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I

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is obligatory)

REGULATIONS

COMMISSION REGULATION (EC) No 1148/2008

of 19 November 2008

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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1580/2007 of 21 December 2007 laying down implementing rules for Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽²⁾, and in particular Article 138(1) thereof,

Whereas:

Regulation (EC) No 1580/2007 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XV, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 138 of Regulation (EC) No 1580/2007 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 November 2008.

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

Done at Brussels, 19 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	25,7
	MA	60,9
	TR	73,4
	ZZ	53,3
0707 00 05	JO	167,2
	MA	46,2
	TR	85,9
	ZZ	99,8
0709 90 70	MA	60,6
	TR	121,2
	ZZ	90,9
0805 20 10	MA	65,6
	ZZ	65,6
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	57,6
	HR	50,0
	IL	69,8
	MA	82,1
	TR	66,3
	ZZ	65,2
0805 50 10	MA	65,5
	TR	71,0
	ZA	60,1
	ZZ	65,5
0806 10 10	BR	212,8
	TR	128,6
	US	272,9
	ZA	108,3
	ZZ	180,7
0808 10 80	CA	87,1
	CL	67,1
	CN	55,8
	MK	33,4
	US	102,5
	ZA	90,5
0808 20 50	ZZ	72,7
	CL	58,0
	CN	46,9
	KR	112,1
	TR	103,0
	ZZ	80,0

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

COMMISSION REGULATION (EC) No 1149/2008**of 19 November 2008****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 945/2008 for the 2008/2009 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,

Having regard to Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector ⁽²⁾, and in particular Article 36(2), second subparagraph, second sentence thereof,

Whereas:

- (1) The representative prices and additional duties applicable to imports of white sugar, raw sugar and certain syrups

for the 2008/2009 marketing year are fixed by Commission Regulation (EC) No 945/2008 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EC) No 1133/2008 ⁽⁴⁾.

- (2) The data currently available to the Commission indicate that those amounts should be amended in accordance with the rules and procedures laid down in Regulation (EC) No 951/2006,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 945/2008 for the 2008/2009, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 November 2008.

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

Done at Brussels, 19 November 2008.

For the Commission

Jean-Luc DEMARTY

*Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 258, 26.9.2008, p. 56.

⁽⁴⁾ OJ L 306, 15.11.2008, p. 61.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 20 November 2008

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	24,58	4,01
1701 11 90 ⁽¹⁾	24,58	9,24
1701 12 10 ⁽¹⁾	24,58	3,82
1701 12 90 ⁽¹⁾	24,58	8,81
1701 91 00 ⁽²⁾	25,79	12,35
1701 99 10 ⁽²⁾	25,79	7,82
1701 99 90 ⁽²⁾	25,79	7,82
1702 90 95 ⁽³⁾	0,26	0,39

⁽¹⁾ For the standard quality defined in point III of Annex IV to Regulation (EC) No 1234/2007.⁽²⁾ For the standard quality defined in point II of Annex IV to Regulation (EC) No 1234/2007.⁽³⁾ Per 1 % sucrose content.

COMMISSION REGULATION (EC) No 1150/2008**of 19 November 2008****opening Community tariff quotas for 2009 for sheep, goats, sheepmeat and goatmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products ⁽¹⁾, and in particular Articles 144(1) and 148 in conjunction with Article 4 thereof,

Whereas:

- (1) Community tariff quotas for sheepmeat and goatmeat should be opened for 2009. The duties and quantities should be fixed in accordance with the respective international agreements in force during the year 2009.
- (2) Council Regulation (EC) No 312/2003 of 18 February 2003 implementing for the Community the tariff provisions laid down in the Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part ⁽²⁾ has provided for an additional bilateral tariff quota of 2 000 tonnes with a 10 % annual increase of the original quantity to be opened for product code 0204 from 1 February 2003. Therefore, a further 200 tonnes shall be added to the GATT/WTO quota for Chile and both quotas should continue to be managed in the same way during 2009.
- (3) Certain quotas are defined for a period running from 1 July of a given year to 30 June of the following year. Since imports under this Regulation should be managed on a calendar-year basis, the corresponding quantities to be fixed for the calendar year 2009 with regard to the quotas concerned are the sum of half of the quantity for the period from 1 July 2008 to 30 June 2009 and half of the quantity for the period from 1 July 2009 to 30 June 2010.
- (4) A carcass weight equivalent needs to be fixed in order to ensure a proper functioning of the Community tariff quotas.
- (5) Quotas of the sheepmeat and goatmeat products should, by way of derogation from Commission Regulation (EC) No 1439/95 of 26 June 1995 laying down detailed rules

for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector ⁽³⁾, be managed in conformity with Article 144(2)(a) of Regulation (EC) No 1234/2007. This should be done in accordance with Articles 308a, 308b and 308c(1) of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽⁴⁾.

- (6) Tariff quotas under this Regulation should be regarded initially as non-critical within the meaning of Article 308c of Regulation (EEC) No 2454/93 when managed under the firstcome, firstserved system. Therefore, customs authorities should be authorised to waive the requirement for security in respect of goods initially imported under those quotas in accordance with Articles 308c(1) and 248(4) of Regulation (EEC) No 2454/93. Due to the particularities of the transfer from one management system to the other, Article 308c(2) and (3) of that Regulation should not apply.
- (7) It should be clarified which kind of proof certifying the origin of products has to be provided by operators in order to benefit from the tariff quotas under the firstcome, first served system.
- (8) When sheepmeat products are presented by operators to the customs authorities for import, it is difficult for those authorities to establish whether they originate from domestic sheep or other sheep, which determines the application of different duty rates. It is therefore appropriate to provide that the proof of origin contains a clarification to that end.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation opens Community import tariff quotas for sheep, goats, sheepmeat and goatmeat for the period from 1 January to 31 December 2009.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 46, 20.2.2003, p. 1.

⁽³⁾ OJ L 143, 27.6.1995, p. 7.

⁽⁴⁾ OJ L 253, 11.10.1993, p. 1.

Article 2

The customs duties applicable to the products under the quotas referred to in Article 1, the CN codes, the countries of origin, listed by country group, and the order numbers are set out in the Annex.

Article 3

1. The quantities, expressed in carcass-weight equivalent, for the import of products under the quotas referred to in Article 1, shall be those as laid down in the Annex.

2. For the purpose of calculating the quantities of 'carcass weight equivalent' referred to in paragraph 1 the net weight of sheep and goat products shall be multiplied by the following coefficients:

- (a) for live animals: 0,47;
- (b) for boneless lamb and boneless goatmeat of kid: 1,67;
- (c) for boneless mutton, boneless sheep and boneless goatmeat other than of kid and mixtures of any of these: 1,81;
- (d) for bone-in products: 1,00.

'Kid' shall mean goat of up to one year old.

Article 4

By way of derogation from Title II (A) and (B) of Regulation (EC) No 1439/95, the tariff quotas set out in the Annex to this Regulation shall be managed on a firstcome, firstserved basis in accordance with Articles 308a, 308b and 308c(1) of Regulation (EEC) No 2454/93 from 1 January to 31 December 2009. Article 308c(2) and (3) of that Regulation shall not apply. No import licences shall be required.

Article 5

1. In order to benefit from the tariff quotas set out in the Annex, a valid proof of origin issued by the competent authorities of the third country concerned together with a customs declaration for release for free circulation for the goods

concerned shall be presented to the Community customs authorities.

The origin of products subject to tariff quotas other than those resulting from preferential tariff agreements shall be determined in accordance with the provisions in force in the Community.

2. The proof of origin referred to in paragraph 1 shall be as follows:

- (a) in the case of a tariff quota which is part of a preferential tariff agreement, it shall be the proof of origin laid down in that agreement;
- (b) in the case of other tariff quotas, it shall be a proof established in accordance with Article 47 of Regulation (EEC) No 2454/93 and, in addition to the elements provided for in that Article, the following data:
 - the CN code (at least the first four digits),
 - the order number or order numbers of the tariff quota concerned,
 - the total net weight per coefficient category as provided for in Article 3(2) of this Regulation.
- (c) in the case of a country whose quota falls under points (a) and (b) and are merged, it shall be the proof referred to in point (a).

Where the proof of origin referred to in point (b) is presented as supporting document for only one declaration for release for free circulation, it may contain several order numbers. In all other cases, it shall only contain one order number.

Article 6

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

It shall apply from 1 January 2009.

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

Done at Brussels, 19 November 2008.

For the Commission

Mariann FISCHER BOEL

Member of the Commission

ANNEX

**SHEEPMEAT AND GOATMEAT (in tonnes (t) of carcass weight equivalent) COMMUNITY TARIFF QUOTAS
FOR 2009**

Country group No	CN codes	'Ad valorem' duty %	Specific duty EUR/100 kg	Order number under 'first come first served'				Origin	Annual volume in tonnes of carcass weight equivalent
				Live animals (coefficient = 0,47)	Boneless lamb ⁽¹⁾ (coefficient = 1,67)	Boneless mutton/ sheep ⁽²⁾ (coefficient = 1,81)	Bone-in and carcasses (coefficient = 1,00)		
1	0204	Zero	Zero	—	09.2101	09.2102	09.2011	Argentina	23 000
				—	09.2105	09.2106	09.2012	Australia	18 786
				—	09.2109	09.2110	09.2013	New Zealand	227 854
				—	09.2111	09.2112	09.2014	Uruguay	5 800
				—	09.2115	09.2116	09.1922	Chile	6 200
				—	09.2121	09.2122	09.0781	Norway	300
				—	09.2125	09.2126	09.0693	Greenland	100
				—	09.2129	09.2130	09.0690	Faeroes	20
				—	09.2131	09.2132	09.0227	Turkey	200
				—	09.2171	09.2175	09.2015	Others ⁽³⁾	200
2	0204, 0210 99 21, 0210 99 29, 0210 99 60	Zero	Zero	—	09.2119	09.2120	09.0790	Iceland	1 850
3	0104 10 30 0104 10 80 0104 20 90	10 %	Zero	09.2181	—	—	09.2019	<i>Erga omnes</i> ⁽⁴⁾	92

⁽¹⁾ And goatmeat of kid.

⁽²⁾ And goatmeat other than kid.

⁽³⁾ 'Others' shall refer to all origins excluding the other countries mentioned in the current table.

⁽⁴⁾ 'Erga omnes' shall refer to all origins including the countries mentioned in the current table.

II

(Acts adopted under the EC Treaty/Euratom Treaty whose publication is not obligatory)

DECISIONS

EUROPEAN CENTRAL BANK

DECISION OF THE EUROPEAN CENTRAL BANK

of 14 November 2008

on the implementation of Regulation ECB/2008/11 of 23 October 2008 on temporary changes to the rules relating to eligibility of collateral

(ECB/2008/15)

(2008/874/EC)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty establishing the European Community and in particular to the first indent of Article 105(2) and to Article 110,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank and in particular to the second indent of Article 34.1, in conjunction with the first indent of Article 3.1 and Article 18.2,

Having regard to Article 8 of Regulation ECB/2008/11 of 23 October 2008 on temporary changes to the rules relating to eligibility of collateral,

Whereas:

(1) On 15 October 2008, the Governing Council of the European Central Bank (ECB) decided to temporarily admit credit claims arising under syndicated loans governed by the laws of England and Wales as eligible collateral for the purposes of Eurosystem monetary policy operations. On 23 October 2008, the Governing Council gave effect to its decision by adopting Regulation ECB/2008/11 ⁽¹⁾.

(2) Under Article 3(2) of Regulation ECB/2008/11, for syndicated loans governed by the laws of England and

Wales, the total number of governing laws applying to the mobilisation of such loans may not exceed three. The legal complexities inherent in the mobilisation of syndicated loans, when up to three different governing laws can apply, require the conduct of legal and risk assessments by the national central banks of the Member States that have adopted the euro (hereinafter 'the NCBs'), when providing liquidity against such collateral.

- (3) The legal complexity involved in the mobilisation of the above loans requires the adoption of implementation criteria relating to the acceptance, as eligible collateral, of syndicated loans governed by the laws of England and Wales,

HAS DECIDED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Decision:

— 'General Documentation' means Annex I to Guideline ECB/2000/7 of 31 August 2000 on monetary policy instruments and procedures of the Eurosystem ⁽²⁾,

⁽¹⁾ OJ L 282, 25.10.2008, p. 17.

⁽²⁾ OJ L 310, 11.12.2000, p. 1.

— ‘syndicated loans’ means credit claims represented by shares of syndicate member institutions in syndicated loans, as described in Chapter 6.2.2 of the General Documentation and governed by the laws of England and Wales.

Article 2

Mobilisation techniques for syndicated loans

1. An NCB shall mobilise syndicated loans directly from its relevant counterparty in accordance with its respective domestic procedures for credit claims. The mobilisation agreement shall be governed by the law of a Member State belonging to the euro area.

2. Chapter 6.6 of the General Documentation shall not apply to the mobilisation of syndicated loans.

Article 3

Transferability of loans

Only fully transferable syndicated loans shall be eligible. For the purposes of the fourth indent of Appendix 7 of Annex I to the General Documentation, syndicated loans shall not be considered to be fully transferable and capable of being mobilised without restriction as collateral for Eurosystem credit operations unless the loan agreement unconditionally permits:

- (i) the lender to charge, assign or otherwise create a security interest in or over its rights to secure obligations of that lender to an NCB; and
- (ii) the relevant NCB to enforce its security interest over such loan by way of collecting payments under the loan directly or indirectly from the underlying debtor and by way of assigning or transferring the loan to a bank or financial institution or to a trust fund or other entity which is regularly engaged in or established for the purpose of making, purchasing or investing in loans, securities or other financial assets.

Article 4

Notification to the debtor

1. The counterparty shall be required to notify the debtor under a syndicated loan agreement of the mobilisation of such syndicated loan as collateral before or immediately following mobilisation of such loan. Such notification shall be given in accordance with the applicable procedures as specified in the syndicated loan agreement.

2. Paragraph 1 is without prejudice to the right of the relevant NCB to notify the debtor.

Article 5

Registration certificate

Counterparties shall provide the relevant NCB with a copy of the confirmation received from the Registrar of Companies of England and Wales that mobilisation of the syndicated loan has been registered at Companies House.

Article 6

Submission by the counterparty of a diligence letter from external legal counsel

Before mobilisation of syndicated loans, counterparties shall deliver to the relevant NCB a diligence letter from external legal counsel addressing, in a manner and form satisfactory to the Eurosystem, certain diligence issues, as these may be elaborated on from time to time by the ECB and published on its website.

Article 7

Special purpose vehicles as debtors

1. A special purpose vehicle (SPV) shall be an eligible debtor under a syndicated loan only if (i) the SPV is the beneficiary of a guarantee that is issued by a non-financial corporation eligible as a guarantor within the meaning of Chapter 6.2.2 of the General Documentation; (ii) the guarantee complies with the requirements set out in Chapter 6.3.3 of the General Documentation; and (iii) the relevant NCB is legally entitled to enforce the guarantee following the mobilisation of the syndicated loan.

2. Credit claims arising under syndicated loans with SPVs as debtors shall be eligible collateral for Eurosystem credit operations only if the SPV and the guarantor are established in the euro area.

3. The requirement to provide legal confirmation, as provided for in Chapter 6.3.3 of the General Documentation, shall also apply where the debtor is an SPV benefiting from a guarantee in accordance with paragraph 1.

Article 8

Currency of denomination

For the purposes of Chapter 6.2.2 of the General Documentation, syndicated loans shall be considered to be denominated in euro only insofar as the relevant loan agreement does not allow the debtor or the debtor's agent, on its behalf, to vary the currency in which the syndicated loan is denominated or payable at any time before the maturity of the relevant Eurosystem credit operation.

*Article 9***No set-off or counterclaim**

Syndicated loans shall only constitute eligible collateral for Eurosystem credit operations if the relevant syndicated loan agreement includes an express provision pursuant to which all payments to be made by the debtor are made free and clear of any deduction for set-off or counterclaim.

*Article 10***Restrictions on realisation of collateral**

1. Syndicated loans containing contractual provisions requiring a majority of lenders to adopt syndicate decisions vis-à-vis the debtor shall be eligible collateral for Eurosystem credit operations.

2. Syndicated loan agreements containing contractual provisions authorising certain terms of the relevant syndicated loan agreement to be amended or waived with the consent of a majority of lenders shall be eligible collateral for Eurosystem credit operations; provided, however, that the loan agreement for such loans does not provide that majority decisions may be taken with respect to: (i) an extension to the date of payment of any amount due under the agreement; or (ii) a reduction in margin or in the amount of any payment of principal or interest; or (iii) a change to the principle that each lender's obligations under the agreement are several.

3. Syndicated loans involving a facility agent for the collection and distribution of payments shall be eligible collateral for Eurosystem credit operations only where the facility agent is a credit institution with a minimum long-term rating of 'A-' by Fitch or Standard & Poor's, 'A3' by Moody's or of 'AL' by DBRS.

*Article 11***Replacement of lender clauses**

A syndicated loan containing contractual provisions permitting the debtor to replace the lender in exchange for an outstanding loan shall only be eligible collateral for Eurosystem credit operations where, prior to mobilisation, the counterparty provides the relevant NCB with an enforceable security interest in or over the counterparty's right to receive cash in respect of such exchange.

*Article 12***Disclosure of confidential information**

A syndicated loan shall only constitute eligible collateral for Eurosystem credit operations if the syndicated loan agreement permits the lender to disclose confidential information to a Eurosystem central bank in connection with any charge, assignment or security interest created by the lender in or

over its rights under the agreement to secure obligations of that lender to a Eurosystem central bank.

*Article 13***Taxation and Indemnity**

1. A syndicated loan shall only be eligible collateral for Eurosystem credit operations if the counterparty fulfils the conditions set out in this Article.

2. The counterparty shall provide confirmation from UK tax counsel to the effect that either: (a) the debtor will not be required to retain UK withholding tax as a result of any transfer, under either English or any other law, of the beneficial ownership of the loan asset to the NCB; or (b) the debtor will be required to retain UK withholding tax as a result of such transfer of beneficial ownership to the NCB, but that the NCB should be eligible to benefit from the tax treaty between the UK and the jurisdiction of the NCB, such that once a direction has been issued by Her Majesty's Revenue & Customs (HMRC) under the relevant treaty, the debtor will be entitled to make interest payments to the NCB without withholding UK tax and the NCB will be entitled to recover tax previously withheld; or (c) the debtor will be required to retain UK withholding tax as a result of such transfer of beneficial ownership to the NCB and the NCB will not be eligible to benefit from the tax treaty between the UK and the NCB's jurisdiction or any other exemption.

3. Where UK tax counsel confirms that the transfer of beneficial ownership of the loan asset to the NCB falls under either category (b) or (c) in paragraph 2 above, the counterparty will be required to agree to indemnify the NCB for any UK withholding tax that is withheld by the debtor (and not grossed up pursuant to the syndicated loan agreement), and for all adverse cash-flow consequences of any UK withholding tax that is first retained from, and then refunded to, the NCB.

4. The counterparty shall assume any and all responsibility for notifying the debtor of any transfer of the beneficial ownership of the loan asset to the NCB that results in the debtor being required to withhold UK tax (or to withhold UK tax at a different rate).

5. The counterparty shall bear the full cost of any UK stamp duty (as well as any penalty and interest thereon) that is payable as a result of any transfer, under either English or any other law, of the beneficial ownership of the loan asset, and that the NCB reasonably considers has to be paid in order for the NCB to be able to adduce the loan asset as evidence in an English court or use the loan asset for some other purpose in the UK. The counterparty shall also bear the full cost of any UK stamp duty reserve tax payable as a result of any such transfer, if applicable.

6. The counterparty shall provide confirmation from appropriate tax counsel in such jurisdictions that the counterparty considers applicable, to the effect that the debtor will not be required to retain non-UK withholding tax as a result of any transfer, under either English or any other law, of the beneficial ownership of the loan asset to the NCB, and that any such transfer will not trigger liability to any non-UK stamp or transfer duty.

7. The counterparty shall fully indemnify the relevant NCB in respect of any fees due to the facility or paying agent, or any other fees or costs related to the administration of the loan.

Article 14

Final provisions

1. This Decision shall enter into force on 17 November 2008.
2. This Decision shall apply until 30 November 2008.

Done at Frankfurt am Main, 14 November 2008.

The President of the ECB
Jean-Claude TRICHET

IV

(Other acts)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 95/2008

of 26 September 2008

amending Annex I (Veterinary and phytosanitary matters) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 hereof,

Whereas:

- (1) Annex I to the Agreement was amended by Decision of the EEA Joint Committee No 42/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 688/2006 of 4 May 2006 amending Annexes III and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards the monitoring of transmissible spongiform encephalopathies and specified risk material of bovine animals in Sweden ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Regulation (EC) No 722/2007 of 25 June 2007 amending Annexes II, V, VI, VIII, IX and XI to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽³⁾ is to be incorporated into the Agreement.
- (4) Commission Regulation (EC) No 727/2007 of 26 June 2007 amending Annexes I, III, VII and X to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽⁴⁾ is to be incorporated into the Agreement.

⁽¹⁾ OJ L 223, 21.8.2008, p. 33.

⁽²⁾ OJ L 120, 5.5.2006, p. 10.

⁽³⁾ OJ L 164, 26.6.2007, p. 7.

⁽⁴⁾ OJ L 165, 27.6.2007, p. 8.

- (5) Commission Regulation (EC) No 1275/2007 of 29 October 2007 amending Annex IX to Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾ is to be incorporated into the Agreement.
- (6) Commission Decision 2007/667/EC of 15 October 2007 authorising the use of at risk bovine animals until the end of their productive lives in Germany following official confirmation of the presence of BSE ⁽²⁾ is to be incorporated into the Agreement.
- (7) This Decision shall apply to Iceland with the transitional period specified in paragraph 2 of the Introductory Part of Chapter I of Annex I.
- (8) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter I of Annex I to the Agreement shall be amended as follows:

1. The following indents shall be added in point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1:

- ‘— **32006 R 0688**: Commission Regulation (EC) No 688/2006 of 4 May 2006 (OJ L 120, 5.5.2006, p. 10),
- **32007 R 0722**: Commission Regulation (EC) No 722/2007 of 25 June 2007 (OJ L 164, 26.6.2007, p. 7),
- **32007 R 0727**: Commission Regulation (EC) No 727/2007 of 26 June 2007 (OJ L 165, 27.6.2007, p. 8),
- **32007 R 1275**: Commission Regulation (EC) No 1275/2007 of 29 October 2007 (OJ L 284, 30.10.2007, p. 8).’

2. The text of adaptation A of point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1 shall be replaced by the following:

‘In Annex III, Chapter A, Part I, the following point shall be added:

- 2.3. By way of derogation from point 2.2, and with regard to bovine animals born, reared and slaughtered on its territory, Norway may decide to examine only a random sample. The sample shall comprise at least 10 000 animals per year.’

⁽¹⁾ OJ L 284, 30.10.2007, p. 8.

⁽²⁾ OJ L 271, 16.10.2007, p. 16.

3. The text of adaptation C of point 12 (Regulation (EC) No 999/2001 of the European Parliament and of the Council) in Part 7.1 shall be deleted.
4. Under the heading 'ACTS OF WHICH THE EFTA STATES AND THE EFTA SURVEILLANCE AUTHORITY SHALL TAKE DUE ACCOUNT' the following point shall be inserted after point 41 (Commission Decision 2007/411/EC) in Part 7.2:

'41a. **32007 D 0667**: Commission Decision 2007/667/EC of 15 October 2007 authorising the use of at risk bovine animals until the end of their productive lives in Germany following official confirmation of the presence of BSE (OJ L 271, 16.10.2007, p. 16).'

Article 2

The texts of Regulations (EC) No 688/2006, No 722/2007, No 727/2007 and No 1275/2007 and Decision 2007/667/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) Constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 96/2008

of 26 September 2008

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 4/2008 of 1 February 2008 ⁽¹⁾.
- (2) Commission interpretative communication 2007/C 68/04 on procedures for the registration of motor vehicles originating in another Member State ⁽²⁾ is to be incorporated into the Agreement.
- (3) Council Resolution of 29 June 1977 ⁽³⁾ and Commission notice C/281/88/p.9 ⁽⁴⁾ are outdated and are to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter I of Annex II to the Agreement shall be amended as follows:

1. The texts of points 46 (Council Resolution of 29 June 1977) and 47 (Commission notice C/281/88/p.9) shall be deleted.
2. The following point shall be inserted after point 47:

'48. **52007 SC 0169:** Commission interpretative communication 2007/C 68/04 on procedures for the registration of motor vehicles originating in another Member State (OJ C 68, 24.3.2007, p. 15).'

Article 2

The text of Commission interpretative communication 2007/C 68/04 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 154, 12.6.2008, p. 7.

⁽²⁾ OJ C 68, 24.3.2007, p. 15.

⁽³⁾ OJ C 177, 26.7.1977, p. 1.

⁽⁴⁾ OJ C 281, 4.11.1988, p. 9.

(*) No constitutional requirements indicated.

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

DECISION OF THE EEA JOINT COMMITTEE

No 97/2008

of 26 September 2008

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 132/2007 of 26 October 2007 ⁽¹⁾.
- (2) Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors ⁽²⁾ is to be incorporated into the Agreement.
- (3) Directive 2008/2/EC repeals Council Directive 74/347/EEC ⁽³⁾ which is incorporated into the Agreement and which is therefore to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter II of Annex II to the Agreement shall be amended as follows:

1. The text of point 5 (Council Directive 74/347/EEC) shall be deleted;
2. The following point shall be inserted after point 29 (Directive 2000/25/EC of the European Parliament and of the Council):

'30. **32008 L 0002**: Directive 2008/2/EC of the European Parliament and of the Council of 15 January 2008 on the field of vision and windscreen wipers for wheeled agricultural or forestry tractors (OJ L 24, 29.1.2008, p. 30).'

Article 2

The text of Directive 2008/2/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

⁽¹⁾ OJ L 100, 10.4.2008, p. 1.

⁽²⁾ OJ L 24, 29.1.2008, p. 30.

⁽³⁾ OJ L 191, 15.7.1974, p. 5.

(*) No constitutional requirements indicated.

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

DECISION OF THE EEA JOINT COMMITTEE

No 98/2008

of 26 September 2008

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 62/2008 of 6 June 2008 ⁽¹⁾.
- (2) Regulation (EC) No 109/2008 of the European Parliament and of the Council of 15 January 2008 amending Regulation (EC) No 1924/2006 on nutrition and health claims made on foods ⁽²⁾, is to be incorporated into the Agreement.
- (3) Commission Directive 2008/17/EC of 19 February 2008 amending certain annexes to Council Directives 86/362/EEC, 86/363/EEC and 90/642/EEC as regards maximum residue levels for acephate, acetamiprid, acibenzolar-S-methyl, aldrin, benalaxyl, benomyl, carbendazim, chlormequat, chlorothalonil, chlorpyrifos, clofentezine, cyfluthrin, cypermethrin, cyromazine, dieldrin, dimethoate, dithiocarbamates, esfenvalerate, famoxadone, fenhexamid, fenitrothion, fenvalerate, glyphosate, indoxacarb, lambda-cyhalothrin, mepanipyrim, metalaxyl-M, methidathion, methoxyfenozide, pymetrozine, pyraclostrobin, pyrimethanil, spiroxamine, thiacloprid, thiophanate-methyl and trifloxystrobin ⁽³⁾, is to be incorporated into the Agreement.
- (4) This Decision is not to apply to Liechtenstein,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter XII of Annex II to the Agreement shall be amended as follows:

1. The following indent shall be added in points 38 (Council Directive 86/362/EEC), 39 (Council Directive 86/363/EEC) and 54 (Council Directive 90/642/EEC):

‘— **32008 L 0017**: Commission Directive 2008/17/EC of 19 February 2008 (OJ L 50, 23.2.2008, p. 17).’

2. The following shall be added in point 54zzzt (Regulation (EC) No 1924/2006 of the European Parliament and of the Council):

‘, as amended by:

— **32008 R 0109**: Regulation (EC) No 109/2008 of the European Parliament and of the Council of 15 January 2008 (OJ L 39, 13.2.2008, p. 14).’

⁽¹⁾ OJ L 257, 25.9.2008, p. 23.

⁽²⁾ OJ L 39, 13.2.2008, p. 14.

⁽³⁾ OJ L 50, 23.2.2008, p. 17.

Article 2

The texts of Regulation (EC) No 109/2008 and Directive 2008/17/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 99/2008

of 26 September 2008

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 63/2008 of 6 June 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 61/2008 of 24 January 2008 amending Annex II to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, as regards dinoprostone ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 14 (Council Regulation (EEC) No 2377/90) of Chapter XIII of Annex II to the Agreement:

‘— **32008 R 0061**: Commission Regulation (EC) No 61/2008 of 24 January 2008 (OJ L 22, 25.1.2008, p. 8).’

Article 2

The text of Regulation (EC) No 61/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

⁽¹⁾ OJ L 257, 25.9.2008, p. 25.

⁽²⁾ OJ L 22, 25.1.2008, p. 8.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 100/2008

of 26 September 2008

amending Annex II (Technical regulations, standards, testing and certification) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 48/2008 of 25 April 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 1238/2007 of 23 October 2007 on laying down rules on the qualifications of the members of the Board of Appeal of the European Chemicals Agency ⁽²⁾ is to be incorporated into the Agreement.
- (3) Council Regulation (EC) No 1354/2007 of 15 November 2007 adapting Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), by reason of the accession of Bulgaria and Romania ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter XV of Annex II to the Agreement shall be amended as follows:

1. the following shall be added in point 12zc (Regulation (EC) No 1907/2006 of the European Parliament and of the Council):

‘, as amended by:

— **32007 R 1354**: Council Regulation (EC) No 1354/2007 of 15 November 2007 (OJ L 304, 22.11.2007, p. 1).’

2. The following point shall be inserted after point 12zc (Regulation (EC) No 1907/2006 of the European Parliament and of the Council):

‘12zca. **32007 R 1238**: Commission Regulation (EC) No 1238/2007 of 23 October 2007 on laying down rules on the qualifications of the members of the Board of Appeal of the European Chemicals Agency (OJ L 280, 24.10.2007, p. 10).’

⁽¹⁾ OJ L 223, 21.8.2008, p. 43.

⁽²⁾ OJ L 280, 24.10.2007, p. 10.

⁽³⁾ OJ L 304, 22.11.2007, p. 1.

Article 2

The texts of Regulations (EC) No 1238/2007 and No 1354/2007 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 101/2008
of 26 September 2008
amending Annex IV (Energy) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex IV to the Agreement was amended by Decision of the EEA Joint Committee No 28/2008 of 14 March 2008 ⁽¹⁾.
- (2) Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the gas transmission networks ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 26 (Directive 2005/32/EC of the European Parliament and of the Council) of Annex IV to the Agreement:

- ‘27. **32005 R 1775**: Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the gas transmission networks (OJ L 289, 3.11.2005, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Article 16 of the Regulation provides for a derogation from the Regulation to natural gas transmission systems situated in Member States, for the duration of derogations granted under Article 28 of Directive 2003/55/EC. Norway has obtained a status as an emergent market, according to Article 28(2) of Directive 2003/55/EC. Consequently, the Regulation shall not apply to Norway before that derogation period has expired.
- (b) The EFTA States concerned shall be invited to send observers to the meeting of the Committee established in Article 14. The representatives of the EFTA States shall participate fully in the work of the Committee, but shall not have the right to vote.’

⁽¹⁾ OJ L 182, 10.7.2008, p. 19.

⁽²⁾ OJ L 289, 3.11.2005, p. 1.

Article 2

The texts of Regulation (EC) No 1775/2005 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) Constitutional requirements indicated.

Joint Declaration by the Contracting Parties to Decision No 101/2008 concerning the implementation in the EEA Agreement of Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the natural gas transmission networks

Under the two-pillar structure of the EEA Agreement (Art. 93(2)), new Community legislation must be adopted by a Joint Committee Decision. The Guidelines under the Regulation on conditions for access to the natural gas transmission networks are legally binding upon all Member States. New guidelines or amendments to existing guidelines must therefore be considered as new Community legislation that requires adoption by the EEA Joint Committee, in accordance with Article 98 of the EEA Agreement.

DECISION OF THE EEA JOINT COMMITTEE
No 102/2008
of 26 September 2008
amending Annex VI (Social security) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex VI to the Agreement was amended by Decision of the EEA Joint Committee No 159/2007 of 7 December 2007 ⁽¹⁾.
- (2) Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 amending Council Regulations (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 629/2006 of the European Parliament and of the Council of 5 April 2006 amending Council Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community and Council Regulation (EEC) No 574/72 laying down the procedure for implementing Regulation (EEC) No 1408/71 ⁽³⁾ is to be incorporated into the Agreement.
- (4) The judgment of the European Court of Justice in Case C-299/05, which annuls certain entries in Regulation (EC) No 647/2005, and the judgment of the EFTA Court in Case E-5/06 are to be taken into account,

HAS DECIDED AS FOLLOWS:

Article 1

Annex VI to the Agreement shall be amended as follows:

1. the following indents shall be added in point 1 (Council Regulation (EEC) No 1408/71):

- **32005 R 0647**: Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 (OJ L 117, 4.5.2005, p. 1),
- **32006 R 0629**: Regulation (EC) No 629/2006 of the European Parliament and of the Council of 5 April 2006 (OJ L 114, 27.4.2006, p. 1).;

2. the text of adaptation (m) in point 1 (Council Regulation (EEC) No 1408/71) shall be replaced by the following:

- (i) Annex IIa shall be read as follows:

Point (b) under the heading "Y. FINLAND", point (c) under the heading "Z. SWEDEN" and points (d) to (f) under the heading "AA. UNITED KINGDOM" do not apply with regard to the EFTA States.

⁽¹⁾ OJ L 124, 8.5.2008, p. 24.

⁽²⁾ OJ L 117, 4.5.2005, p. 1.

⁽³⁾ OJ L 114, 27.4.2006, p. 1.

However, the effects of the inclusion of the Disability Living Allowance in point (d) under the heading "AA. UNITED KINGDOM" are maintained as regards solely the "mobility" part of that allowance.

(ii) The following shall be added to Annex IIa:

ZA. ICELAND

None.

ZB. LIECHTENSTEIN

- (a) Allowances for blind persons (Law on the granting of allowances for blind persons of 17 December 1970).
- (b) Maternity allowances (Law on the granting of maternity allowances of 25 November 1981).
- (c) Supplementary benefits to the old age, survivors and invalidity insurance (Law on supplementary benefits to the old age, survivors and invalidity insurance of 10 December 1965 as revised on 12 November 1992).

ZC. NORWAY

- (a) Guaranteed minimum supplementary pension to persons who are born disabled or become disabled at an early age in accordance with Articles 7-3 and 8-4 of the National Insurance Act of 17 June 1966 No 12.
- (b) Special benefits in accordance with the Act of 29 April 2005 No 21 on supplementary allowance to persons with short periods of residence in Norway.;

3. the text of adaptation (n) in point 1 (Council Regulation (EEC) No 1408/71) shall be replaced by the following:

The following shall be added to Annex III(A):

36. ICELAND-DENMARK

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.

37. ICELAND-FINLAND

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.

38. ICELAND-SWEDEN

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.

39. ICELAND-NORWAY

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.

40. NORWAY–DENMARK

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.

41. NORWAY–FINLAND

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.

42. NORWAY–SWEDEN

Article 10 of the Nordic Convention on Social Security of 15 June 1992, concerning coverage of extra travel expenses in case of sickness during stay in another Nordic country making a more expensive return travel to the country of residence necessary.;

4. the text of adaptation (o) in point 1 (Council Regulation (EEC) No 1408/71) shall be deleted;
5. the text of paragraph 1 under the heading 'ZB. LIECHTENSTEIN' in adaptation (t) of point 1 (Council Regulation (EEC) No 1408/71) shall be deleted;
6. the following indents shall be added in point 2 (Council Regulation (EEC) No 574/72):
 - **32005 R 0647**: Regulation (EC) No 647/2005 of the European Parliament and of the Council of 13 April 2005 (OJ L 117, 4.5.2005, p. 1),
 - **32006 R 0629**: Regulation (EC) No 629/2006 of the European Parliament and of the Council of 5 April 2006 (OJ L 114, 27.4.2006, p. 1).;
7. the text of adaptation (n) in point 2 (Council Regulation (EEC) No 574/72) shall be deleted.

Article 2

The texts of Regulations (EC) No 647/2005 and (EC) No 629/2006 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 103/2008
of 26 September 2008
amending Annex VI (Social security) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex VI to the Agreement was amended by Decision of the EEA Joint Committee No 159/2007 of 7 December 2007 ⁽¹⁾.
- (2) Decision of the Administrative Commission of the European Communities on Social Security for Migrant Workers No 207 of 7 April 2006 concerning the interpretation of Article 76 and Article 79(3) of Regulation (EEC) No 1408/71 and of Article 10(1) of Regulation (EEC) No 574/72 relating to the overlapping of family benefits and allowances ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 3.81 (Decision No 205) of Annex VI to the Agreement:

'3.82. **32006 D 0442**: Decision of the Administrative Commission of the European Communities on Social Security for Migrant Workers No 207 of 7 April 2006 concerning the interpretation of Article 76 and Article 79(3) of Regulation (EEC) No 1408/71 and of Article 10(1) of Regulation (EEC) No 574/72 relating to the overlapping of family benefits and allowances (OJ L 175, 29.6.2006, p. 83).'

Article 2

The text of Decision No 207 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

⁽¹⁾ OJ L 124, 8.5.2008, p. 24.

⁽²⁾ OJ L 175, 29.6.2006, p. 83.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 104/2008
of 26 September 2008
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 87/2008 of 4 July 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 715/2008 of 24 July 2008 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 66zab (Commission Regulation (EC) No 474/2006) of Annex XIII to the Agreement:

‘— **32008 R 0715:** Commission Regulation (EC) No 715/2008 of 24 July 2008 (OJ L 197, 25.7.2008, p. 36).’

Article 2

The text of Regulation (EC) No 715/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee
The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

⁽¹⁾ OJ L 280, 23.10.2008, p. 23.

⁽²⁾ OJ L 197, 25.7.2008, p. 36.

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE

No 105/2008

of 26 September 2008

amending Annex XVIII (Health and safety at work, labour law, and equal treatment for men and women) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XVIII to the Agreement was amended by Decision of the EEA Joint Committee No 33/2008 of 14 March 2008 ⁽¹⁾.
- (2) Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 amending Council Directive 89/391/EEC, its individual Directives and Council Directives 83/477/EEC, 91/383/EEC, 92/29/EEC and 94/33/EC with a view to simplifying and rationalising the reports on practical implementation ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XVIII to the Agreement shall be amended as follows:

1. the following indent shall be added in points 5 (Council Directive 83/477/EEC) and 10 (Council Directive 89/655/EEC):

‘— **32007 L 0030:** Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 (OJ L 165, 27.6.2007, p. 21).’;

2. the following shall be added in points 8 (Council Directive 89/391/EEC), 9 (Council Directive 89/654/EEC), 11 (Council Directive 89/656/EEC), 12 (Council Directive 90/269/EEC), 13 (Council Directive 90/270/EEC), 16 (Council Directive 91/383/EEC), 16a (Council Directive 92/29/EEC), 16b (Council Directive 92/57/EEC), 16c (Council Directive 92/58/EEC), 16d (Council Directive 92/85/EEC), 16e (Council Directive 92/91/EEC), 16f (Council Directive 92/104/EEC), 16g (Council Directive 93/103/EC), 16h (Council Directive 98/24/EC), 16i (Directive 1999/92/EC of the European Parliament and of the Council), 16ja (Directive 2002/44/EC of the European Parliament and of the Council), 16jb (Directive 2003/10/EC of the European Parliament and of the Council), 16jc (Directive 2004/40/EC of the European Parliament and of the Council), 16je (Directive 2006/25/EC of the European Parliament and of the Council) and 29 (Council Directive 94/33/EC):

‘, as amended by:

— **32007 L 0030:** Directive 2007/30/EC of the European Parliament and of the Council of 20 June 2007 (OJ L 165, 27.6.2007, p. 21).’

⁽¹⁾ OJ L 182, 10.7.2008, p. 30.

⁽²⁾ OJ L 165, 27.6.2007, p. 21.

Article 2

The text of Directive 2007/30/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 106/2008
of 26 September 2008
amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XX to the Agreement was amended by Decision of the EEA Joint Committee No 89/2008 of 4 July 2008 ⁽¹⁾.
- (2) Commission Decision 2008/276/EC of 17 March 2008 amending Decision 2005/338/EC in order to prolong the validity of the ecological criteria for the award of the Community eco-label to campsite service ⁽²⁾ is to be incorporated into the Agreement.
- (3) Commission Decision 2008/277/EC of 26 March 2008 amending Decision 2001/405/EC in order to prolong the validity of the ecological criteria for the award of the Community eco-label to tissue paper products ⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex XX to the Agreement shall be amended as follows:

1. the following indent shall be added in point 2i (Commission Decision 2001/405/EC):

‘— **32008 D 0277**: Commission Decision 2008/277/EC of 26 March 2008 (OJ L 87, 29.3.2008, p. 14).’;

2. the following shall be added in point 2p (Commission Decision 2005/338/EC):

‘, as amended by:

— **32008 D 0276**: Commission Decision 2008/276/EC of 17 March 2008 (OJ L 87, 29.3.2008, p. 12).’

⁽¹⁾ OJ L 280, 23.10.2008, p. 27.

⁽²⁾ OJ L 87, 29.3.2008, p. 12.

⁽³⁾ OJ L 87, 29.3.2008, p. 14.

Article 2

The texts of Decisions 2008/276/EC and 2008/277/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 107/2008
of 26 September 2008
amending Annex XXI (Statistics) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XXI to the Agreement was amended by Decision of the EEA Joint Committee No 92/2008 of 4 July 2008 ⁽¹⁾.
- (2) Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 ⁽²⁾ is to be incorporated into the Agreement.
- (3) Regulation (EC) No 177/2008 repeals Council Regulation (EEC) No 2186/93 ⁽³⁾, which is incorporated into the Agreement and which is consequently to be repealed under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The text of point 4b (Council Regulation (EEC) No 2186/93) of Annex XXI to the Agreement shall be replaced by the following:

'32008 R 0177: Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 (OJ L 61, 5.3.2008, p. 6).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Variable 1.7a. in the Annex shall not apply for Liechtenstein.
- (b) Liechtenstein shall put into effect the measures necessary to comply with this Regulation by 31 December 2010.'

⁽¹⁾ OJ L 280, 23.10.2008, p. 32.

⁽²⁾ OJ L 61, 5.3.2008, p. 6.

⁽³⁾ OJ L 196, 5.8.1993, p. 1.

Article 2

The text of Regulation (EC) No 177/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE
No 108/2008
of 26 September 2008
amending Annex XXI (Statistics) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Annex XXI to the Agreement was amended by Decision of the EEA Joint Committee No 92/2008 of 4 July 2008 ⁽¹⁾.
- (2) Commission Regulation (EC) No 364/2008 of 23 April 2008 implementing Regulation (EC) No 716/2007 of the European Parliament and of the Council, as regards the technical format for the transmission of foreign affiliates statistics and the derogations to be granted to Member States ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 19x (Regulation (EC) No 716/2007 of the European Parliament and of the Council) of Annex XXI to the Agreement:

'19xa. **32008 R 0364:** Commission Regulation (EC) No 364/2008 of 23 April 2008 implementing Regulation (EC) No 716/2007 of the European Parliament and of the Council, as regards the technical format for the transmission of foreign affiliates statistics and the derogations to be granted to Member States (OJ L 112, 24.4.2008, p. 14).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

The following shall be added in Annex III "DEROGATIONS":

"Member State"	Module inward statistics on foreign affiliates	Module outward statistics on foreign affiliates
Norway	Exemption from activity breakdown: NACE Rev. 1.1 section J for reference years 2007-2010	Complete derogation for reference years 2007-2008"

⁽¹⁾ OJ L 280, 23.10.2008, p. 32.

⁽²⁾ OJ L 112, 24.4.2008, p. 14.

Article 2

The text of Regulation (EC) No 364/2008 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 27 September 2008, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

Article 4

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

(*) No constitutional requirements indicated.

DECISION OF THE EEA JOINT COMMITTEE**No 109/2008****of 26 September 2008****amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 41/2006 of 10 March 2006 ⁽¹⁾.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Commission Decision 2008/49/EC of 12 December 2007 concerning the implementation of the Internal Market Information System (IMI) as regards the protection of personal data ⁽²⁾.
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place.
- (4) Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽³⁾ has not been incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following sub-indent shall be added in the indent of Article 17(5)(b) (Decision 2004/387/EC of the European Parliament and of the Council) of Protocol 31 to the Agreement:

‘— **32008 D 0049**: Commission Decision 2008/49/EC of 12 December 2007 concerning the implementation of the Internal Market Information System (IMI) as regards the protection of personal data (OJ L 13, 16.1.2008, p. 18).’

Article 2

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

⁽¹⁾ OJ L 147, 1.6.2006, p. 64.

⁽²⁾ OJ L 13, 16.1.2008, p. 18.

⁽³⁾ OJ L 8, 12.1.2001, p. 1.

(*) Constitutional requirements indicated.

Article 3

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

Done at Brussels, 26 September 2008.

For the EEA Joint Committee

The President

H.S.H. Prinz Nikolaus von LIECHTENSTEIN

CORRIGENDA**Corrigendum to Commission Directive 95/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs**

(Official Journal of the European Communities L 226 of 22 September 1995)

The corrigendum to Commission Directive 95/45/EC published in *Official Journal of the European Union* L 303 of 14 November 2008, p. 25, is to be considered null and void.

NOTE TO THE READER

The institutions have decided no longer to quote in their texts the last amendment to cited acts.

Unless otherwise indicated, references to acts in the texts published here are to the version of those acts currently in force.