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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 24 June 2010

on the signing, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean

(2011/189/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Union is competent to adopt measures for the conservation of marine biological resources under the common fisheries policy and to enter into agreements with third countries and international organisations.
- (2) Pursuant to Council Decision 98/392/EC ⁽¹⁾, the Union is a Contracting Party to the United Nations Convention on the Law of the Sea of 10 December 1982, which requires all members of the international community to cooperate in conserving and managing the biological resources of the sea.
- (3) Pursuant to Council Decision 98/414/EC ⁽²⁾, the Union is a Contracting Party to the Agreement on the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
- (4) On 17 April 2007 the Council authorised the Commission to negotiate, on behalf of the Community, a Convention on a Regional Fisheries Management Organisation (RFMO) in the South Pacific for fishery resources not yet covered by an existing RFMO.

- (5) The negotiations were successfully concluded in Auckland, New Zealand, on 14 November 2009 by the adoption of a draft text of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (hereinafter referred to as the 'Convention'), which, under its Article 36(1), is open for signature for a period of 12 months from 1 February 2010.

- (6) The objective of the Convention is to ensure, through its effective implementation, the long-term conservation and sustainable use of the fishery resources in the Convention area.

- (7) Since vessels flying the flags of Member States of the Union fish resources in the Convention area, it is in the Union's interest to play an effective role in the implementation of the Convention.

- (8) The Convention should be signed,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (hereinafter referred to as the 'Convention') is hereby approved on behalf of the Union, subject to the conclusion of the said Convention ⁽³⁾.

Article 2

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

⁽¹⁾ OJ L 179, 23.6.1998, p. 1.

⁽²⁾ OJ L 189, 3.7.1998, p. 14.

⁽³⁾ The text of the Convention will be published together with the decision on its conclusion.

Article 3

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

Done at Luxembourg, 24 June 2010.

For the Council
The President
J. BLANCO LÓPEZ

COUNCIL DECISION

of 25 February 2011

on the arrangements for the renegotiation of the Monetary Agreement between the Government of the French Republic, on behalf of the European Community, and the Government of His Serene Highness the Prince of Monaco

(2011/190/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 219(3) thereof,

Having regard to the recommendation from the European Commission,

Having regard to the opinion of the European Central Bank,

Whereas:

- (1) The Union has the competence for monetary and exchange rate matters as of the date of the introduction of the euro.
- (2) The Council is to determine the arrangements for the negotiation and conclusion of agreements concerning monetary or foreign exchange regime matter.
- (3) On 26 December 2001 the Monetary Agreement between the Government of the French Republic, on behalf of the European Community, and the Government of His Serene Highness the Prince of Monaco ⁽¹⁾ (hereinafter 'the Agreement') was concluded.
- (4) France has long standing monetary links with the Principality of Monaco (hereinafter 'Monaco'), which are reflected in various legal instruments. The financial institutions located in Monaco have the right to access the refinancing facilities of the Banque de France and they participate in some French payment systems under the same conditions as French banks.
- (5) In its conclusion of 10 February 2009 the Council invited the Commission to review the functioning of the existing Monetary Agreements and to consider possible increases in the ceilings for coin issuance.
- (6) The Commission concluded in the Communication on the functioning of the Monetary Agreements with Monaco, San Marino and Vatican that the Agreement in its present form needs to be amended with a view to ensuring a more consistent approach in the relations between the Union and the countries having signed a monetary agreement.
- (7) The Agreement should therefore be renegotiated with a view to adjusting the ceiling for the issuance of coins, electing a jurisdiction for possible dispute settlement, and

adjusting the format of the Agreement in order to be brought closer to the new common model for monetary agreements. The Agreement should remain in force until a renegotiated agreement is concluded between the parties,

HAS ADOPTED THIS DECISION:

Article 1

France shall notify Monaco of the need to amend the Agreement at the earliest possible date and offer renegotiation on the relevant provisions of the Agreement.

Article 2

The Union shall seek the following changes in the renegotiation of the Agreement:

- (a) The renegotiated Agreement shall be concluded between the Union, represented by the Government of the French Republic and the Commission, and the Government of His Serene Highness the Prince of Monaco.
- (b) The method for determining the ceiling of issuance of Monegasque euro coins shall be revised. The new ceiling shall be calculated using a method which will combine a fixed part aimed at avoiding excessive numismatic speculation on Monegasque coins by satisfying the demand of the collector coin market and a variable part, calculated as the average per capita coin issuance of France in the year n-1 multiplied by the number of inhabitants of Monaco. Without prejudice to the issuance of collector coins, the renegotiated Agreement shall set the minimum proportion of Monegasque euro coins to be put into circulation at face value at 80 % of the euro coins issued every year.
- (c) The Court of Justice of the European Union ('Court of Justice') shall be elected as the body in charge of settling disputes which may arise from the application of the Agreement. If the Union or Monaco consider that the other Party has not fulfilled an obligation under the renegotiated Agreement, it may bring the matter before the Court of Justice. The judgment of the Court of Justice shall be binding on the Parties, which will take the necessary measures to comply with the judgment within a period to be decided by the Court of Justice in its judgment. In case the Union or Monaco fail to take the necessary measures to comply with the judgment within the period, the other Party can terminate immediately the renegotiated Agreement.
- (d) The format of the renegotiated Agreement shall be adjusted.

⁽¹⁾ OJ L 142, 31.5.2002, p. 59.

Article 3

The negotiations with Monaco shall be conducted by France and the Commission on behalf of the Union. The European Central Bank (ECB) shall be fully associated with the negotiations and its agreement shall be required on issues falling within its field of competence. France and the Commission shall submit the draft renegotiated Agreement to the Economic and Financial Committee (EFC) for opinion.

Article 4

France and the Commission shall be entitled to conclude the renegotiated Agreement on behalf of the Union, unless the EFC or the ECB is of the opinion that the renegotiated Agreement should be submitted to the Council.

Article 5

This Decision shall take effect on the day of its notification.

Article 6

This Decision is addressed to the French Republic, the Commission and the European Central Bank.

Done at Brussels, 25 February 2011.

For the Council

The President

PINTÉR S.

REGULATIONS

COMMISSION REGULATION (EU) No 301/2011

of 28 March 2011

amending Council Regulation (EC) No 297/95 as regards the adjustment of the fees of the European Medicines Agency to the inflation rate

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) According to Article 67(3) of Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency ⁽²⁾, the revenue of the European Medicines Agency (hereinafter 'the Agency') consists of a contribution from the Union and fees paid by undertakings to the Agency. Regulation (EC) No 297/95 lays down the categories and levels of such fees.
- (2) Article 12 of Regulation (EC) No 297/95 requires that the fees of the Agency be updated each year by reference to the inflation rate.
- (3) Those fees should therefore be updated by reference to the inflation rate of 2010. The inflation rate in the Union, as published by the Statistical Office of the European Union (Eurostat), was 2,1 % in 2010.
- (4) For the sake of simplicity, the adjusted levels of the fees should be rounded to the nearest EUR 100.
- (5) Regulation (EC) No 297/95 should therefore be amended accordingly.
- (6) For reasons of legal certainty, this Regulation should not apply to valid applications which are pending on 1 April 2011.

- (7) Pursuant to Article 12 of Regulation (EC) No 297/95, the update has to be made with effect from 1 April 2011. It is therefore appropriate that this Regulation enters into force as a matter of urgency and applies from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 297/95 is amended as follows:

(1) Article 3 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) is amended as follows:

- in the first subparagraph, 'EUR 254 100' is replaced by 'EUR 259 400',
- in the second subparagraph, 'EUR 25 500' is replaced by 'EUR 26 000',
- in the third subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500';

(ii) point (b) is amended as follows:

- in the first subparagraph, 'EUR 98 600' is replaced by 'EUR 100 700',
- in the second subparagraph, 'EUR 164 200' is replaced by 'EUR 167 600',
- in the third subparagraph, 'EUR 9 800' is replaced by 'EUR 10 000',
- in the fourth subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500';

(iii) point (c) is amended as follows:

- in the first subparagraph, 'EUR 76 300' is replaced by 'EUR 77 900',
- in the second subparagraph, 'EUR 19 100 to EUR 57 200' is replaced by 'EUR 19 500 to EUR 58 400',

⁽¹⁾ OJ L 35, 15.2.1995, p. 1.

⁽²⁾ OJ L 136, 30.4.2004, p. 1.

- in the third subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500';

(b) paragraph 2 is amended as follows:

(i) the first subparagraph of point (a) is amended as follows:

- 'EUR 2 700' is replaced by 'EUR 2 800',
- 'EUR 6 400' is replaced by 'EUR 6 500';

(ii) point (b) is amended as follows:

- in the first subparagraph, 'EUR 76 300' is replaced by 'EUR 77 900',
- in the second subparagraph, 'EUR 19 100 to EUR 57 200' is replaced by 'EUR 19 500 to EUR 58 400';

(c) in paragraph 3, 'EUR 12 600' is replaced by 'EUR 12 900';

(d) in paragraph 4, 'EUR 19 100' is replaced by 'EUR 19 500';

(e) in paragraph 5, 'EUR 6 400' is replaced by 'EUR 6 500';

(f) paragraph 6 is amended as follows:

- (i) in the first subparagraph, 'EUR 91 100' is replaced by 'EUR 93 000';
- (ii) in the second subparagraph, 'EUR 22 700 to EUR 68 300' is replaced by 'EUR 23 200 to EUR 69 700';

(2) in Article 4, 'EUR 63 400' is replaced by 'EUR 64 700';

(3) Article 5 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) is amended as follows:

- in the first subparagraph, 'EUR 127 100' is replaced by 'EUR 129 800',
- in the second subparagraph, 'EUR 12 600' is replaced by 'EUR 12 900',
- in the third subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500',
- the fourth subparagraph is amended as follows:
 - 'EUR 63 400' is replaced by 'EUR 64 700',
 - 'EUR 6 400' is replaced by 'EUR 6 500';

(ii) point (b) is amended as follows:

- in the first subparagraph, 'EUR 63 400' is replaced by 'EUR 64 700',
- in the second subparagraph, 'EUR 107 400' is replaced by 'EUR 109 700',
- in the third subparagraph, 'EUR 12 600' is replaced by 'EUR 12 900',
- in the fourth subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500',
- the fifth subparagraph is amended as follows:
 - 'EUR 31 700' is replaced by 'EUR 32 400',
 - 'EUR 6 400' is replaced by 'EUR 6 500';

(iii) point (c) is amended as follows:

- in the first subparagraph, 'EUR 31 700' is replaced by 'EUR 32 400',
- in the second subparagraph, 'EUR 7 900 to EUR 23 700' is replaced by 'EUR 8 100 to EUR 24 200',
- in the third subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500';

(b) paragraph 2 is amended as follows:

(i) in point (a) is amended as follows:

- 'EUR 2 700' is replaced by 'EUR 2 800',
- 'EUR 6 400' is replaced by 'EUR 6 500';

(ii) point (b) is amended as follows:

- in the first subparagraph, 'EUR 38 100' is replaced by 'EUR 38 900',
- in the second subparagraph, 'EUR 9 500 to EUR 28 600' is replaced by 'EUR 9 700 to EUR 29 200',
- in the third subparagraph, 'EUR 6 400' is replaced by 'EUR 6 500';

(c) in paragraph 3, 'EUR 6 400' is replaced by 'EUR 6 500';

(d) in paragraph 4, 'EUR 19 100' is replaced by 'EUR 19 500';

(e) in paragraph 5, 'EUR 6 400' is replaced by 'EUR 6 500';

- (f) paragraph 6 is amended as follows:
- (i) in the first subparagraph, 'EUR 30 400' is replaced by 'EUR 31 000';
 - (ii) in the second subparagraph, 'EUR 7 600 to EUR 22 700' is replaced by 'EUR 7 800 to EUR 23 200';
- (4) in Article 6, 'EUR 38 100' is replaced by 'EUR 38 900';
- (5) Article 7 is amended as follows:
- (a) in the first paragraph, 'EUR 63 400' is replaced by 'EUR 64 700';
 - (b) in the second paragraph, 'EUR 19 100' is replaced by 'EUR 19 500';
- (6) Article 8 is amended as follows:
- (a) paragraph 1 is amended as follows:
 - (i) in the second subparagraph, 'EUR 76 300' is replaced by 'EUR 77 900';
 - (ii) in the third subparagraph, 'EUR 38 100' is replaced by 'EUR 38 900';
 - (iii) in the fourth subparagraph, 'EUR 19 100 to EUR 57 200' is replaced by 'EUR 19 500 to EUR 58 400';
 - (iv) in the fifth subparagraph, 'EUR 9 500 to EUR 28 600' is replaced by 'EUR 9 700 to EUR 29 200';
- (b) paragraph 2 is amended as follows:
- (i) in the second subparagraph, 'EUR 254 100' is replaced by 'EUR 259 400';
 - (ii) in the third subparagraph, 'EUR 127 100' is replaced by 'EUR 129 800';
 - (iii) in the fifth subparagraph, 'EUR 2 700 to EUR 219 000' is replaced by 'EUR 2 800 to EUR 223 600';
 - (iv) in the sixth subparagraph, 'EUR 2 700 to EUR 109 600' is replaced by 'EUR 2 800 to EUR 111 900';
- (c) in paragraph 3, 'EUR 6 400' is replaced by 'EUR 6 500'.

Article 2

This Regulation shall not apply to valid applications pending on 1 April 2011.

Article 3

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

It shall apply from 1 April 2011.

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

Done at Brussels, 28 March 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 302/2011**of 28 March 2011****opening an exceptional import tariff quota for certain quantities of sugar in the 2010/11 marketing year**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular Article 187, in conjunction with Article 4, thereof,

Whereas:

(1) The world market prices for sugar have been at a constant high level since the beginning of the 2010/11 marketing year. Forecasts of world market prices based on the New York sugar futures exchange market for the terms of May, July and October 2011 indicate that world market price will remain high.

(2) The negative difference between availability and utilisation of sugar on the Union market over the last 2 marketing years is estimated at 1,0 million tonnes. This results in the lowest level of ending stocks since the implementation of the 2006 reform of the sugar sector. Any further shortfall of imports threatens to disrupt the availability of supply on the Union sugar market and to increase the internal sugar market price. To limit the negative difference between availability and utilisation of sugar on the Union market in the 2010/11 marketing year, it is necessary to fully utilise all existing import flows: the import tariff rate quotas and the 1,95 million tonnes of imports resulting from Economic Partnership Agreements/Everything But Arms (EPA/EBA) trade arrangements.

(3) However, EPA/EBA imports registered during the 2009/10 marketing year were 1,5 million tonnes. Based on the current world market situation, this quantity is unlikely to increase in the short term. This would inevitably lead to a further shortfall in the supply on the EU market. This situation is caused by high prices on the world market for sugar and for that reason, it is necessary to suspend import duty for certain quantities of sugar.

(4) Commission Regulation (EC) No 891/2009 of 25 September 2009 opening and providing for the administration of certain Community tariff quotas in

the sugar sector ⁽²⁾ provides for the administration of the tariff quotas for imports of sugar products pursuant to Article 187 of Regulation (EC) No 1234/2007 with order number 09.4380 (exceptional import sugar). However, in accordance with Article 11 of Regulation (EC) No 891/2009 the quantities of those products for which import duties are to be suspended has to be determined by a separate legal act.

(5) The exceptional quantity of sugar that can be imported at zero duty in the 2011/12 marketing year need to be set accordingly.

(6) To avoid import licence trading, the rights deriving from the import licence should not be transferable.

(7) The level of the security should be set at a sufficiently high level to ensure full utilisation of the issued import licences under the current, volatile world sugar prices.

(8) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its Chair,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties for sugar falling within CN 1701 and with order number 09.4380 shall be suspended for a quantity of 300 000 tonnes from 1 April to 30 September 2011.

Regulation (EC) No 891/2009 shall apply for the administration of the quota referred to in the first paragraph.

Article 2

By way of derogation from Article 8(1) of Commission Regulation (EC) No 376/2008 ⁽³⁾, the rights deriving from the import licence shall not be transferable.

Article 3

By way of derogation from Article 7(2) of Regulation (EC) No 891/2009, the amount of the security shall be EUR 150 per tonne.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 254, 26.9.2009, p. 82.

⁽³⁾ OJ L 114, 26.4.2008, p. 3.

Article 4

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

It shall apply from 1 April 2011.

It shall expire on 30 September 2011.

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

Done at Brussels, 28 March 2011.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 303/2011**of 28 March 2011****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission 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 29 March 2011.

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

Done at Brussels, 28 March 2011.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 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	JO	71,2
	MA	55,9
	TN	115,9
	TR	84,3
	ZZ	81,8
0707 00 05	EG	170,1
	TR	142,8
	ZZ	156,5
0709 90 70	MA	34,5
	TR	112,1
	ZA	49,8
	ZZ	65,5
0805 10 20	EG	52,4
	IL	78,3
	MA	53,2
	TN	51,7
	TR	73,9
	ZZ	61,9
0805 50 10	TR	52,9
	ZZ	52,9
0808 10 80	AR	84,5
	BR	79,3
	CA	106,9
	CL	97,6
	CN	93,3
	MK	47,7
	US	138,4
	UY	64,5
	ZA	77,8
	ZZ	87,8
0808 20 50	AR	89,2
	CL	74,8
	CN	59,4
	US	79,9
	ZA	102,7
	ZZ	81,2

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

DECISIONS

COUNCIL DECISION

of 21 March 2011

appointing ten Greek members and nine Greek alternate members of the Committee of the Regions

(2011/191/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Greek Government,

Whereas:

(1) On 22 December 2009 and on 18 January 2010, the Council adopted Decisions 2009/1014/EU ⁽¹⁾ and 2010/29/EU ⁽²⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2010 to 25 January 2015.

(2) Ten members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Panagiotis PSOMIADIS, Mr Yannis SGOUROS, Mr Konstantinos TZATZANIS, Mr Konstantinos TATSIS, Mr Andreas FOURAS, Mr Dimitris KALOGEROPOULOS, Ms Evangelina SCHOINARAKI-ILIAKI, Mr Dimitrios TSIGKOUNIS, Mr Georgios PAPASTERGIOU and Mr Grigorios ZAFEIROPOULOS. Eight alternate members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Mr Panagiotis OIKONOMIDIS, Mr Ioannis MACHAIRIDIS, Mr Dimitrios DRAKOS, Mr Polydoros LAMPRIPOUDIS, Mr Miltiadis KLASAS, Mr Spyros SPYRIDON, Mr Lukas KATSAROS and Mr Konstantinos KONTOYORGOS. One alternate member's seat will become vacant following the appointment of Mr Georgios KOTRONIAS as member of the Committee of the Regions,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed to the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2015:

(a) as members:

- Stavros ARNAOUTAKIS, Head of the Region of Crete,
- Grigorios ZAFEIROPOULOS, Councillor of the Region of Attica,

— Dimitrios KALOGEROPOULOS, Municipal Councillor of Aigaleo,

— Georgios KAMINIS, Mayor of Athens,

— Apostolos KATSIFARAS, Head of the Region of Western Greece,

— Georgios KOTRONIAS, Mayor of Lamia,

— Ioannis BOUTARIS, Mayor of Thessaloniki,

— Nikolaos PAPANDREOU, Councillor of the Region of Sterea Ellada,

— Ioannis SGOUROS, Head of the Region of Attica,

— Panagiotis PSOMIADIS, Head of the Region of Central Macedonia;

and

(b) as alternate members:

— Pavlos ALTINIS, Councillor of the Region of West Macedonia,

— Athanasios GIAKALIS, Head of the Region of North Aegean,

— Aristeidis GIANNAKIDIS, Head of the Region of Eastern Macedonia-Thrace,

— Dimitrios DRAKOS, Councillor of the Region of Peloponnesus,

— Polydoros LAMPRIPOUDIS, Mayor of Chios,

— Christos LAPPAS, Mayor of Trikala,

— Ioannis MACHAIRIDIS, Head of the Region of South Aegean,

— Dimitrios BIRMPAS, Municipal Councillor of Aigaleo,

— Spyros SPYRIDON, Councillor of the Region of Attica.

⁽¹⁾ OJ L 348, 29.12.2009, p. 22.

⁽²⁾ OJ L 12, 19.1.2010, p. 11.

Article 2

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

Done at Brussels, 21 March 2011.

For the Council
The President
MARTONYI J.

COMMISSION DECISION

of 28 March 2011

excluding from EU financing certain expenditure incurred by Hungary under the programme for the support for pre-accession measures for agriculture and rural development (Sapard) in 2004

*(notified under document C(2011) 1738)***(Only the Hungarian text is authentic)**

(2011/192/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1268/1999 of 21 June 1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽¹⁾,

Having regard to Commission Regulation (EC) No 2222/2000 of 7 June 2000 laying down financial rules for the application of Council Regulation (EC) No 1268/1999 on Community support for pre-accession measures for agriculture and rural development in the applicant countries of central and eastern Europe in the pre-accession period ⁽²⁾, and in particular Article 14 thereof,

Having regard to the Multi-Annual Financing Agreement between the Commission of the European Communities, acting on behalf of the European Community, and Hungary which was concluded on 15 June 2001, and in particular Article 12, Section A of the Annex thereto,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Commission Regulation (EC) No 1419/2004 ⁽³⁾ provides for the continuation of the application of the Multiannual Financing Agreements and the Annual Financing Agreement concluded between the European Commission, representing the European Union on the one hand, and the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia on the other, and for certain derogations from the Multiannual Financing Agreements (hereinafter referred to as 'MAFAs') and from Council Regulation (EC) No 1266/1999 ⁽⁴⁾ and Regulation (EC) No 2222/2000.
- (2) Commission Regulation (EC) No 447/2004 ⁽⁵⁾ lays down rules to facilitate the transition from support under Regulation (EC) No 1268/1999 to that provided for by

Council Regulations (EC) No 1257/1999 ⁽⁶⁾ and (EC) No 1260/1999 ⁽⁷⁾ for the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia, in conjunction with the MAFAs as referred to in Annex I, point 1 of Regulation (EC) No 1419/2004, and, in Article 12 of Section A of the Annex to the MAFAs.

- (3) Commission Regulation (EC) No 248/2007 ⁽⁸⁾ provides for measures concerning the MAFAs and the Annual Financing Agreements concluded under the Sapard programme and the transition from Sapard to rural development, in conjunction with the MAFAs as referred to in Annex III to that Regulation.
- (4) Article 12(1) of Section A of the Annex to the MAFAs, which remains in force after the accession of Hungary to the European Union by virtue of Regulation (EC) No 248/2007, requires the Commission to take a Decision (hereinafter referred to as 'the conformity clearance Decision') on the expenditure to be excluded from EU co-financing where it finds that expenditure has not been effected in compliance with this Agreement.
- (5) The findings of the annual certification report for the Sapard accounts for the financial year 2004 indicated that the Sapard Agency might have breached certain provisions of the MAFAs. In this respect, the Commission launched an enquiry in accordance with the Article 12 of Section A of the Annex to the MAFAs.
- (6) In accordance with Article 12(3) of Section A of the Annex to the MAFAs, the Hungarian authorities were invited to a bilateral discussion on 8 November 2005, at which both parties endeavoured to reach an agreement as to the action to be taken and on an evaluation of the gravity of the infringement.
- (7) Following the bilateral discussion, the Commission still considered that certain items of expenditure had not been carried out in conformity with the rules governing the Sapard programme. For some of the payments made in the financial years 2003 and 2004, Hungary breached the 3-month deadline for payments to beneficiaries provided in Article 8(6), Section A of the MAFAs. According to this provision, the interval between receipt of the supporting documents needed to make the payment and issuing of the payment order should not have exceeded 3 months.

⁽¹⁾ OJ L 161, 26.6.1999, p. 87.

⁽²⁾ OJ L 253, 7.10.2000, p. 5.

⁽³⁾ OJ L 258, 5.8.2004, p. 11.

⁽⁴⁾ OJ L 161, 26.6.1999, p. 68.

⁽⁵⁾ OJ L 72, 11.3.2004, p. 64.

⁽⁶⁾ OJ L 160, 26.6.1999, p. 80.

⁽⁷⁾ OJ L 161, 26.6.1999, p. 1.

⁽⁸⁾ OJ L 69, 9.3.2007, p. 5.

- (8) By letter of 16 October 2009, the Hungarian authorities initiated a conciliation procedure in accordance with the third subparagraph of Article 12(3) of Section A and Item 9 of Section F of the Annex to the MAFAs. The Conciliation Body supported the arguments presented by the Hungarian authorities and considered them as exceptional circumstances to derogate from the deadline for the payments to beneficiaries given by provision of Article 8(6), Section A of the MAFAs.
- (9) The Commission could not consider the arguments given by the Hungarian authorities as exceptional circumstances, justifying some derogation from Article 8(6), Section A of the MAFAs, and proposed the amount of EUR 2 535 286 for financial reduction.
- (10) In accordance with Article 12(7) of Section A of the Annex to the MAFAs, the amount to be recovered shall be communicated to the National Authorising Officer who should, on behalf of Hungary, ensure that the amount is credited to the Sapard euro account within 2 months of the date that the Decision is taken. However, due to the fact that the implementation of the Sapard programme is finalised, the recovery of the sum excluded shall be executed in a form of a recovery order,

HAS ADOPTED THIS DECISION:

Article 1

The amount of EUR 2 535 286 paid by the Hungarian Sapard Agency is hereby excluded from EU financing as the underlying transactions do not comply with the rules governing the Sapard programme.

The calculation of the correction is indicated in the Annex.

Article 2

This Decision is addressed to the Republic of Hungary.

Done at Brussels, 28 March 2011.

For the Commission
Dacian CIOLOȘ
Member of the Commission

ANNEX

TABLE OF REDUCTIONS

Delay	Total expenditure in FY2004 (EUR)	Use of 4 % reserve	Amount subject to reduction (EUR)	Red. Rate (%)	Reduction computation (EUR)
0 months	32 367 673,72	n.a.	n.a.	0	0,00
Up to 1 month	7 283 177,62	– 1 294 706,95	5 988 470,67	10	598 847,07
Up to 2 months	1 601 753,18	0,00	1 601 753,18	25	400 438,29
Up to 3 months	601 262,42	0,00	601 262,42	45	270 568,09
Up to 4 months	484 224,09	0,00	484 224,09	70	338 956,86
5 and more months	926 475,69	0,00	926 475,69	100	926 475,69
Grand Total	43 264 566,71	– 1 294 706,95	9 602 186,04		2 535 286,00

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2011 OF THE EU-SWITZERLAND JOINT COMMITTEE ESTABLISHED IN THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION IN THE AUDIOVISUAL FIELD, ESTABLISHING THE TERMS AND CONDITIONS FOR THE PARTICIPATION OF THE SWISS CONFEDERATION IN THE COMMUNITY PROGRAMME MEDIA 2007

of 21 January 2011

on the updating of Article 1 of Annex I to the Agreement

(2011/193/EU)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation in the audiovisual field, establishing the terms and conditions for the participation of the Swiss Confederation in the Community programme MEDIA 2007 ⁽¹⁾, hereinafter referred to as 'the Agreement', and the Final Act to the Agreement ⁽²⁾, both signed in Brussels on 11 October 2007,

Whereas:

- (1) The Agreement entered into force on 1 August 2010.
- (2) Following the entry into force on 19 December 2007 of Council Directive 89/552/EEC ⁽³⁾ as last amended by Directive 2007/65/EC of the European Parliament and of the Council ⁽⁴⁾, as codified (Audiovisual Media Services Directive), it appears appropriate to the Contracting Parties to update the references to that Directive accordingly, as provided in the Final Act to the Agreement in the Joint Declaration by the Contracting Parties on the adaptation of the Agreement to the new Community Directive, and to update Article 1 of Annex I to the Agreement, pursuant to Article 8(7) of the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1 of Annex I to the Agreement shall be replaced by the following:

'Article 1

Freedom of broadcast reception and retransmission

1. Switzerland shall ensure freedom of reception and retransmission on its territory with regard to television broadcasts under the jurisdiction of a Member State of the

Union, as determined pursuant to Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (*), (hereinafter referred to as the "Audiovisual Media Services Directive"), in accordance with the following procedures:

Switzerland shall maintain the right to:

- (a) suspend retransmission of broadcasts from a television broadcasting organisation under the jurisdiction of a Member State of the Union which has manifestly, seriously and gravely infringed the rules on the protection of minors and human dignity set out in Article 27(1) or (2) and/or Article 6 of the Audiovisual Media Services Directive;
- (b) require broadcasters under its jurisdiction to comply with more detailed or stricter rules in the fields coordinated by the Audiovisual Media Services Directive provided that such rules are proportionate and non-discriminatory.

2. In cases where Switzerland:

- (a) has exercised its freedom under paragraph 1(b) to adopt more detailed or stricter rules of general public interest; and
- (b) assesses that a broadcaster under the jurisdiction of a Member State of the Union provides a television broadcast which is wholly or mostly directed towards its territory;

it may contact the Member State having jurisdiction with a view to achieving a mutually satisfactory solution to any problems posed. On receipt of a substantiated request by Switzerland, the Member State having jurisdiction shall request the broadcaster to comply with the rules of general public interest in question. The Member State

⁽¹⁾ OJ L 303, 21.11.2007, p. 11.

⁽²⁾ OJ L 303, 21.11.2007, p. 20.

⁽³⁾ OJ L 298, 17.10.1989, p. 23.

⁽⁴⁾ OJ L 332, 18.12.2007, p. 27.

having jurisdiction shall inform Switzerland of the results obtained following this request within 2 months. Either Switzerland or the Member State may ask the Commission to invite the parties concerned to an ad-hoc meeting with the Commission on the fringe of the Contact Committee to examine the case.

3. Where Switzerland assesses:

- (a) that the results achieved through the application of paragraph 2 are not satisfactory; and
- (b) that the broadcaster in question has established itself in the Member State having jurisdiction in order to circumvent the stricter rules, in the fields coordinated by the Audiovisual Media Services Directive, which would be applicable to it if it were established within Switzerland;

it may adopt appropriate measures against the broadcaster concerned.

Such measures shall be objectively necessary, applied in a non-discriminatory manner and be proportionate to the objectives which they pursue.

4. Switzerland may take measures pursuant to paragraph 1(a) or paragraph 3 of this Article only if the following conditions are met:

- (a) it has notified the Joint Committee and the Member State in which the broadcaster is established of its intention to take such measures while substantiating the grounds on which it bases its assessment; and

- (b) the Joint Committee has decided that the measures are proportionate and non-discriminatory, and in particular that assessments made by Switzerland under paragraphs 2 and 3 are correctly founded.

(*) OJ L 298, 17.10.1989, p. 23. Directive as amended by Directive 97/36/EC of the European Parliament and of the Council of 30 June 1997 (OJ L 202, 30.7.1997, p. 60) and as last amended by Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 (OJ L 332, 18.12.2007, p. 27) and as codified in Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual services (Audiovisual Media Services Directive) in the version OJ L 95, 15.4.2010, p. 1).

Article 2

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

Done at Brussels, 21 January 2011.

For the Joint Committee

<i>The Head of the EU Delegation</i>	<i>The Head of the Swiss Delegation</i>
Jean-Eric DE COCKBORNE	J.-F. JAUSLIN

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