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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 637/2006
of 26 April 2006
establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

(1) Regulation (EC) No 3223/94 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 the Annex thereto.

(2) In compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 April 2006.

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

Done at Brussels, 26 April 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 337, 24.12.1994, p. 66. Regulation as last amended by Regulation (EC) No 386/2005 (OJ L 62, 9.3.2005, p. 3).

ANNEX

to Commission Regulation of 26 April 2006 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	052	130,1
	204	75,3
	212	139,0
	999	114,8
0707 00 05	052	109,9
	628	147,3
	999	128,6
0709 90 70	052	97,7
	204	46,1
	999	71,9
0805 10 20	052	37,7
	204	38,0
	212	45,4
	220	44,5
	624	65,3
	999	46,2
0805 50 10	052	43,0
	508	30,4
	624	59,0
	999	44,1
0808 10 80	388	83,2
	400	119,3
	404	94,7
	508	83,2
	512	85,8
	524	68,2
	528	93,4
	720	98,8
	804	104,8
	999	92,4
0808 20 50	388	92,5
	512	82,4
	524	29,4
	528	77,1
	720	51,8
	999	66,6

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 750/2005 (OJ L 126, 19.5.2005, p. 12). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 638/2006**of 26 April 2006****specifying the extent to which applications lodged in April 2006 for import certificates in respect of young male bovine animals for fattening as part of a tariff quota provided for in Regulation (EC) No 992/2005 may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1254/1999 of 17 May 1999 on the common organisation of the market in beef and veal ⁽¹⁾,

Having regard to Commission Regulation (EC) No 992/2005 of 29 June 2005 opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 2005 to 30 June 2006) ⁽²⁾, and in particular Articles 1(4) and 4 thereof,

Whereas:

Article 1(3)(d) of Regulation (EC) No 992/2005 lays down the number of young male bovine animals which may be imported

on special terms during the period from 1 April to 30 June 2006. The quantities covered by import licence applications submitted are such that applications may be accepted in full,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import certificates made in the month of April 2006 pursuant to Article 3(3), second subparagraph, third indent, of Regulation (EC) No 992/2005 are hereby met in full.

Article 2

This Regulation shall enter into force on 27 April 2006.

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

Done at Brussels, 26 April 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 160, 26.6.1999, p. 21. Regulation as last amended by Regulation (EC) No 1913/2005 (OJ L 307, 25.11.2005, p. 2).

⁽²⁾ OJ L 168, 30.6.2005, p. 16.

COMMISSION REGULATION (EC) No 639/2006**of 26 April 2006****amending the representative prices and additional duties for the import of certain products in the sugar sector fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1260/2001 of 19 June 2001 on the common organisation of the markets in the sugar sector ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽²⁾, and in particular the second sentence of the second subparagraph of Article 1(2), and Article 3(1) thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups for the 2005/2006 marketing year are fixed by

Commission Regulation (EC) No 1011/2005 ⁽³⁾. These prices and duties were last amended by Commission Regulation (EC) No 628/2006 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that the said amounts should be changed in accordance with the rules and procedures laid down in Regulation (EC) No 1423/95,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95, as fixed by Regulation (EC) No 1011/2005 for the 2005/2006 marketing year are hereby amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 27 April 2006.

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

Done at Brussels, 26 April 2006.

For the Commission

J. L. DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 178, 30.6.2001, p. 1. Regulation as last amended by Commission Regulation (EC) No 39/2004 (OJ L 6, 10.1.2004, p. 16).

⁽²⁾ OJ L 141, 24.6.1995, p. 16. Regulation as last amended by Regulation (EC) No 624/98 (OJ L 85, 20.3.1998, p. 5).

⁽³⁾ OJ L 170, 1.7.2005, p. 35.

⁽⁴⁾ OJ L 109, 22.4.2006, p. 7.

ANNEX

Amended representative prices and additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99 applicable from 27 April 2006

(EUR)

CN code	Representative price per 100 kg of the product concerned	Additional duty per 100 kg of the product concerned
1701 11 10 ⁽¹⁾	33,94	1,10
1701 11 90 ⁽¹⁾	33,94	4,72
1701 12 10 ⁽¹⁾	33,94	0,97
1701 12 90 ⁽¹⁾	33,94	4,43
1701 91 00 ⁽²⁾	38,15	6,16
1701 99 10 ⁽²⁾	38,15	2,89
1701 99 90 ⁽²⁾	38,15	2,89
1702 90 99 ⁽³⁾	0,38	0,29

⁽¹⁾ Fixed for the standard quality defined in Annex I.II to Council Regulation (EC) No 1260/2001 (OJ L 178, 30.6.2001, p. 1).

⁽²⁾ Fixed for the standard quality defined in Annex I.I to Regulation (EC) No 1260/2001.

⁽³⁾ Fixed per 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 April 2006

amending Decision 2006/274/EC concerning certain protection measures relating to classical swine fever in Germany*(notified under document number C(2006) 1716)***(Text with EEA relevance)**

(2006/306/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

(1) Outbreaks of classical swine fever have occurred in Germany.

(2) Commission Decision 2006/274/EC of 6 April 2006 concerning certain protection measures relating to classical swine fever in Germany and repealing Decision 2006/254/EC ⁽²⁾ was adopted in order to maintain and extend the measures taken by Germany pursuant to Council Directive 2001/89/EC of 23 October 2001 on Community measures for the control of classical swine fever ⁽³⁾.

(3) On the basis of epidemiological information provided by Germany, certain rules for the movement of pigs from and within the different areas of Germany should be amended.

(4) Decision 2006/274/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2006/274/EC is amended as follows:

1. In Article 1, paragraph 2 is replaced by the following:

‘2. By way of derogation from paragraph 1, Germany may authorise:

(a) the direct transport of slaughter pigs to a slaughterhouse outside Germany for immediate slaughter, provided that the vehicles used for transport of pigs comply with the requirements in Article 6(2)(a) and that the pigs originate from one single holding that is situated outside the areas listed in Annex I;

⁽¹⁾ OJ L 224, 18.8.1990, p. 29. Directive as last amended by Directive 2002/33/EC of the European Parliament and of the Council (OJ L 315, 19.11.2002, p. 14).⁽²⁾ OJ L 99, 7.4.2006, p. 36. Decision as amended by Decision 2006/297/EC (OJ L 108, 21.4.2006, p. 31).⁽³⁾ OJ L 316, 1.12.2001, p. 5. Directive as amended by the 2003 Act of Accession.

(b) the transport of breeding and production pigs to a holding outside Germany, provided that the vehicles used for transport of pigs comply with the requirements in Article 6(2)(a) and that the pigs have been resident for at least 45 days, or since birth if less than 45 days of age, on a single holding:

(i) which is situated outside the areas listed in Annex I;

(ii) which has not received live pigs during the 45-day period immediately prior to the date of dispatch of the pigs;

(iii) on which the clinical examination carried out in accordance with Chapter IV(D)(2) of the Annex to Decision 2002/106/EC have been completed with negative results.'

2. Article 2 is replaced by the following:

'1. Germany shall ensure that:

(a) without prejudice to the measures provided for in Directive 2001/89/EC, and in particular Articles 9, 10 and 11 thereof:

(i) no pigs are transported from and to holdings within the areas listed in Annex I(A);

(ii) transport of slaughter pigs coming from holdings situated outside the areas listed in Annex I(A) to slaughterhouses located within those areas and transit of pigs through those areas is only allowed:

— via major roads or railways, and

— in accordance with the detailed instructions provided for by the competent authority to prevent the pigs in question coming into direct or indirect contact with other pigs during transport.

(b) no pigs are dispatched from the areas listed in Annex I(B) to other areas within Germany, except for direct transport of:

(i) slaughter pigs to a slaughterhouse for immediate slaughter, provided that the pigs originate from one single holding;

(ii) breeding and production pigs to a holding, provided that the pigs have been resident for at least 45 days, or since birth if less than 45 days of age, on a single holding:

— which has not received live pigs during the 45-day period immediately prior to the date of dispatch of the pigs; and

— on which the clinical examination carried out in accordance with Chapter IV(D)(2) of the Annex to Decision 2002/106/EC have been completed with negative results.

2. By way of derogation from paragraph 1(a) the competent authority may authorise the transport of pigs from a holding situated within the areas listed in Annex I(A) but outside a protection or surveillance zone:

(a) directly to a slaughterhouse situated within those areas, or in exceptional cases, to designated slaughterhouses in Germany located outside those areas, for immediate slaughter, provided that the pigs are dispatched from a holding on which the clinical examination carried out in accordance with Chapter IV(D)(3) of the Annex to Decision 2002/106/EC have been completed with negative results.

(b) to a holding situated within those areas, provided that the pigs have been resident for at least 45 days, or since birth if less than 45 days of age, on a single holding which:

(i) has not received live pigs during the 45-day period immediately prior to the date of dispatch of the pigs;

(ii) on which the clinical examination carried out in accordance with Chapter IV(D)(2) of the Annex to Decision 2002/106/EC have been completed with negative results.

3. By way derogation from paragraph 1(a) the competent authority may authorise the direct transport of pigs from a holding situated within a surveillance zone to a designated holding in which no pigs are present and which is situated within the same surveillance zone 'or protection zone it surrounds', provided that:

- this movement takes place in accordance with the conditions laid down in Article 11, paragraphs (1) point (f) and (2) Directive 2001/89/EC;
- the examinations provided for in Chapter IV(D)(2) of the Annex to Decision 2002/106/EC have been completed with negative results on the holding from which the pigs are dispatched.

The German authorities shall record the above movements and inform immediately the Commission thereof in the Standing Committee on the Food Chain and Animal Health'.

3. Article 3 is replaced by the following:

'Article 3

Germany shall ensure that no consignments of the following commodities are dispatched to other member States and to third countries:

- (a) porcine semen, unless the semen originates from boars kept at a collection centre referred to in Article 3(a) of Directive 90/429/EEC and situated outside the areas listed in Annex I(A);
- (b) ova and embryos of swine, unless the ova and embryos originate from swine kept at a holding situated outside the areas listed in Annex I(A).'

4. In Article 5, points 1 and 2 are replaced by the following:

- '1. within the areas listed in Annex I(A) at least one risk based zone is defined by the competent authorities and that at least the services provided by persons in direct contact with pigs or requiring entering the housing areas for pigs and the use of vehicles for transport of feed, manure or dead animals to and from pig holdings situated in the areas listed in Annex I(A) are limited to that or those defined zones and are not shared with other parts of the Community unless after thorough

cleansing and disinfection of the vehicles, equipment and any other fomite and a minimum absence of any contact to pigs or pig holdings of at least three days; contacts in connection with transport carried out pursuant to Article 2(2)(a) shall be deemed to have taken place within that defined zone or those defined zones;

- 2. in the areas listed in Annex I(A) surveillance measures are carried out in accordance with the principles set out in Annex II.'
5. In Article 6, paragraphs 1 and 2(a) are replaced by the following:

'1. Member States shall not send pigs to slaughterhouses in the areas listed in Annex I(A).

2. Member States shall ensure that:

- (a) vehicles which have been used for the transport of pigs in Germany or have entered a holding in Germany where pigs are kept are cleaned and disinfected twice after the last operation before these vehicles may be used for the transport of pigs outside Germany;'

6. Annex I is replaced by the text in the Annex to this Decision.

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 April 2006.

For the Commission
Markos KYPRIANOU
Member of the Commission

ANNEX

'ANNEX I

Areas in Germany referred to in Articles 1, 2, 3, 5 and 6:

- A. In North Rhine-Westfalia: the territory of the "Regierungsbezirke" Arnsberg, Düsseldorf and Münster.
 - B. In North Rhine-Westfalia: the territory of the "Regierungsbezirke" Detmold and Köln.'
-

EUROPEAN ECONOMIC AREA
EFTA SURVEILLANCE AUTHORITY

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 193/04/COL

of 14 July 2004

on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ⁽¹⁾,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) thereof,

Having regard to the Act referred to at point 5cl of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement (*Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services*), and in particular Article 19(1) thereof,

Whereas:

- (1) Under the new regulatory framework for electronic communications networks and services, national regulatory authorities have an obligation to contribute to the development of the internal market by, *inter alia*, cooperating with each other and with the Authority in a transparent manner to ensure the development of consistent regulatory practice and the consistent application of the Directives making up the new regulatory framework.
- (2) In order to ensure that decisions at national level do not have an adverse effect on the functioning of the EEA Agreement or the objectives pursued by the new regulatory framework, national regulatory authorities must notify to the EFTA Surveillance Authority (hereinafter

the Authority) and other national regulatory authorities within the European Economic Area (EEA) those draft measures identified in Article 7(3) of Directive 2002/21/EC (Framework Directive).

- (3) As an additional requirement, national regulatory authorities must obtain the Authority's authorisation for obligations covered by the second subparagraph of Article 8(3) of Directive 2002/19/EC of the European Parliament and of the Council (Access Directive), referred to at point 5cj of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement, which constitutes a separate process.
- (4) The Authority will give national regulatory authorities, if they so request, an opportunity to discuss any draft measure, before formal notification thereof under Article 7 of Directive 2002/21/EC (Framework Directive) and Article 8(3) of Directive 2002/19/EC (Access Directive). If, pursuant to Article 7(4) of Directive 2002/21/EC (Framework Directive), the Authority has indicated to the national regulatory authority that it considers that the draft measure would create a barrier to the functioning of the EEA Agreement or if it has serious doubts as to its compatibility with the EEA law, the national regulatory authority concerned will be given an early opportunity to express its views in relation to the issues raised by the Authority.
- (5) Directive 2002/21/EC (Framework Directive) lays down certain binding time limits for the consideration of notifications under Article 7.
- (6) In order to facilitate and ensure the effectiveness of the cooperation and consultation mechanism set out in Article 7 of Directive 2002/21/EC (Framework Directive) and in the interests of legal certainty, clear rules are needed for the notification process and the examination by the Authority of a notification and for calculating the legal time limits referred to above.

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

- (7) It would likewise be beneficial to clarify procedural arrangements in the context of the second subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive).
- (8) In order to simplify and expedite the examination of a notified draft measure, it is desirable for national regulatory authorities to use a standard format for notifications (summary notification form).
- (9) By common accord between the EFTA States, the English language is to be used as the working language for all communications between the EFTA States and the Authority. This is without prejudice to the rights of private parties and undertakings to submit documents in any of the EEA languages, as provided for by the EEA Agreement.
- (10) In order to comply with the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive), and in particular with the need to ensure the development of consistent regulatory practices and the consistent application of that Directive, it is essential that the notification mechanism laid down in Article 7 thereof is fully respected and as effective as possible.
- (11) In order to allow for a consistent application of the new regulatory regime across the whole of the EEA and to reap the full benefits of the cooperation between the national regulatory authorities, it is vital that the flow of information between both the EFTA and the EC pillar of the EEA is ensured. A specific adaptation to Article 7(3) of Directive 2002/21/EC (Framework Directive) to this effect contained in EEA Joint Committee Decision No 11/2004 provides that 'The exchange of information between the national regulatory authorities of the EFTA States on the one hand and the national regulatory authorities of the EC Member States on the other hand shall pass through the EFTA Surveillance Authority and the Commission.'
- (12) The EFTA Communications Committee has delivered its favourable opinion in accordance with Article 22(2) of Directive 2002/21/EC (the Framework Directive),
- 'Recommendation on relevant markets' means the Authority's Recommendation 194/04/COL on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services;
- 'Notification' means the notification to the Authority by a national regulatory authority of a draft measure pursuant to Article 7(3) of Directive 2002/21/EC (Framework Directive) or a request pursuant to the second subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive), accompanied by the summary notification form as provided in this Recommendation (Annex I).
2. Notifications should be effected, where possible, by electronic means.
- The Authority will operate an electronic system to receive notifications. In this case, national regulatory authorities shall use this system exclusively.
- Documents sent by electronic means will be presumed to have been received by the addressee on the day on which they were sent or submitted to the electronic system.
- Subject to point 6 below, notifications and supporting documents will be registered in the order in which they have been received.
3. Notifications will become effective on the date on which the Authority registers them ('date of registration'). The date of registration will be the date on which a complete notification is received by the Authority.

HEREBY RECOMMENDS THAT:

1. Terms defined in Directive 2002/21/EC (Framework Directive) and the specific directives have the same meaning when used in this Recommendation. In addition:

Notice will be given on the Authority's website and by electronic means to all national regulatory authorities of the date of registration of the notification, the subject matter of the notification and of any supporting documentation received.

4. Draft national measures, together with the reasoning on which the measure is based, as well as the summary notification form, should be in the English language.
5. Draft measures notified by a national regulatory authority should be accompanied by the documentation necessary for the Authority to carry out its tasks. Draft measures should be sufficiently reasoned.
6. Notifications should include each of the following where applicable:
 - (a) the relevant product or service market;
 - (b) the relevant geographic market;
 - (c) the main undertaking(s) active on the relevant market;
 - (d) the results of the analysis of the relevant market, in particular the findings as to the presence or absence of effective competition therein, together with the reasons therefor;
 - (e) where appropriate, the undertaking(s) to be designated as having, individually or jointly with others, significant market power within the meaning of Article 14 of Directive 2002/21/EC (Framework Directive) and the reasoning, evidence and/or any other relevant factual information in support of such designation;
 - (f) the results of prior public consultation carried out by the national regulatory authority;
 - (g) the opinion issued by the national competition authority, where provided;
 - (h) elements to show that at the time of notification to the Authority, appropriate steps have been taken to notify the draft measure to national regulatory authorities in all other EEA EFTA States, to the extent any electronic system operated by the Authority does not ensure such notification;
 - (i) in the case of notification of draft measures which fall within the scope of Articles 5 or 8 of Directive 2002/19/EC (Access Directive) or Article 16 of Directive 2002/22/EC of the European Parliament and of the Council (Universal Service Directive)⁽¹⁾, the specific regulatory obligation(s) proposed to address the lack of effective competition in the relevant market concerned or, in the case where a relevant market is found to be effectively competitive and such obligations have already been imposed in relation to it, the measures proposed to withdraw those obligations.
7. Where a draft measure defines, for the purposes of the market analysis, a relevant market which differs from those in the Recommendation on relevant markets, national regulatory authorities should provide sufficient reasoning as to the criteria relied upon for such a market definition.
8. Notifications made in accordance with the second paragraph of Article 8(3) of Directive 2002/19/EC (Access Directive) should also contain adequate reasoning as to why obligations other than those listed in Articles 9 to 13 thereof should be imposed on operators with significant market power.
9. Notifications falling within the scope of Article 8(5) of Directive 2002/19/EC (Access Directive) should also contain adequate reasoning as to why the intended measures are required in order to comply with international commitments.
10. Notifications that include the applicable information within the meaning of point 6 will be presumed complete. Where the information, including documents, contained in the notification is incomplete in a material respect, the Authority will within five working days of receipt inform the national regulatory authority concerned and specify the extent to which it considers the notification to be incomplete. The notification will not be registered for so long as the national regulatory authority concerned has not provided the necessary information. In such cases for the purposes of Article 7 of Directive 2002/21/EC (Framework Directive) the notification will become effective on the date on which the Authority receives the complete information.

⁽¹⁾ Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), as referred to at point 5cm of Annex XI to the EEA Agreement and as adapted by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement.

11. Without prejudice to point 6 above, following registration of a notification, the Authority, in accordance with Article 5(2) of Directive 2002/21/EC (Framework Directive), may seek further information or clarification from the national regulatory authority concerned. National regulatory authorities should endeavour to provide the information requested within three working days, where this is readily available.
12. Where the Authority makes comments in accordance with Article 7(3) of Directive 2002/21/EC (Framework Directive), it will notify the national regulatory authority concerned by electronic means and publish such comments on its website.
13. Where a national regulatory authority makes comments in accordance with Article 7(3) of Directive 2002/21/EC (Framework Directive), it shall communicate those comments by electronic means to the Authority and the other national regulatory authorities.
14. Where the Authority in applying Article 7(4) of Directive 2002/21/EC (Framework Directive) considers that a draft measure would create a barrier to the functioning of the EEA Agreement or it has serious doubts as to its compatibility with EEA law, and in particular the objectives referred to in Article 8 of Directive 2002/21/EC (Framework Directive); or subsequently
 - (a) withdraws the objections mentioned above, or
 - (b) takes a decision requiring a national regulatory authority to withdraw the draft measure,it will notify the national regulatory authority concerned by electronic means and post a notice on its website.
15. With regard to notifications made pursuant to the second paragraph of Article 8(3) of Directive 2002/19/EC (Access Directive), the Authority, acting in accordance with Article 14(2) thereof will normally take a decision authorizing or preventing the national authority from adopting the proposed draft measure within a period not exceeding three months. The Authority may decide to extend this period for a further two months in view of the difficulties raised.
 - (a) withdraws the objections mentioned above, or
 - (b) takes a decision requiring a national regulatory authority to withdraw the draft measure,it will notify the national regulatory authority concerned by electronic means and post a notice on its website.
16. A national regulatory authority may at any time decide to withdraw the notified draft measure, in which case the notified measure will be removed from the register. The Authority will publish an appropriate notice to that effect on its website.
17. Where a national regulatory authority that has received comments from the Authority or another national regulatory authority made in accordance with Article 7(3) of Directive 2002/21/EC (Framework Directive), adopts the draft measure, on the Authority's request it shall provide information to the Authority and other national regulatory authorities of the manner in which it took the utmost account of the comments made.
18. When requested by a national regulatory authority, the Authority will informally discuss a draft measure prior to notification.
19. Any period of time referred to in Directive 2002/21/EC (Framework Directive) or in this Recommendation will be calculated as follows:
 - (a) where a period expressed in days, weeks or months is to be calculated from the moment at which an event occurs, the day during which that event occurs shall not be counted as falling within the period in question;
 - (b) a period expressed in weeks or in months shall end with the expiry of whichever day in the last week or month is the same day of the week or falls on the same date as the day during which the event from which the period is to be calculated occurred. If in a period expressed in months the day on which it should expire does not occur in the last month, the period shall end with the expiry of the last day of that month;
 - (c) time periods shall include public holidays, Saturdays and Sundays, save where these are expressly excluded or where the periods are expressed in working days;
 - (d) public holidays means all days designated as such by the EFTA State concerned or by the Authority;

(e) working days means all days other than public holidays, Saturdays and Sundays.

Where the time period would end on a Saturday, Sunday or public holiday, it shall be extended until the end of the first following working day.

The Authority publishes a list of public holidays designated by the EFTA States and by the Authority each year in the *EEA Supplement to the Official Journal of the EU*. The EFTA States shall transmit a list of public holidays to the Authority upon request.

20. The Authority, together with the national regulatory authorities, will evaluate the necessity of reviewing these rules, in principle no earlier than 1 September 2005.

21. This Recommendation is addressed to the EFTA States.

Done at Brussels, 14 July 2004.

For the EFTA Surveillance Authority
Hannes HAFSTEIN
President

ANNEX

FORM RELATING TO NOTIFICATIONS OF DRAFT MEASURES PURSUANT TO ARTICLE 7 OF DIRECTIVE 2002/21/EC (FRAMEWORK DIRECTIVE)**(‘Summary Notification Form’)****Introduction**

This form specifies the summary information to be provided by national regulatory authorities to the Authority when notifying draft measures in accordance with Article 7 of Directive 2002/21/EC (Framework Directive).

The Authority intends to discuss with national regulatory authorities issues related to the implementation of Article 7, especially during pre-notification meetings. Accordingly, national regulatory authorities are encouraged to consult the Authority on any aspect of this form and in particular on which kind of information they are requested to supply or conversely the possibility to dispense with the obligation to provide certain information in relation to the market analysis carried out by national regulatory authorities pursuant to Articles 15 and 16 of Directive 2002/21/EC (Framework Directive).

Correct and complete information

All information submitted by national regulatory authorities should be correct and complete and reproduced in a summarised manner in the form prescribed below. The form does not intend to replace the notified draft measure but should enable the Authority and the national regulatory authorities of other EEA States to verify that the notified draft measure does indeed contain, by reference to the information contained in the form, all information which is necessary in order for the Authority to carry out its tasks under Article 7 of Directive 2002/21/EC (Framework Directive) within the time period prescribed therein.

The information required by this form should be set out in the sections and paragraph numbers of the form with cross-references to the body of the draft measure where this information is to be found.

SUMMARY NOTIFICATION FORM

SECTION 1

Market definition

Please state where applicable:

- 1.1. the affected relevant product/service market. Is this market mentioned in the Recommendation on relevant markets?
- 1.2. the affected relevant geographic market;
- 1.3. a brief summary of the opinion of the national competition authority where provided;
- 1.4. a brief overview of the results of the public consultation to date on the proposed market definition (for example, how many comments were received, which respondents agreed with the proposed market definition, which respondents disagreed with it);
- 1.5. where the defined relevant market is different from those listed in the Recommendation on relevant markets, a summary of the main reasons which justified the proposed market definition by reference to Section 2 of the Authority’s Guidelines on the definition of the relevant market and the assessment of significant market power⁽¹⁾, and the three main criteria mentioned in recitals 12 to 19 of the Recommendation on relevant markets.

⁽¹⁾ Authority guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications and services.

SECTION 2

Designation of undertakings with significant market power

Please state where applicable:

2.1. the name(s) of the undertaking(s) designated as having individually or jointly significant market power.

Where applicable, the name(s) of the undertaking(s) which is (are) considered to no longer have significant market power;

2.2. the criteria relied upon for deciding to designate or not an undertaking as having individually or jointly with others significant market power;

2.3. the name of the main undertakings (competitors) present/active in the relevant market;

2.4. the market shares of the undertakings mentioned above and the basis of their calculation (e.g., turnover, number of subscribers).

Please provide a brief summary of:

2.5. the opinion of the national competition authority, where provided;

2.6. the results of the public consultation to date on the proposed designation(s) as undertaking(s) having significant market power (e.g., total number of comments received, numbers agreeing/disagreeing).

SECTION 3

Regulatory obligations

Please state where applicable:

3.1. the legal basis for the obligations to be imposed, maintained, amended or withdrawn (Articles 9 to 13 of Directive 2002/19/EC (Access Directive));

3.2. the reasons for which the imposition, maintenance or amendment of obligations on undertakings is considered proportional and justified in the light of the objectives laid down in Article 8 of Directive 2002/21/EC (Framework Directive). Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found;

3.3. if the remedies proposed are other than those set out in Articles 9 to 13 of Directive 2002/19/EC (Access Directive), please indicate which are the 'exceptional circumstances' within the meaning of Article 8(3) thereof which justify the imposition of such remedies. Alternatively, indicate the paragraphs, sections or pages of the draft measure where such information is to be found.

SECTION 4

Compliance with international obligations

In relation to the third indent of the first subparagraph of Article 8(3) of Directive 2002/19/EC (Access Directive), please state where applicable:

- 4.1. whether the proposed draft measure intends to impose, amend or withdraw obligations on market players as provided for in Article 8(5) of Directive 2002/19/EC (Access Directive);
 - 4.2. the name(s) of the undertaking(s) concerned;
 - 4.3. which are the international commitments entered into by the EFTA State that need to be respected.
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RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 194/04/COL

of 14 July 2004

on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services, as incorporated into the Agreement on the European Economic Area

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area ⁽¹⁾,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice, and in particular Article 5(2)(b) thereof,

Having regard to the Act referred to at point 5cl of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement, Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services ⁽²⁾, and in particular Article 15(1) thereof,

Whereas:

(1) Directive 2002/21/EC (hereinafter the Framework Directive), establishes a new legislative framework for the electronic communications sector that seeks to respond to convergence trends by covering all electronic communications networks and services within its scope. The aim is to reduce *ex ante* sector-specific rules progressively as competition in the market develops.

(2) Article 15 of the Framework Directive provides that the EFTA Surveillance Authority (hereinafter the Authority) shall, after public consultation and consultation with national regulatory authorities (NRAs) in the EFTA States adopt a recommendation on relevant product and service markets.

(3) The European Commission has issued Recommendation 2003/311/EC on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC ⁽³⁾.

(4) In order to ensure homogenous application of EEA law throughout the European Economic Area, the Authority aligns this Recommendation as closely as possible with the respective Commission Recommendation.

(5) The purpose of this Recommendation is to identify those product and service markets in which *ex ante* regulation may be warranted. However, this first Recommendation has to be consistent with the transition from the 1998 regulatory framework to the new regulatory framework. Directive 2002/19/EC of the European Parliament and of the Council on access to, and interconnection of, electronic communications networks and associated facilities ⁽⁴⁾, hereinafter the Access Directive, and Directive 2002/22/EC of the European Parliament and of the Council on universal service and users' rights relating to electronic communications networks and services ⁽⁵⁾, hereinafter the Universal Service Directive, already identify specific market areas which need to be analysed by NRAs in addition to the markets listed in this Recommendation. In accordance with the Framework Directive, it is for NRAs to define relevant geographic markets within their territory.

(6) Under the 1998 regulatory framework, several areas in the telecommunications sector are subject to *ex ante* regulation. These areas have been delineated in the applicable directives, but are not always 'markets' within the meaning of EEA competition law and practice. Annex I of the Framework Directive provides a list of such market areas to be included in the initial version of the Recommendation.

(7) As the title of Annex I of the Framework Directive makes clear, all the market areas listed therein need to be included in the initial version of the Recommendation in order that NRAs can carry out a review of existing obligations imposed under the 1998 regulatory framework.

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

⁽²⁾ OJ L 108, 24.4.2002, p. 33.

⁽³⁾ OJ L 114, 8.5.2003, p. 45.

⁽⁴⁾ OJ L 108, 24.4.2002, p. 7, as referred to at point 5cj of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement.

⁽⁵⁾ OJ L 108, 24.4.2002, p. 51, as referred to at point 5cm of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement.

- (8) Article 15(1) of the Framework Directive requires the Authority to define markets in accordance with the principles of EEA competition law. The Authority has therefore defined markets (corresponding to the market areas listed in Annex I of the Framework Directive) in accordance with EEA competition law principles.
- (9) There are in the electronic communications sector at least two main types of relevant markets to consider: markets for services or products provided to end users (retail markets), and markets for the inputs which are necessary for operators to provide services and products to end users (wholesale markets). Within these two types of markets, further market distinctions may be made depending on demand and supply side characteristics.
- (10) The starting point for the definition and identification of markets is a characterisation of retail markets over a given time horizon, taking into account demand-side and supply-side substitutability. Having characterised and defined retail markets which are markets involving the supply and demand of end users, it is then appropriate to identify relevant wholesale markets which are markets involving the demand of products of, and supply of products to, a third party wishing to supply end users.
- (11) Defining markets in accordance with the principles of EEA competition law means that some of the market areas in Annex I of the Framework Directive comprise a number of separate individual markets on the basis of demand side characteristics. This is the case of products for retail access to the public telephone network at a fixed location and for telephone services provided at a fixed location. The market area in Annex I referring to wholesale leased lines is defined as separate markets for wholesale terminating segments and wholesale trunk segments on the basis of both demand side and supply side characteristics.
- (12) In identifying markets in accordance with EEA competition law principles, recourse should be had to the following three criteria. The first criterion is the presence of high and non-transitory entry barriers whether of structural, legal or regulatory nature. However, given the dynamic character and functioning of electronic communications markets, possibilities to overcome barriers within a relevant time horizon have also to be taken into consideration when carrying out a prospective analysis to identify the relevant markets for possible *ex ante* regulation. Therefore the second criterion admits only those markets the structure of which does not tend towards effective competition within the relevant time horizon. The application of this criterion involves examining the state of competition behind the barriers of entry. The third criterion is that application of EEA competition law alone would not adequately address the market failure(s) concerned.
- (13) In particular, as far as entry barriers are concerned, two types of entry barriers are relevant for the purpose of this Recommendation: structural barriers and legal or regulatory barriers.
- (14) Structural barriers to entry result from original cost or demand conditions that create asymmetric conditions between incumbents and new entrants impeding or preventing market entry of the latter. For instance, high structural barriers may be found to exist when the market is characterised by substantial economies of scale and/or economies of scope and high sunk cost. To date, such barriers can still be identified with respect to the widespread deployment and/or provision of local access networks to fixed locations. A related structural barrier can also exist where the provision of service requires a network component that cannot be technically duplicated or only duplicated at a cost that makes it uneconomic for competitors.
- (15) Legal or regulatory barriers are not based on economic conditions, but result from legislative, administrative or other state measures that have a direct effect on the conditions of entry and/or the positioning of operators on the relevant market. Examples are legal or regulatory barriers preventing entry into a market where there is a limit on the number of undertakings that have access to spectrum for the provision of underlying services. Other examples of legal or regulatory barriers are price controls or other price related measures imposed on undertakings, which affect not only entry but also the positioning of undertakings on the market.
- (16) Entry barriers may also become less relevant with regard to innovation-driven markets characterised by ongoing technological progress. In such markets, competitive constraints often come from innovative threats from potential competitors that are not currently in the market. In such innovation-driven markets, dynamic or longer term competition can take place among firms that are not necessarily competitors in an existing 'static' market. This Recommendation does not identify markets where entry barriers are not expected to persist over a foreseeable period.

- (17) Even when a market is characterised by high barriers to entry, other structural factors in that market may mean that the market tends towards an effectively competitive outcome within the relevant time horizon. This may for instance be the case in markets with a limited, but sufficient, number of undertakings having diverging cost structures and facing price-elastic market demand. There may also be excess capacity in a market that would allow rival firms to expand output very rapidly in response to any price increase. In such markets, market shares may change over time and/or falling prices may be observed.
- (18) The decision to identify a market as justifying possible *ex ante* regulation should also depend on an assessment of the sufficiency of EEA competition law in reducing or removing such barriers or in restoring effective competition. Furthermore, new and emerging markets, in which market power may be found to exist because of 'first-mover' advantages, should not in principle be subject to *ex ante* regulation.
- (19) In undertaking periodic reviews of the markets identified in this Recommendation, the three criteria should be used. These criteria should be applied cumulatively, so that failing any one of them means that the market should not be identified in subsequent recommendations. Thus, whether an electronic communications market continues to be identified by subsequent versions of the Recommendation as justifying possible *ex ante* regulation would depend on the persistence of high entry barriers, on the second criterion measuring the dynamic state of competitiveness and thirdly on the sufficiency of EEA competition law (absent *ex ante* regulation) to address persistent market failures. A market could also be removed from a recommendation once there is evidence of sustainable and effective competition on that market within the European Economic Area, provided that the removal of existing regulation obligations would not reduce competition on that market.
- (20) The Annex to this Recommendation indicates how each market in the Recommendation is linked to the market areas in Annex I to the Framework Directive. When reviewing existing obligations imposed under the previous regulatory framework, in order to determine whether to maintain, amend or withdraw them, NRAs should undertake the analysis on the basis of the markets identified in this Recommendation, in order to give effect to the requirement that market definition for the purposes of *ex ante* regulation should be based on EEA competition law principles. Pending the first market analysis by NRAs under the new regulatory framework, existing obligations remain in force.
- (21) The identification of markets in this Recommendation is without prejudice to markets that may be defined in specific cases under EEA competition law.
- (22) The range of different network topologies and technologies deployed across the European Economic Area means that in some cases NRAs must decide the precise boundaries between, or elements within, particular markets identified in the Recommendation, while adhering to EEA competition law principles. NRAs may identify markets that differ from those of the Recommendation, provided they act in accordance with Article 7 of the Framework Directive. Since the imposition of *ex ante* regulation on a market could affect trade between the Contracting Parties to the EEA Agreement as described in recital 38 of the Framework Directive, the Authority considers that the identification of any market that differs from those of the Recommendation are likely to be subject to the appropriate procedure in Article 7 of the Framework Directive. Failure to notify a market which affects trade between the contracting parties to the EEA Agreement may result in infringement proceedings being taken. Any market identified by NRAs should be based on the EEA competition principles developed in the EFTA Surveillance Authority Notice on the definition of relevant market for the purposes of EEA competition law⁽¹⁾, and be consistent with the Authority's Guidelines on market analysis and the assessment of significant market power and satisfy the three criteria set out above. Should an NRA consider that demand and supply patterns may justify an alternative market definition of a market listed in this Recommendation, it should then follow the appropriate procedures set out in Article 6 and 7 of the Framework Directive.
- (23) The fact that this Recommendation identifies those product and service markets in which *ex ante* regulation may be warranted does not mean that regulation is always warranted or that these markets will be subject to the imposition of regulatory obligations set out in the specific Directives. Regulation will not be warranted if there is effective competition on these markets. In particular, regulatory obligations must be appropriate and be based on the nature of the problem identified, proportionate and justified in the light of the objectives laid down in the Framework Directive, in particular maximising benefits for users, ensuring no distortion or restriction of competition, encouraging efficient investment in infrastructure and promoting innovation, and encouraging efficient use and management of radio frequencies and numbering resources.
- (24) This Recommendation has been subject to a public consultation and to consultation with NRAs and national competition authorities,

⁽¹⁾ OJ L 200, 16.7.1998, p. 48 and EEA Supplement to the OJ No 28, 16.7.1998, p. 3.

HAS ADOPTED THIS RECOMMENDATION:

1. In defining relevant markets in accordance with Article 15(3) of the Act referred to at point 5cl of Annex XI to the EEA Agreement and as adapted to the Agreement by Protocol 1 thereto and by the sectoral adaptations contained in Annex XI to that Agreement, *Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services*, national regulatory authorities are recommended to analyse the product and service markets identified in the Annex.
2. This Recommendation is addressed to the EFTA States.

Done at Brussels, 14 July 2004.

For the EFTA Surveillance Authority
Hannes HAFSTEIN
President

ANNEX

Retail level

1. Access to the public telephone network at a fixed location for residential customers.
2. Access to the public telephone network at a fixed location for non-residential customers.
3. Publicly available local and/or national telephone services provided at a fixed location for residential customers.
4. Publicly available international telephone services provided at a fixed location for residential customers.
5. Publicly available local and/or national telephone services provided at a fixed location for non-residential customers.
6. Publicly available international telephone services provided at a fixed location for non-residential customers.

These six markets are identified for the purpose of analysis in respect of Article 17 of the Universal Service Directive.

Together, markets 1 through 6 correspond to 'the provision of connection to and use of the public telephone network at fixed locations', referred to in Annex I(1) of the Framework Directive. This combined market is also referred to in Article 19 of the Universal Service Directive (for possible imposition of carrier call-by-call selection or carrier selection).

7. The minimum set of leased lines (which comprises the specified types of leased lines up to and including 2 Mb/sec as referenced in Article 18 and Annex VII of the Universal Service Directive).

This market is referred to in Annex I(1) of the Framework Directive in respect of Article 16 of the Universal Service Directive (the provision of leased lines to end users).

A market analysis must be undertaken for the purposes of Article 18 of the Universal Service Directive which covers regulatory controls on the provision of the minimum set of leased lines.

Wholesale level

8. Call origination on the public telephone network provided at a fixed location. For the purposes of this Recommendation, call origination is taken to include local call conveyance and delineated in such a way as to be consistent with the delineated boundaries for the markets for call transit and for call termination on the public telephone network provided at a fixed location.

This market corresponds to that referred to in Annex I(2) of the Framework Directive in respect of Directive 97/33/EC (call origination in the fixed public telephone network).

9. Call termination on individual public telephone networks provided at a fixed location.

For the purposes of this Recommendation, call termination is taken to include local call conveyance and delineated in such a way as to be consistent with the delineated boundaries for the markets for call origination and for call transit on the public telephone network provided at a fixed location.

This market corresponds to the one referred to in Annex I(2) of the Framework Directive in respect of Directive 97/33/EC (call termination in the fixed public telephone network).

10. Transit services in the fixed public telephone network.

For the purposes of this Recommendation, transit services are taken as being delineated in such a way as to be consistent with the delineated boundaries for the markets for call origination and for call termination on the public telephone network provided at a fixed location.

This market corresponds to the one referred to in Annex I(2) of the Framework Directive in respect of Directive 97/33/EC (transit services in the fixed public telephone network).

11. Wholesale unbundled access (including shared access) to metallic loops and sub-loops for the purpose of providing broadband and voice services.

This market corresponds to that referred to in Annex I(2) of the Framework Directive in respect of Directive 97/33/EC and Directive 98/10/EC (access to the fixed public telephone network, including unbundled access to the local loop) and to that referred to in Annex I(3) of the Framework Directive in respect of Regulation (EC) No 2887/2000.

12. Wholesale broadband access.

This market covers 'bit-stream' access that permit the transmission of broadband data in both directions and other wholesale access provided over other infrastructures, if and when they offer facilities equivalent to bit-stream access. It includes 'Network access and special network access' referred to in Annex I(2) of the Framework Directive, but does not cover the market in point 11 above, nor the market in point 18.

13. Wholesale terminating segments of leased lines.

14. Wholesale trunk segments of leased lines.

Together, the wholesale markets 13 and 14 correspond to those referred to in Annex I(2) of the Framework Directive in respect of Directive 97/33/EC and Directive 98/10/EC (leased line interconnection) and to those referred to in Annex I(2) of the Framework Directive in respect of Directive 92/44/EEC (wholesale provision of leased line capacity to other suppliers of electronic communications networks or services).

15. Access and call origination on public mobile telephone networks, referred to (separately) in Annex I(2) of the Framework Directive in respect of Directives 97/33/EC and 98/10/EC.

16. Voice call termination on individual mobile networks.

This market corresponds to the one referred to in Annex I(2) of the Framework Directive in respect of Directive 97/33/EC (call termination on public mobile telephone networks).

17. The wholesale national market for international roaming on public mobile networks.

This market corresponds to the one referred to in Annex I(4) of the Framework Directive.

18. Broadcasting transmission services, to deliver broadcast content to end users.

Note:

NRAs have discretion with respect to the analysis of the market for 'Conditional access systems to digital television and radio services broadcast' in accordance with Article 6(3) of the Access Directive. Article 6(3) of the Access Directive provides that EFTA States may permit their NRAs to review the market for conditional access system to digital television and radio services broadcast, irrespective of the means of transmission.

DECISION OF THE EFTA SURVEILLANCE AUTHORITY

No 319/05/COL

of 14 December 2005

on amendments to College Decision No 195/04/COL on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice

THE EFTA SURVEILLANCE AUTHORITY,

HAS ADOPTED THIS DECISION:

HAVING REGARD TO the Agreement on the European Economic Area ⁽¹⁾, in particular to Articles 61 to 63 and Protocol 26 thereof,

- 1a. Article 3(1) of Decision No 195/04/COL shall be replaced by the following,

HAVING REGARD TO the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice ⁽²⁾, in particular to Articles 5(2)(a) and 24 thereof and Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement,

'The notification shall be transmitted to the Authority by the Mission to the European Union of the EFTA State concerned or any other contact point designated by the EFTA State. It shall be addressed to the Competition and State Aid Directorate of the Authority. The Competition and State Aid Directorate of the Authority may nominate contact points for the receipt of notifications'.

WHEREAS on 14 July 2004, the EFTA Surveillance Authority adopted Decision No 195/04/COL on the implementing provisions referred to under Article 27 in Part II of Protocol 3 to the Surveillance and Court Agreement,

- 1b. Article 3(6) of Decision No 195/04/COL shall be replaced by the following,

WHEREAS the EFTA Surveillance Authority, as required by Article 3(1) of Decision No 195/04/COL, will implement a electronic notification system as of 1 January 2006,

'After consulting the EFTA States, the Authority shall publish in the EEA Section of and the EEA Supplement to the Official Journal of the European Union details of the arrangements for the electronic transmission of notifications, including addresses together with any necessary arrangements for the protection of confidential information'.

WHEREAS the EFTA States, for the purposes of submission of electronic notifications and related correspondence, have designated one contact point,

- 1c. The second sentence of the fourth paragraph of Annex I to Decision No 195/04/COL shall be replaced by the following,

AFTER CONSULTING the Advisory Committee on State Aid by letter dated 30 November 2005 in accordance with the procedure laid down in Article 29 in Part II of Protocol 3 to the Surveillance and Court Agreement,

'The completed form shall be transmitted to the Authority by the Mission to the European Union of the EFTA State concerned or any other contact point designated by the EFTA State'.

⁽¹⁾ Hereinafter referred to as the EEA Agreement.

⁽²⁾ Hereinafter referred to as the Surveillance and Court Agreement.

- 1d. In the Annexes to Decision No 195/04/COL, the reference to the Mission to the European Union of the EFTA State concerned or the EEA Coordination Unit of the EFTA State shall be read as referring to the Mission to the European Union of the EFTA State concerned or any other contact point designated by the EFTA State.
2. This Decision is addressed to the Republic of Iceland, the Principality of Liechtenstein and the Kingdom of Norway.
3. This Decision shall enter into force on the day following that of its adoption by the Authority.

4. This Decision is authentic in the English language.

Done at Brussels, 14 December 2005.

For the EFTA Surveillance Authority

Einar M. BULL
President

Kurt JÄGER
College Member