCEDURES RELATING TO THE IMPLEMENTATION OF COMPETITION  
POLICY

## EUROPEAN COMMISSION

**Prior notification of a concentration****(Case COMP/M.6438 — Saria/Teeuwissen/Jagero II/Quintet/Bioiberica)****(Text with EEA relevance)**

(2012/C 12/07)

1. On 6 January 2012, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Saria Bio-Industries AG & Co. KG (Saria, Germany), belonging to the Rethmann AG & Co. KG (the Rethmann Group, Germany), acquires within the meaning of Article 3(1)(b) of the Merger Regulation control of the undertakings Teeuwissen Holding BV (Teeuwissen, the Netherlands), Jagero Holding II, SL (Jagero II, Spain), Quintet Beheer BV (Quintet, the Netherlands) and Bioibérica, SA (Bioibérica, Spain), by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- For Saria: collection and processing of animal by-products into protein meals and fats as well as collection and processing of food leftovers to be used as input material for biogas production,
- For Teeuwissen: production of casings and purchasing and processing of abattoir by-products to be used by different industries,
- For Jagero II: holding company owning companies active in the production of casings and the processing of abattoir by-products to be used by different industries,
- For Quintet: holding company with interests in companies with very limited activities in the processing of abattoir by-products outside the EU,
- For Bioibérica: production and commercialization of Active Pharmaceutical Ingredients (APIs) and pharmaceutical products.

3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope the EC Merger Regulation. However, the final decision on this point is reserved.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1 (the 'EC Merger Regulation').

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (+32 22964301), by e-mail to COMP-MERGER-REGISTRY@ec.europa.eu or by post, under reference number COMP/M.6438 — Saria/Teeuwissen/Jagero II/Quintet/Bioiberica, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
1049 Bruxelles/Brussel  
BELGIQUE/BELGIË

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**DECISION TO CLOSE THE FORMAL INVESTIGATION PROCEDURE AFTER WITHDRAWAL BY  
MEMBER STATE**

**State aid — Poland**

**(Articles 107 to 109 of the Treaty on the Functioning of the European Union)**

**Commission notice pursuant to Article 108(2) of the TFEU — Withdrawal of notification**

**State aid SA.30340 (11/C) — LIP — PL — Fiat Powertrain Technologies Poland**

**(Text with EEA relevance)**

**(2012/C 12/08)**

The Commission has decided to close the formal investigation procedure under Article 108(2) of the TFEU, initiated on 9 February 2011 <sup>(1)</sup> in respect of the measure referred to above, recording that Poland has withdrawn its notification on 16 September 2011 and will reduce the aid amount, in order to respect the limits and fulfill the conditions of Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation) <sup>(2)</sup>.

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<sup>(1)</sup> OJ C 151, 21.5.2011, p. 5.

<sup>(2)</sup> OJ L 214, 9.8.2008, p. 3.











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