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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2011/77/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 27 September 2011

amending Directive 2006/116/EC on the term of protection of copyright and certain related rights

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 53(1), 62 and 114 thereof,

Having regard to the proposal from the European Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

(1) Under Directive 2006/116/EC of the European Parliament and of the Council ⁽³⁾, the term of protection for performers and producers of phonograms is 50 years.

(2) In the case of performers this period starts with the performance or, when the fixation of the performance is lawfully published or lawfully communicated to the public within 50 years after the performance is made, with the first such publication or the first such communication to the public, whichever is the earliest.

(3) For phonogram producers the period starts with the fixation of the phonogram or its lawful publication within 50 years after fixation, or, if it is not so published, its lawful communication to the public within 50 years after fixation.

(4) The socially recognised importance of the creative contribution of performers should be reflected in a level of protection that acknowledges their creative and artistic contribution.

(5) Performers generally start their careers young and the current term of protection of 50 years applicable to fixations of performances often does not protect their performances for their entire lifetime. Therefore, some performers face an income gap at the end of their lifetime. In addition, performers are often unable to rely on their rights to prevent or restrict an objectionable use of their performances that may occur during their lifetime.

(6) The revenue derived from the exclusive rights of reproduction and making available, as provided for in Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society ⁽⁴⁾, as well as fair compensation for reproductions for private use within the meaning of that Directive, and from the exclusive rights of distribution and rental within the meaning of Directive 2006/115/EC of the European Parliament and of the Council of 12 December 2006 on rental right and lending right and on certain rights related to copyright in the field of intellectual property ⁽⁵⁾, should be available to performers for at least their lifetime.

(7) The term of protection for fixations of performances and for phonograms should therefore be extended to 70 years after the relevant event.

(8) The rights in the fixation of the performance should revert to the performer if a phonogram producer refrains from offering for sale in sufficient quantity,

⁽¹⁾ OJ C 182, 4.8.2009, p. 36.

⁽²⁾ Position of the European Parliament of 23 April 2009 (OJ C 184 E, 8.7.2010, p. 331) and Decision of the Council of 12 September 2011.

⁽³⁾ OJ L 372, 27.12.2006, p. 12.

⁽⁴⁾ OJ L 167, 22.6.2001, p. 10.

⁽⁵⁾ OJ L 376, 27.12.2006, p. 28.

within the meaning of the International Convention on the Protection of Performers, Producers of Phonograms and Broadcasting Organisations, copies of a phonogram which, but for the term extension, would be in the public domain, or refrains from making such a phonogram available to the public. That option should be available on expiry of a reasonable period of time for the phonogram producer to carry out both of these acts of exploitation. The rights of the phonogram producer in the phonogram should therefore expire, in order to avoid a situation in which these rights would coexist with those of the performer in the fixation of the performance while the latter rights are no longer transferred or assigned to the phonogram producer.

- (9) Upon entering into a contractual relationship with a phonogram producer, performers normally have to transfer or assign to the phonogram producer their exclusive rights of reproduction, distribution, rental and making available of fixations of their performances. In exchange, some performers are paid an advance on royalties and enjoy payments only once the phonogram producer has recouped the initial advance and made any contractually defined deductions. Other performers transfer or assign their exclusive rights in return for a one-off payment (non-recurring remuneration). This is particularly the case for performers who play in the background and do not appear in the credits (non-featured performers) but sometimes also for performers who appear in the credits (featured performers).
- (10) In order to ensure that performers who have transferred or assigned their exclusive rights to phonogram producers actually benefit from the term extension, a series of accompanying measures should be introduced.
- (11) A first accompanying measure should be the imposition on phonogram producers of an obligation to set aside, at least once a year, a sum corresponding to 20 % of the revenue from the exclusive rights of distribution, reproduction and making available of phonograms. 'Revenue' means the revenue derived by the phonogram producer before deducting costs.
- (12) Payment of those sums should be reserved solely for the benefit of performers whose performances are fixed in a phonogram and who have transferred or assigned their rights to the phonogram producer in return for a one-off payment. The sums set aside in this manner should be distributed to non-featured performers at least once a year on an individual basis. Such distribution should be entrusted to collecting societies and national rules on non-distributable revenue may be applied. In order to avoid the imposition of a disproportionate burden in the collection and administration of that revenue, Member States should be able to regulate the extent to which micro-enterprises are subject to the obligation to

contribute where such payments would appear unreasonable in relation to the costs of collecting and administering such revenue.

- (13) However, Article 5 of Directive 2006/115/EC already grants performers an unwaivable right to equitable remuneration for the rental of, inter alia, phonograms. Likewise, in contractual practice performers do not usually transfer or assign to phonogram producers their rights to claim a single equitable remuneration for broadcasting and communication to the public under Article 8(2) of Directive 2006/115/EC and to fair compensation for reproductions for private use under point (b) of Article 5(2) of Directive 2001/29/EC. Therefore, in the calculation of the overall amount to be dedicated by a phonogram producer to payments of the supplementary remuneration, no account should be taken of revenue which the phonogram producer has derived from the rental of phonograms, of the single equitable remuneration received for broadcasting and communication to the public or of the fair compensation received for private copying.
- (14) A second accompanying measure designed to rebalance contracts whereby performers transfer their exclusive rights on a royalty basis to a phonogram producer, should be a 'clean slate' for those performers who have assigned their above-mentioned exclusive rights to phonogram producers in return for royalties or remuneration. In order for performers to benefit fully from the extended term of protection, Member States should ensure that, under agreements between phonogram producers and performers, a royalty or remuneration rate unencumbered by advance payments or contractually defined deductions is paid to performers during the extended period.
- (15) For the sake of legal certainty it should be provided that, in the absence of clear indications to the contrary in the contract, a contractual transfer or assignment of rights in the fixation of the performance concluded before the date by which Member States are to adopt measures implementing this Directive shall continue to produce its effects for the extended term.
- (16) Member States should be able to provide that certain terms in those contracts which provide for recurring payments can be renegotiated for the benefit of performers. Member States should have procedures in place to cover the eventuality that the renegotiation fails.
- (17) This Directive should not affect national rules and agreements which are compatible with its provisions, such as collective agreements concluded in Member States between organisations representing performers and organisations representing producers.

- (18) In some Member States, musical compositions with words are given a single term of protection, calculated from the death of the last surviving author, while in other Member States separate terms of protection apply for music and lyrics. Musical compositions with words are overwhelmingly co-written. For example, an opera is often the work of a librettist and a composer. Moreover, in musical genres such as jazz, rock and pop music, the creative process is often collaborative in nature.
- (19) Consequently, the harmonisation of the term of protection in respect of musical compositions with words the lyrics and music of which were created in order to be used together is incomplete, giving rise to obstacles to the free movement of goods and services, such as cross-border collective management services. In order to ensure the removal of such obstacles, all such works in protection at the date by which the Member States are required to transpose this Directive should have the same harmonised term of protection in all Member States.
- (20) Directive 2006/116/EC should therefore be amended accordingly.
- (21) Since the objectives of the accompanying measures cannot be sufficiently achieved by the Member States, inasmuch as national measures in that field would either lead to distortion of competition or affect the scope of exclusive rights of the phonogram producer which are defined by Union legislation, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (22) In accordance with point 34 of the interinstitutional agreement on better law-making⁽¹⁾, Member States are encouraged to draw up, for themselves and in the interests of the Union, their own tables which will, as far as possible, illustrate the correlation between this Directive and their transposition measures, and to make them public,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 2006/116/EC

Directive 2006/116/EC is hereby amended as follows:

- (1) The following paragraph shall be added to Article 1:

‘7. The term of protection of a musical composition with words shall expire 70 years after the death of the last of the

following persons to survive, whether or not those persons are designated as co-authors: the author of the lyrics and the composer of the musical composition, provided that both contributions were specifically created for the respective musical composition with words.’.

- (2) Article 3 shall be amended as follows:

- (a) in paragraph 1, the second sentence shall be replaced by the following:

‘However,

— if a fixation of the performance otherwise than in a phonogram is lawfully published or lawfully communicated to the public within this period, the rights shall expire 50 years from the date of the first such publication or the first such communication to the public, whichever is the earlier,

— if a fixation of the performance in a phonogram is lawfully published or lawfully communicated to the public within this period, the rights shall expire 70 years from the date of the first such publication or the first such communication to the public, whichever is the earlier.’;

- (b) in the second and third sentences of paragraph 2, the number ‘50’ shall be replaced by ‘70’;

- (c) the following paragraphs shall be inserted:

‘2a. If, 50 years after the phonogram was lawfully published or, failing such publication, 50 years after it was lawfully communicated to the public, the phonogram producer does not offer copies of the phonogram for sale in sufficient quantity or does not make it available to the public, by wire or wireless means, in such a way that members of the public may access it from a place and at a time individually chosen by them, the performer may terminate the contract by which the performer has transferred or assigned his rights in the fixation of his performance to a phonogram producer (hereinafter a “contract on transfer or assignment”). The right to terminate the contract on transfer or assignment may be exercised if the producer, within a year from the notification by the performer of his intention to terminate the contract on transfer or assignment pursuant to the previous sentence, fails to carry out both of the acts of exploitation referred to in that sentence. This right to terminate may not be waived by the performer. Where a phonogram contains the fixation of the performances of a plurality of performers, they may terminate their contracts on transfer or assignment in accordance with applicable national law. If the contract on transfer or assignment is terminated pursuant to this paragraph, the rights of the phonogram producer in the phonogram shall expire.

⁽¹⁾ OJ C 321, 31.12.2003, p. 1.

2b. Where a contract on transfer or assignment gives the performer a right to claim a non-recurring remuneration, the performer shall have the right to obtain an annual supplementary remuneration from the phonogram producer for each full year immediately following the 50th year after the phonogram was lawfully published or, failing such publication, the 50th year after it was lawfully communicated to the public. The right to obtain such annual supplementary remuneration may not be waived by the performer.

2c. The overall amount to be set aside by a phonogram producer for payment of the annual supplementary remuneration referred to in paragraph 2b shall correspond to 20 % of the revenue which the phonogram producer has derived, during the year preceding that for which the said remuneration is paid, from the reproduction, distribution and making available of the phonogram in question, following the 50th year after it was lawfully published or, failing such publication, the 50th year after it was lawfully communicated to the public.

Member States shall ensure that phonogram producers are required on request to provide to performers who are entitled to the annual supplementary remuneration referred to in paragraph 2b any information which may be necessary in order to secure payment of that remuneration.

2d. Member States shall ensure that the right to obtain an annual supplementary remuneration as referred to in paragraph 2b is administered by collecting societies.

2e. Where a performer is entitled to recurring payments, neither advance payments nor any contractually defined deductions shall be deducted from the payments made to the performer following the 50th year after the phonogram was lawfully published or, failing such publication, the 50th year after it was lawfully communicated to the public.’

(3) The following paragraphs shall be added to Article 10:

‘5. Article 3(1) to (2e) in the version thereof in force on 31 October 2011 shall apply to fixations of performances and phonograms in regard to which the performer and the phonogram producer are still protected, by virtue of those provisions in the version thereof in force on 30 October 2011, as at 1 November 2013 and to fixations of performances and phonograms which come into being after that date.

6. Article 1(7) shall apply to musical compositions with words of which at least the musical composition or the lyrics are protected in at least one Member State on

1 November 2013, and to musical compositions with words which come into being after that date.

The first subparagraph of this paragraph shall be without prejudice to any acts of exploitation performed before 1 November 2013. Member States shall adopt the necessary provisions to protect, in particular, acquired rights of third parties.’

(4) The following Article shall be inserted:

‘Article 10a

Transitional measures

1. In the absence of clear contractual indications to the contrary, a contract on transfer or assignment concluded before 1 November 2013 shall be deemed to continue to produce its effects beyond the moment at which, by virtue of Article 3(1) in the version thereof in force on 30 October 2011, the performer would no longer be protected.

2. Member States may provide that contracts on transfer or assignment which entitle a performer to recurring payments and which are concluded before 1 November 2013 can be modified following the 50th year after the phonogram was lawfully published or, failing such publication, the 50th year after it was lawfully communicated to the public.’

Article 2

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 November 2013. They shall forthwith inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

Reporting

1. By 1 November 2016, the Commission shall submit to the European Parliament, the Council and the European Economic and Social Committee a report on the application of this Directive in the light of the development of the digital market, accompanied, where appropriate, by a proposal for the further amendment of Directive 2006/116/EC.

2. By 1 January 2012, the Commission shall submit a report to the European Parliament, the Council and the European Economic and Social Committee, assessing the possible need for an extension of the term of protection of rights to performers and producers in the audiovisual sector. If appropriate, the Commission shall submit a proposal for the further amendment of Directive 2006/116/EC.

Article 4

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

Article 5

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 27 September 2011.

For the European Parliament

The President

J. BUZEK

For the Council

The President

M. DOWGIELEWICZ

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 999/2011

of 10 October 2011

amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

(5) Regulation (EC) No 765/2006 should therefore be amended accordingly,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

HAS ADOPTED THIS REGULATION:

Having regard to Council Decision 2011/666/CFSP of 10 October 2011 amending Decision 2010/639/CFSP concerning restrictive measures against Belarus ⁽¹⁾,*Article 1*

In Regulation (EC) No 765/2006, the following Article is inserted:

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

‘Article 4a

Whereas:

By way of derogation from Article 2(1), where a payment by a natural or legal person, entity or body listed in Annex I or Annex IA is due under a contract or agreement that was concluded by, or an obligation that arose for the natural or legal person, entity or body concerned before the date on which that person, entity or body had been listed, the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that:

(1) Council Regulation (EC) No 765/2006 of 18 May 2006 ⁽²⁾ provides for a freezing of the assets of President Lukashenko and certain officials of Belarus.

(2) By Regulation (EU) No 588/2011 of 20 June 2011 ⁽³⁾, the Council added further names to the list of persons targeted by the asset freeze. These further names included entities.

(3) By Decision 2011/666/CFSP, the Council has decided that a derogation from the asset freeze should be provided, in order to ensure that EU companies are not prohibited from recovering funds owed to them by the listed entities under contracts entered into prior to the listing of those entities.

(4) This measure falls within the scope of the Treaty and regulatory action at the level of the Union is therefore necessary in order to give effect to it, in particular with a view to ensuring its uniform application by economic operators in all Member States.

(i) the competent authority concerned has determined that the payment is not, directly or indirectly, to or for the benefit of a person, entity or body listed in Annex I or Annex IA; and

(ii) the Member State concerned has, at least 2 weeks prior to the grant of the authorisation, notified the other Member States and the Commission of that determination and its intention to grant the authorisation.’

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

⁽¹⁾ See page 17 of this Official Journal.

⁽²⁾ OJ L 134, 20.5.2006, p. 1.

⁽³⁾ OJ L 161, 21.6.2011, p. 1.

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

Done at Luxembourg, 10 October 2011.

For the Council
The President
C. ASHTON

COUNCIL IMPLEMENTING REGULATION (EU) No 1000/2011**of 10 October 2011****implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus ⁽¹⁾, and in particular Article 8a(1) thereof,

Whereas:

- (1) On 18 May 2006, the Council adopted Regulation (EC) No 765/2006.
- (2) In view of the gravity of the situation in Belarus, additional persons should be included in the list of natural and legal persons, entities and bodies subject to restrictive measures as set out in Annex IA to Regulation (EC) No 765/2006.
- (3) Furthermore, the information relating to certain persons and to an entity on the list in Annex IA to that Regulation should be updated,

HAS ADOPTED THIS REGULATION:

Article 1

The persons listed in Annex I to this Regulation shall be added to the list set out in Annex IA to Regulation (EC) No 765/2006.

Article 2

In Annex IA to Regulation (EC) No 765/2006, the entries for the following persons and entity shall be replaced by the respective entries set out in Annex II to this Regulation:

- (1) Mazouka Siarhei
- (2) Bazanau, Aliaksandr Viktaravich
- (3) Peftiev Vladimir
- (4) Ipatau, Vadzim Dzmitryevich
- (5) Bushnaia, Natallia Uladzimirauna
- (6) Bushchyk, Vasil Vasilievich
- (7) Katsuba, Sviatlana Piatrouna
- (8) Kisialiova, Nadzeia Mikalaeuna
- (9) Padaliak, Eduard Vasilievich
- (10) Rakhmanava, Maryna Iurievna
- (11) Shchurok, Ivan Antonavich
- (12) Sport-Pari
- (13) Shadryna, Hanna Stanislavauna.

Article 3

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

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

Done at Luxembourg, 10 October 2011.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 134, 20.5.2006, p. 1.

ANNEX I

Persons referred to in Article 1

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|----|--|-------------------------------------|-------------------------------------|----------------------------|--|
| 1. | Kamisarau, Valery Mikalayevich Komissarov, Valeri Nikolaevich | Камісараў Валеры Мікалаевіч | Комиссаров Валерий Николаевич | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of political and civil society activists Dmitri Dashkevich, Eduard Lobov, Aleksandr Otroshchenkov, Dmitri Novik, Aleksandr Molchanov. These trials were a clear violation of the Code of Penal Procedure. |
| 2. | Stsiapurka, Uladzimir Mikhailavich Stepurko, Vladimir Mikhailovich | Сцяпурка Уладзімір Міхайлавіч | Степурко Владимир Михайлович | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of political and civil society activists Irina Khalip, Sergei Martselev, Pavel Severinets, Dmitri Bondarenko, Dmitri Doronin, Sergei Kazakov, Vladimir Loban, Vitali Matsukevich, Evgeni Sekret and Oleg Fedorkevich. These trials were a clear violation of the Code of Penal Procedure. |
| 3. | Khrypach, Siarhei Fiodaravich Khrpach, Sergei Fiodorovich | Хрыпач Сяргей Фёдаравіч | Хрипач Сергей Федорович | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of ex presidential candidates Andrei Sannikov, Nikolai Statkevich, Dmitri Uss, Vladimir Nekliaev, political and civil society activists Andrei Dmitriev, Ilia Vasilevich, Fiodor Mirzayanov, Oleg Gnedchik, Vladimir Yeriomenok, Andrei Pozniak, Aleksandr Klaskovski, Aleksandr Kviatkevich, Artiom Gribkov, Dmitri Bulanov and (as associate judge) Dmitri Dashkevich, Eduard Lobov, Aleksandr Otroshchenkov, Dmitri Novik, Aleksandr Molchanov. These trials were a clear violation of the Code of Penal Procedure. |
| 4. | Nazaranka, Vasil Andreyevich Nazarenko, Vasili Andreevich | Назаранка Васіль Андрэевіч | Назаренко Василий Андреевич | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of political and civil society activists Vasili Parfenkov and (as associate judge) Dmitri Dashkevich, Eduard Lobov. These trials were a clear violation of the Code of Penal Procedure. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|----|--|------------------------------------|------------------------------------|----------------------------|--|
| 5. | Kamarouskaya, Volha Paulauna Komarovskaia, Olga Pavlovna | Камароўская Вольга Паўлаўна | Комаровская Ольга Павловна | | Judge of the City Court of Minsk. She dismissed (as associate judge) the appeals against the sentences of ex presidential candidate Andrei Sannikov, political and civil society activists Irina Khalip, Sergei Martselev, Pavel Severinets, Aleksandr Otroshchenkov, Dmitri Novik, Aleksandr Molchanov, Ilia Vasilevich, Fiodor Mirzayanov, Oleg Gnedchik, Vladimir Yeriomenok, Dmitri Doronin, Sergei Kazakov, Vladimir Loban, Vitali Matsukevich, Evgeni Sekret and Oleg Fedorkevich. These trials were a clear violation of the Code of Penal Procedure. |
| 6. | Zaitsava, Viktoryia Henadzeuna Zaitseva, Viktoria Gennadievna | Зайцава Вікторыя Генадзеўна | Зайцева Виктория Геннадьевна | | Judge of the City Court of Minsk. She dismissed (as associate judge) the appeals against the sentences of ex presidential candidate Andrei Sannikov, political and civil society activists Ilia Vasilevich, Fiodor Mirzayanov, Oleg Gnedchik and Vladimir Yeriomenok. The trial was a clear violation of the Code of Penal Procedure. |
| 7. | Unukevich, Tamara Vasileuna Vnukevich, Tamara Vasilievna | Унукевіч Тамара Васілеўна | Внукевич Тамара Васильевна | | Judge of the City Court of Minsk. She dismissed (as associate judge) the appeals against the sentences of political and civil society activists Irina Khalip, Sergei Martselev, Pavel Severinets. The trial was a clear violation of the Code of Penal Procedure. |
| 8. | Krot, Ihar Uladzimiravich Krot, Igor Vladimirovich | Крот Ігар Уладзіміравіч | Крот Игорь Владимирович | | Judge of the City Court of Minsk. He dismissed (as associate judge) the appeal against the sentence of the political activist Vasili Parfenkov. The trial was a clear violation of the Code of Penal Procedure. |
| 9. | Khrobastau, Uladzimir Ivanavich Khrobostov, Vladimir Ivanovich | Хробастаў Уладзімір Іванавіч | Хробостов Владимир Иванович | | Judge of the City Court of Minsk. He dismissed (as associate judge) the appeal against the sentence of the political activist Vasili Parfenkov. The trial was a clear violation of the Code of Penal Procedure. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|-----|---|------------------------------------|--------------------------------------|---|--|
| 10. | Ihnatovich-Mishneva, Liudmila Ignatovich-Mishneva, Liudmila | Ігнатовіч- Мішнева Людміла | Игнатович- Мишнева Людмила | | Prosecutor of the City Court of Minsk dealing with the dismissal of the appeal against the sentence of Dmitri Dashkevich and Eduard Lobov, activists of the Molodoi Front (Young Front). The trial was a clear violation of the Code of Penal Procedure. |
| 11. | Yarmalitski, Siarhei Uladzimiravich Ermolitski, Sergei Vladimirovich (Yermolitski, Sergei Vladimirovich) | Ярмаліцкі Сяргей Уладзіміравіч | Ермолицкий Сергей Владимирович | | Director of the prison camp in Shklov. He is responsible for the inhuman treatment of the detainees and persecution of ex presidential candidate Nikolai Statkevich, who was imprisoned in relation to the 19 December 2010 events, and other inmates. |
| 12. | Kavaliou, Aliaksandr Mikhailavich Kovalev, Aleksandr Mikhailovich | Кавалёў Аляксандр Міхайлавіч | Ковалёв Александр Михайлович | | Director of the prison camp in Gorki. He is responsible for the inhuman treatment of the detainees, especially for persecution and torturous treatment of civil society activist Dmitri Dashkevich, who was imprisoned in relation to the 19 December 2010 elections and the crackdown on civil society and democratic opposition.. |
| 13. | Paluyan, Uladzimir Mikalayevich Paluyan, Vladimir Nikolaevich | Палуян Уладзімір Мікалаевіч | Полуян Владимир Николаевич | Village Nekrashevichi of Karelichi district of Hrodna region 1961 | Minister of Taxes and Duties. Supervises tax authorities that support the criminal case against Byalyatski using the pretext of tax evasion. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |
| 14. | Kornau, Uladzimir Uladzimiravich Kornov, Vladimir Vladimirovich | Корнаў Уладзімір Уладзіміравіч | Корнов Владимир Владимирович | | Judge at the City Court of Minsk who authorised the rejection of Byalyatski's lawyers's appeal. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|-----|--|--|-------------------------------------|----------------------------|--|
| 15. | Shastakou Maksim Aleksandrauvich (Shastakou Maksim Aleksandravich, Shastakou Maxim Aleksandrauvich, Shastakou Maxim Aleksandravich, Shastakou Maxsim Aleksandrauvich, Shastakou Maxsim Aleksandravich) Shestakov, Maksim Aleksandrovich | Шастакоў Максім Александравіч | Шестаков Максим Александрович | | Prosecutor who presented the case against Byalyatski in the Pervomaiski District Court of Minsk after Byalyatski's application to the court regarding his detention. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |
| 16. | Herasimovich Volha Ivanavna (Herasimovich Volha Ivanovna) Gerasimovich Olga Ivanovna | Герасімовіч Вольга Іванаўна (Герасімовіч Вольга Іваноўна) | Герасимович Ольга Ивановна | | Prosecutor who presented the case against Byalyatski in the City Court of Minsk after Byalyatski's application to the court regarding his detention. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |

ANNEX II

Persons and entity referred to in Article 2

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Name in Belarusian | Name in Russian | Place and date of birth | Position |
|----|--|------------------------------------|------------------------------------|--|--|
| 1. | Mazouka, Kiryl Viktaravich Mazovka, Kirill Viktorovich | Мазоўка Кірыл Віктаравіч | Мазовка Кирилл Викторович | | Prosecutor of the Dashkevich-Lobov case. Dmitri Dashkevich and Eduard Lobov, activists of the Molodoi Front (Young Front), were sentenced to several years of imprisonment for 'hooliganism'. The real reason for their imprisonment was that they both actively participated in the electoral campaign in December 2010 supporting one of the candidates of the opposition. |
| 2. | Bazanau, Aliaksandr Viktaravich Bazanov, Aleksandr Viktorovich | Базанаў Аляксандр Віктаравіч | Базанов Александр Викторович | Kazakhstan, 26.11.1962 | Director, Information and Analytical Center of the President. |
| 3. | Peftiev Vladimir Peftiev Vladimir Pavlovich | Пэфціеў Уладзімір Паўлавіч | Пeftиев Владимир Павлович | 1 July 1957, Berdyansk, Zaporozhskaya Oblast, Ukraine; Present passport No.: MP2405942 | Person associated with Aliaksandr Lukashenka, Viktar Lukashenka and Dzmitry Lukashenka. Provides economic advice to President Lukashenka and is a key financial sponsor of the Lukashenka regime. Majority shareholder and Chairman of the Council of Shareholders of Beltechexport, one of the largest export/import companies of defence products in Belarus. |
| 4. | Ipatau, Vadzim Dzmitryevich Ipatov, Vadim Dmitrievich | Іпатаў Вадзім Дзмітрыевіч | Ипатов Вадим Дмитриевич | | Deputy Chairperson, Central Electoral Commission (CEC). As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 5. | Bushnaia, Natallia Uladzimirauna (Bushnaya, Natallia Uladzimirauna) Bushnaia, Natalia Vladimirovna (Bushnaya, Natalya Vladimirovna) | Бушная Наталля Уладзіміраўна | Бушная, Наталья Владимировна | 1953, Mogilev | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 6. | Bushchik, Vasil Vasilievich Bushchik, Vasili Vasilievich | Бушчык Васіль Васільевіч | Бущик, Василий Васильевич | | CEC Member. As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Name in Belarusian | Name in Russian | Place and date of birth | Position |
|-----|--|--------------------------------|---|----------------------------|---|
| 7. | Katsuba, Sviatlana Piatrouna Katsubo, Svetlana Petrovna | Кацуба Святлана Пятроўна | Кацубо, Светлана Петровна | | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 8. | Kisialiova, Nadzeia Mikalaeuna (Kisyaliova, Nadzeya Mikalaeuna) Kiseleva, Nadezhda Nikolaevna | Кісялёва Надзея Мікалаеўна | Киселева, Надежда Николаевна | | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 9. | Padaliak, Eduard Vasilievich (Padalyak, Eduard Vasilyevich) Podoliak, Eduard Vasilievich (Podolyak, Eduard Vasilyevich) | Падаляк Эдуард Васільевіч | Подоляк, Эдуард Васильевич | | CEC Member. As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 10. | Rakhmanava, Maryna Iurievna Rakhmanova, Marina Iurievna | Рахманава Марына Юр'еўна | Рахманова, Марина Юрьевна | | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 11. | Shchurok, Ivan Antonovich Shchurok, Ivan Antonovich | Шчурок Іван Антонавіч | Щурок, Иван Антонович | | CEC Member. As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 12. | Sport-Pari | | ‘ЗАО Спорт-пари’ (оператор республиканской лотереи) | | Entity controlled by Mr Peftiev Vladimir in conjunction with Lukashenka, Dzmitry Aliaksandravich, through the latter's control of the President's Sports Club, which holds a mandatory, state-owned majority share in Sport-Pari. |
| 13. | Shadryna, Hanna Stanislavauna Shadrina, Anna Stanislavovna | Шадрына Ганна Станіславаўна | Шадрина Анна Станиславовна | | Former Deputy Editor-in-Chief of the paper ‘Sovietskaia Belarus’. |

COMMISSION IMPLEMENTING REGULATION (EU) No 1001/2011**of 10 October 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 Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

Implementing Regulation (EU) No 543/2011 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 XVI, Part A thereto,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 October 2011.

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

Done at Brussels, 10 October 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 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

| CN code | Third country code ⁽¹⁾ | Standard import value |
|------------|-----------------------------------|-----------------------|
| 0702 00 00 | AL | 58,3 |
| | EC | 36,3 |
| | MA | 56,6 |
| | MK | 58,0 |
| | ZZ | 52,3 |
| 0707 00 05 | AL | 65,0 |
| | EG | 98,1 |
| | MK | 64,2 |
| | TR | 126,8 |
| | ZZ | 88,5 |
| 0709 90 70 | TR | 118,8 |
| | ZZ | 118,8 |
| 0805 50 10 | AR | 70,6 |
| | BR | 41,3 |
| | CL | 60,5 |
| | TR | 62,3 |
| | UY | 56,8 |
| | ZA | 67,7 |
| | ZZ | 59,9 |
| 0806 10 10 | BR | 245,7 |
| | CL | 79,6 |
| | MK | 85,4 |
| | PE | 228,3 |
| | TR | 111,5 |
| | US | 275,5 |
| | ZA | 65,0 |
| 0808 10 80 | ZZ | 155,9 |
| | CL | 81,3 |
| | CN | 86,4 |
| | NZ | 116,4 |
| | US | 114,5 |
| | ZA | 77,6 |
| 0808 20 50 | ZZ | 95,2 |
| | CN | 54,5 |
| | TR | 107,9 |
| | ZA | 60,3 |
| | ZZ | 74,2 |

⁽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 2011/666/CFSP

of 10 October 2011

amending Decision 2010/639/CFSP concerning restrictive measures against Belarus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 25 October 2010, the Council adopted Decision 2010/639/CFSP concerning restrictive measures against certain officials of Belarus ⁽¹⁾.
- (2) On the basis of a review of Decision 2010/639/CFSP, the restrictive measures should be extended until 31 October 2012.
- (3) In view of the gravity of the situation in Belarus, additional persons should be included in the list of persons and entities subject to restrictive measures as set out in Annex IIIA to Decision 2010/639/CFSP.
- (4) Furthermore, the information relating to certain persons and to an entity listed in Annex IIIA to that Decision should be updated.
- (5) It is necessary to include a derogation to the asset freeze in Decision 2010/639/CFSP in order to ensure that EU companies are not prohibited from recovering funds owed to them by the listed entities under contracts entered into prior to the listing of those entities.
- (6) Decision 2010/639/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/639/CFSP is hereby amended as follows:

1. The following paragraph is added to Article 3:

‘3. Article 2(1) shall not prevent a listed natural or legal person, entity or body from making a payment due under a

contract entered into before the listing of such a natural or legal person, entity or body, provided that the relevant Member State has determined that the payment is not, directly or indirectly, received by a natural or legal person, entity or body referred to in Article 2(1).’;

2. Article 7(2) is replaced by the following:

‘2. This Decision shall apply until 31 October 2012. It shall be kept under constant review. It may be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.’.

Article 2

The persons listed in Annex I to this Decision shall be added to the list set out in Annex IIIA to Decision 2010/639/CFSP.

Article 3

In Annex IIIA to Decision 2010/639/CFSP, the entries for the following persons and entity shall be replaced by the respective entries set out in Annex II to this Decision:

- (1) Mazouka Siarhei
- (2) Bazanau, Aliaksandr Viktaravich
- (3) Peftiev Vladimir
- (4) Ipatau, Vadzim Dzmitryevich
- (5) Bushnaia, Natallia Uladzimirauna
- (6) Bushchyk, Vasil Vasilievich
- (7) Katsuba, Sviatlana Piatrouna
- (8) Kisialiova, Nadzeia Mikalaeuna
- (9) Padaliak, Eduard Vasilievich

⁽¹⁾ OJ L 280, 26.10.2010, p. 18.

- (10) Rakhmanava, Maryna Iurievna
- (11) Shchurok, Ivan Antonavich
- (12) Sport-Pari
- (13) Shadryna, Hanna Stanislavauna.

Article 4

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

Done at Luxembourg, 10 October 2011.

For the Council
The President
C. ASHTON

ANNEX I

Persons referred to in Article 2

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|----|--|-------------------------------------|-------------------------------------|----------------------------|--|
| 1. | Kamisarau, Valery Mikalayevich Komissarov, Valeri Nikolaevich | Камісараў Валеры Мікалаевіч | Комиссаров Валерий Николаевич | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of political and civil society activists Dmitri Dashkevich, Eduard Lobov, Aleksandr Otroshchenkov, Dmitri Novik, Aleksandr Molchanov. These trials were a clear violation of the Code of Penal Procedure. |
| 2. | Stsiapurka, Uladzimir Mikhailavich Stepurko, Vladimir Mikhailovich | Сцяпурка Уладзімір Міхайлавіч | Степурко Владимир Михайлович | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of political and civil society activists Irina Khalip, Sergei Martselev, Pavel Severinets, Dmitri Bondarenko, Dmitri Doronin, Sergei Kazakov, Vladimir Loban, Vitali Matsukevich, Evgeni Sekret and Oleg Fedorkevich. These trials were a clear violation of the Code of Penal Procedure. |
| 3. | Khrypach, Siarhei Fiodaravich Khrpach, Sergei Fiodorovich | Хрыпач Сяргей Фёдаравіч | Хрипач Сергей Федорович | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of ex presidential candidates Andrei Sannikov, Nikolai Statkevich, Dmitri Uss, Vladimir Nekliaev, political and civil society activists Andrei Dmitriev, Ilia Vasilevich, Fiodor Mirzayanov, Oleg Gnedchik, Vladimir Yeriomenok, Andrei Pozniak, Aleksandr Klaskovski, Aleksandr Kviatkevich, Artiom Gribkov, Dmitri Bulanov and (as associate judge) Dmitri Dashkevich, Eduard Lobov, Aleksandr Otroshchenkov, Dmitri Novik, Aleksandr Molchanov. These trials were a clear violation of the Code of Penal Procedure. |
| 4. | Nazaranka, Vasil Andreyevich Nazarenko, Vasili Andreevich | Назаранка Васіль Андрэевіч | Назаренко Василий Андреевич | | Judge of the City Court of Minsk. He dismissed (as chief judge) the appeals against the sentences of political and civil society activists Vasili Parfenkov and (as associate judge) Dmitri Dashkevich, Eduard Lobov. These trials were a clear violation of the Code of Penal Procedure. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|----|--|------------------------------------|------------------------------------|----------------------------|--|
| 5. | Kamarouskaya, Volha Paulauna Komarovskaia, Olga Pavlovna | Камароўская Вольга Паўлаўна | Комаровская Ольга Павловна | | Judge of the City Court of Minsk. She dismissed (as associate judge) the appeals against the sentences of ex presidential candidate Andrei Sannikov, political and civil society activists Irina Khalip, Sergei Martselev, Pavel Severinets, Aleksandr Otroshchenkov, Dmitri Novik, Aleksandr Molchanov, Ilia Vasilevich, Fiodor Mirzayanov, Oleg Gnedchik, Vladimir Yeriomenok, Dmitri Doronin, Sergei Kazakov, Vladimir Loban, Vitali Matsukevich, Evgeni Sekret and Oleg Fedorkevich. These trials were a clear violation of the Code of Penal Procedure. |
| 6. | Zaitsava, Viktoryia Henadzeuna Zaitseva, Viktoria Gennadievna | Зайцава Вікторыя Генадзеўна | Зайцева Виктория Геннадьевна | | Judge of the City Court of Minsk. She dismissed (as associate judge) the appeals against the sentences of ex presidential candidate Andrei Sannikov, political and civil society activists Ilia Vasilevich, Fiodor Mirzayanov, Oleg Gnedchik and Vladimir Yeriomenok. The trial was a clear violation of the Code of Penal Procedure. |
| 7. | Unukevich, Tamara Vasileuna Vnukevich, Tamara Vasilievna | Унукевіч Тамара Васілеўна | Внукевич Тамара Васильевна | | Judge of the City Court of Minsk. She dismissed (as associate judge) the appeals against the sentences of political and civil society activists Irina Khalip, Sergei Martselev, Pavel Severinets. The trial was a clear violation of the Code of Penal Procedure. |
| 8. | Krot, Ihar Uladzimiravich Krot, Igor Vladimirovich | Крот Ігар Уладзіміравіч | Крот Игорь Владимирович | | Judge of the City Court of Minsk. He dismissed (as associate judge) the appeal against the sentence of the political activist Vasili Parfenkov. The trial was a clear violation of the Code of Penal Procedure. |
| 9. | Khrobastau, Uladzimir Ivanavich Khrobostov, Vladimir Ivanovich | Хробастаў Уладзімір Іванавіч | Хробостов Владимир Иванович | | Judge of the City Court of Minsk. He dismissed (as associate judge) the appeal against the sentence of the political activist Vasili Parfenkov. The trial was a clear violation of the Code of Penal Procedure. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|-----|---|------------------------------------|--------------------------------------|--|--|
| 10. | Ihnatovich-Mishneva, Liudmila Ignatovich-Mishneva, Liudmila | Ігнатовіч- Мішнева Людміла | Игнатович- Мишнева Людмила | | Prosecutor of the City Court of Minsk dealing with the dismissal of the appeal against the sentence of Dmitri Dashkevich and Eduard Lobov, activists of the Molodoi Front (Young Front). The trial was a clear violation of the Code of Penal Procedure. |
| 11. | Yarmalitski, Siarhei Uladzimiravich Ermolitski, Sergei Vladimirovich (Yermolitski, Sergei Vladimirovich) | Ярмаліцкі Сяргей Уладзіміравіч | Ермолицкий Сергей Владимирович | | Director of the prison camp in Shklov. He is responsible for the inhuman treatment of the detainees and persecution of ex presidential candidate Nikolai Statkevich, who was imprisoned in relation to the 19 December 2010 events, and other inmates. |
| 12. | Kavaliou, Aliaksandr Mikhailavich Kovalev, Aleksandr Mikhailovich | Кавалёў Аляксандр Міхайлавіч | Ковалёв Александр Михайлович | | Director of the prison camp in Gorki. He is responsible for the inhuman treatment of the detainees, especially for persecution and torturous treatment of civil society activist Dmitri Dashkevich, who was imprisoned in relation to the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |
| 13. | Paluyan, Uladzimir Mikalayevich Paluyan, Vladimir Nikolaevich | Палуян Уладзімір Мікалаевіч | Полуян Владимир Николаевич | Village Nekrashevichi of Karelichi district of Hrodna region 1961 | Minister of Taxes and Duties. Supervises tax authorities that support the criminal case against Byalyatski using the pretext of tax evasion. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |
| 14. | Kornau, Uladzimir Uladzimiravich Kornov, Vladimir Vladimirovich | Корнаў Уладзімір Уладзіміравіч | Корнов Владимир Владимирович | | Judge at the City Court of Minsk who authorised the rejection of Byalyatski's lawyers's appeal. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Names (Belarusian spelling) | Names (Russian spelling) | Place and date of birth | Position |
|-----|--|--|-------------------------------------|----------------------------|--|
| 15. | Shastakou Maksim Aleksandrauvich (Shastakou Maksim Aleksandravich, Shastakou Maxim Aleksandrauvich, Shastakou Maxim Aleksandravich, Shastakou Maxsim Aleksandrauvich, Shastakou Maxsim Aleksandravich) Shestakov, Maksim Aleksandrovich | Шастакоў Максім Александравіч | Шестаков Максим Александрович | | Prosecutor who presented the case against Byalyatski in the Pervomaiski District Court of Minsk after Byalyatski's application to the court regarding his detention. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |
| 16. | Herasimovich Volha Ivanavna (Herasimovich Volha Ivanovna) Gerasimovich Olga Ivanovna | Герасімовіч Вольга Іванаўна (Герасімовіч Вольга Іваноўна) | Герасимович Ольга Ивановна | | Prosecutor who presented the case against Byalyatski in the City Court of Minsk after Byalyatski's application to the court regarding his detention. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation with the 19 December 2010 elections and the crackdown on civil society and democratic opposition. |

ANNEX II

Persons and entity referred to in Article 3

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Name in Belarusian | Name in Russian | Place and date of birth | Position |
|----|--|------------------------------------|------------------------------------|---|---|
| 1. | Mazouka, Kiryl Viktaravich Mazovka, Kirill Viktorovich | Мазоўка Кірыл Віктаравіч | Мазовка Кирилл Викторович | | Prosecutor of the Dashkevich-Lobov case. Dmitri Dashkevich and Eduard Lobov, activists of the Molodoi Front (Young Front), were sentenced to several years of imprisonment for 'hooliganism'. The real reason for their imprisonment was that both actively participated in the electoral campaign in December 2010 supporting one of the candidates of the opposition. |
| 2. | Bazanau, Aliaksandr Viktaravich Bazanov, Aleksandr Viktorovich | Базанаў Аляксандр Віктаравіч | Базанов Александр Викторович | Kazakhstan, 26.11.1962 | Director, Information and Analytical Center of the President. |
| 3. | Peftiev Vladimir Peftiev Vladimir Pavlovich | Пэфціеў Уладзімір Паўлавіч | Пeftiev Владимир Павлович | 1 July 1957, Berdyansk, Zaporozhskaya Oblast, Ukraine; Present passport No.: MP2405942 | Person associated with Aliaksandr Lukashenka, Viktar Lukashenka and Dzmitry Lukashenka. Provides economic advice to President Lukashenka and is a key financial sponsor of the Lukashenka regime. Majority shareholder and Chairman of the Council of Shareholders of Beltechexport, one of the largest export/import companies of defence products in Belarus. |
| 4. | Ipatau, Vadzim Dzmitryevich Ipatov, Vadim Dmitrievich | Іпатаў Вадзім Дзмітрыевіч | Ипатов Вадим Дмитриевич | | Deputy Chairperson, Central Electoral Commission (CEC). As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 5. | Bushnaia, Natallia Uladzimirauna (Bushnaya, Natallia Uladzimirauna) Bushnaia, Natalia Vladimirovna (Bushnaya, Natalya Vladimirovna) | Бушная Наталля Уладзіміраўна | Бушная, Наталья Владимировна | 1953, Mogilev | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 6. | Bushchik, Vasil Vasilievich Bushchik, Vasili Vasilievich | Бушчык Васіль Васільевіч | Бушчик, Василий Васильевич | | CEC Member. As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |

| | Names Transcription of Belarusian spelling Transcription of Russian spelling | Name in Belarusian | Name in Russian | Place and date of birth | Position |
|-----|--|--------------------------------|---|----------------------------|---|
| 7. | Katsuba, Sviatlana Piatrouna Katsubo, Svetlana Petrovna | Кацуба Святлана Пятроўна | Кацубо, Светлана Петровна | | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 8. | Kisialiova, Nadzeia Mikalaevna (Kisyaliova, Nadzeya Mikalaevna) Kiseleva, Nadezhda Nikolaevna | Кісялёва Надзея Мікалаеўна | Киселева, Надежда Николаевна | | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 9. | Padaliak, Eduard Vasilievich (Padalyak, Eduard Vasilyevich) Podoliak, Eduard Vasilievich (Podolyak, Eduard Vasilyevich) | Падаляк Эдуард Васільевіч | Подольак, Эдуард Васильевич | | CEC Member. As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 10. | Rakhmanava, Maryna Iurievna Rakhmanova, Marina Iurievna | Рахманава Марына Юр'еўна | Рахманова, Марина Юрьевна | | CEC Member. As a Member of the Central Electoral Commission, she bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 11. | Shchurok, Ivan Antonovich Shchurok, Ivan Antonovich | Шчурок Іван Антонавіч | Щурок, Иван Антонович | | CEC Member. As a Member of the Central Electoral Commission, he bears shared responsibility for the violations of international electoral standards in the Presidential elections on 19 December 2010. |
| 12. | Sport-Pari | | 'ЗАО Спорт-пари' (оператор республиканской лотереи) | | Entity controlled by Mr Peftiev Vladimir in conjunction with Lukashenka, Dzmitry Aliaksandravich, through the latter's control of the President's Sports Club, which holds a mandatory, state-owned majority share in Sport-Pari. |
| 13. | Shadryna, Hanna Stanislavauna Shadrina, Anna Stanislavovna | Шадрына Ганна Станіславаўна | Шадрина Анна Станиславовна | | Former Deputy Editor-in-Chief of the paper 'Sovietskaia Belarus'. |

COMMISSION DECISION

of 10 October 2011

on modalities for coordinated application of the rules on enforcement with regard to mobile satellite services (MSS) pursuant to Article 9(3) of Decision No 626/2008/EC of the European Parliament and of the Council

*(notified under document C(2011) 7001)***(Text with EEA relevance)**

(2011/667/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 626/2008/EC of the European Parliament and of the Council of 30 June 2008 on the selection and authorisation of systems providing mobile satellite services (MSS) ⁽¹⁾, and in particular Article 9(3) thereof,

Whereas:

- (1) Decision No 626/2008/EC aims to facilitate the development of a competitive internal market for MSS across the Union and to ensure gradual coverage in all Member States by the operators selected to provide these services.
- (2) In particular, it creates a procedure for the common selection of operators of mobile satellite systems that use the 2 GHz frequency band, comprising radio spectrum from 1 980 to 2 010 MHz for earth to space communications, and from 2 170 to 2 200 MHz for space to earth communications.
- (3) Commission Decision 2009/449/EC of 13 May 2009 on the selection of operators of pan-European systems providing mobile satellite services (MSS) ⁽²⁾ lists the selected operators and corresponding frequencies.
- (4) In accordance with Article 7(1) of Decision No 626/2008/EC Member States should ensure that the selected applicants have the right to use the specific radio frequency identified in Decision 2009/449/EC and the right to operate a mobile satellite system according to the time-frame and in the service area to which the selected applicants have committed themselves.
- (5) The rights to use the specific radio frequency and to operate a mobile satellite system are subject to common conditions laid down in Article 7(2) of Decision No 626/2008/EC. In particular the selected operators must use the assigned radio spectrum for the

provision of MSS, they must have met milestones six to nine set out in the Annex to this latter Decision by 13 May 2011 and they must honour any commitments they gave in their applications.

- (6) Monitoring of compliance with these common conditions and enforcement should be undertaken at national level, including the final assessment of any breach of common conditions.
- (7) National rules on enforcement should be in accordance with Union law, in particular Article 10 of Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services ⁽³⁾.
- (8) The cross-border nature of the common conditions provided for in Article 7(2) of Decision No 626/2008/EC requires coordination at Union level of the national procedures leading to enforcement by Member States. Inconsistencies in the application of national enforcement procedures, in particular regarding the investigation, the timing and the nature of any measures taken, would result in a patchwork of enforcement measures in contradiction to the pan-European nature of MSS.
- (9) This Decision should not cover enforcement of purely national conditions nor apply to enforcement measures concerning conditions other than common conditions referred to in Article 7(2) of Decision No 626/2008/EC. In view of the essentially national dimension of any specific conditions in relation to complementary ground components of mobile satellite systems, enforcement of common conditions referred to in Article 8(3) of Decision No 626/2008/EC should not be included in the scope of this Decision.
- (10) In order to ensure compliance with the common conditions embedded in the general authorisation and/or the rights to use the frequencies granted, enforcement measures may be adopted, pursuant to Article 10 of Directive 2002/20/EC, by Member States that authorised the selected operators.

⁽¹⁾ OJ L 172, 2.7.2008, p. 15.

⁽²⁾ OJ L 149, 12.6.2009, p. 65.

⁽³⁾ OJ L 108, 24.4.2002, p. 21.

- (11) Article 10 of Directive 2002/20/EC provides for a graduated approach to enforcement, envisaging a first phase where the alleged breach is investigated and measures aimed at ensuring compliance are adopted, if applicable. In accordance with Article 10(3) of Directive 2002/20/EC, such measures should stipulate a reasonable period for the operator to comply with the measure. In general, the determination of a reasonable time to comply should take into account the specific nature of the satellite industry, of the breach concerned, and of the remedy envisaged. In particular, where the launch of a satellite would be necessary to achieve compliance with any of the common conditions concerned, measures adopted may provide for a roadmap including intermediate steps and corresponding time limits. A second phase triggered by the failure to address serious and repeated breaches can then lead to withdrawal of the rights of use.
- (12) This Decision should be without prejudice to the power of the relevant national authorities to adopt interim measures, subject to the conditions provided for in Article 10(6) of Directive 2002/20/EC.
- (13) Notifications to the Commission of any findings made by authorising Member States in accordance with this Decision are without prejudice to the possibility for any Member State to submit written observations in view of discussions at the Communications Committee.
- (14) While the common conditions provided for in Article 7(2) of Decision No 626/2008/EC form an integral part of the national legal framework regulating the activity of the authorised operators, the monitoring of compliance in each Member State, and in particular the analysis of the facts underlying any alleged breach of those common conditions, requires knowledge of all the factual elements of a cross-border nature and effects, and may require information on the provision of the service in other Member States. Sharing the findings of the various competent national authorities and the views stated by the authorised operators concerned would help achieve more consistent and effective enforcement throughout the Union. In addition, a coordinated timescale for enforcement should increase legal certainty for the authorised operators concerned.
- (15) In accordance with Article 10(5) of Directive 2002/20/EC a prohibition to provide the services and the suspension or withdrawal of the right to use the specific radio frequency may be decided in cases of serious or repeated breaches where measures aimed at ensuring compliance within a reasonable period of time have failed. In the specific case of the provision of MSS, the decision to withdraw or suspend the rights of use has relevant cross-border effects. Moreover, depending on the national procedure, appropriate measures leading to the definitive withdrawal of the authorisation might be needed, such as suspension. Therefore withdrawal or suspension measures should be adopted only after the views of Member States have been shared and discussed within the Communications Committee.
- (16) Since the objective of this Decision, namely to define the modalities for the coordinated application, across the European Union, of the rules on enforcement of the common conditions attached to the authorisation to provide MSS services and/or the right to use the selected frequencies, cannot be sufficiently achieved by Member States alone and can therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality as set out in that Article, this Decision does not go beyond what is necessary in order to achieve that objective.
- (17) The measures provided for in this Decision are in accordance with the opinion of the Communications Committee,
- HAS ADOPTED THIS DECISION:
- Article 1*
- Subject matter, objective and scope**
1. This Decision lays down the modalities for the coordinated application of Member States' rules on enforcement applicable to an authorised operator of mobile satellite systems in the event of an alleged breach of the common conditions attached to its authorisation.
2. Taking into account the cross-border nature of MSS, coordination with the assistance of the Communications Committee shall aim in particular at facilitating a common understanding of the facts underlying any alleged breach and its gravity, leading to consistent application of national enforcement rules across the European Union, including coordinated timing of any measures taken, in particular where breaches are similar in nature.
3. This Decision does not apply to enforcement measures concerning conditions other than the common conditions referred to in Article 7(2) of Decision No 626/2008/EC.
- Article 2*
- Definitions**
1. The definitions laid down in Decision No 626/2008/EC shall apply for the purposes of this Decision.

2. The following definitions shall also apply:

- ‘authorised operator’ shall mean an operator selected pursuant to Decision 2009/449/EC which has been granted the right under general authorisation or individual rights of use to use the specific radio frequencies identified in Decision 2009/449/EC and/or the right to operate a mobile satellite system,
- ‘common conditions’ shall mean the common conditions to which the rights of an authorised operator are subject in accordance with Article 7(2) of Decision No 626/2008/EC,
- ‘authorising Member State’ shall mean a Member State which has granted authorised operators rights under general authorisation or individual rights of use to use the specific radio frequencies identified in Decision 2009/449/EC and/or the right to operate a mobile satellite system.

Article 3

Coordination of enforcement of common conditions

1. Where an authorising Member State finds that an authorised operator does not comply with one or more of the common conditions and informs that operator of its findings pursuant to Article 10(2) of Directive 2002/20/EC, it shall at the same time inform the Commission which shall in turn inform the other Member States.
2. Following the transmission by the Commission to the Member States of the information as referred to in paragraph 1, the other authorising Member States shall investigate whether there is a breach of the relevant common conditions within their jurisdiction and give the authorised operator concerned the opportunity to state its views.
3. Within 5 months of the transmission by the Commission to the Member States of the information as referred to in paragraph 1, the authorising Member States shall notify a summary of their findings and of the views submitted by the authorised operator concerned to the Commission, which shall inform all the other Member States. Within 8 months from the transmission by the Commission to the Member States of the information as referred to in paragraph 1, the Commission shall convene a meeting of the Communications Committee in order to examine the alleged breach and, if applicable, to discuss any appropriate measures aimed at ensuring compliance, in line with the objectives referred to in Article 1(2).
4. Member States shall refrain from adopting any final decision on the alleged breach before the meeting of the Communications Committee as referred to in paragraph 3.
5. After the meeting of the Communications Committee as referred to in paragraph 3, each authorising Member State

which has notified the authorised operator concerned of its findings pursuant to Article 10(2) of Directive 2002/20/EC and concludes that one or more common conditions have been breached shall take appropriate and proportionate measures, including financial penalties, aimed at ensuring compliance by the authorised operator concerned with the common conditions, with the exception of withdrawal, or suspension if applicable in accordance with their national law, of any authorisation or right of use held by the authorised operator concerned.

6. In the event of serious or repeated breaches of the common conditions, any authorising Member State which after having taken the measures referred to in paragraph 5 intends to adopt a decision to withdraw the authorisation pursuant to Article 10(5) of Directive 2002/20/EC shall inform the Commission of its intention and provide a summary of any measure taken by the authorised operator concerned to comply with the enforcement measures. The Commission shall communicate this information to the other Member States.

7. Within 3 months of the transmission by the Commission to the Member States of the information as referred to in paragraph 6, a meeting of the Communications Committee shall be convened with the objective to coordinate any withdrawal of an authorisation in line with the objectives referred to in Article 1(2). In the meantime all authorising Member States shall refrain from adopting decisions entailing withdrawal, or suspension if applicable in accordance with their national law, of any authorisation or right of use held by the authorised operator concerned.

8. Following the meeting of the Communications Committee as referred to in paragraph 7, the authorising Member States may adopt appropriate decisions with a view to withdrawing the authorisation granted to the authorised operator concerned.

9. Any enforcement decision referred to in paragraphs 5 and 8 and the reasons on which it is based shall be communicated to the authorised operator concerned within 1 week from its adoption, as well as to the Commission, which shall inform the other Member States.

Article 4

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 10 October 2011.

For the Commission

Neelie KROES

Vice-President

RECOMMENDATIONS

COUNCIL RECOMMENDATION

of 15 February 2011

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (ninth EDF) for the financial year 2009

(2011/668/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Partnership agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part, signed in Cotonou on 23 June 2000 ⁽¹⁾, amended by the Agreement signed in Luxembourg on 25 June 2005 ⁽²⁾,

Having regard to the Internal Agreement between Representatives of the Governments of the Member States, meeting within the Council, on the Financing and Administration of Community Aid under the Financial Protocol to the Partnership Agreement between the African, Caribbean and Pacific States and the European Community and its Member States signed in Cotonou (Benin) on 23 June 2000 and the allocation of financial assistance for the Overseas Countries and Territories to which Part Four of the EC Treaty applies ⁽³⁾ (the 'Internal Agreement'), setting up, amongst others, the ninth European Development Fund (ninth EDF), and in particular Article 32(3) thereof,

Having regard to the Financial Regulation of 27 March 2003 applicable to the 9th European Development Fund ⁽⁴⁾, and in particular Articles 96 to 103 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the ninth EDF as at

31 December 2009 and the Annual Report of the Court of Auditors on the activities funded by the eighth, ninth and tenth European Development Funds (EDFs) ⁽⁵⁾, concerning the financial year 2009, together with the Commission's replies contained in that Annual Report,

Whereas:

- (1) Pursuant to Article 32(3) of the Internal Agreement, the discharge for the financial management of the ninth EDF is to be given to the Commission by the European Parliament on the recommendation of the Council.
- (2) The overall implementation by the Commission of the operations of the ninth EDF during the financial year 2009 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the ninth EDF for the financial year 2009.

Done at Brussels, 15 February 2011.

For the Council

The President

MATOLCSY Gy.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

⁽²⁾ OJ L 287, 28.10.2005, p. 4.

⁽³⁾ OJ L 317, 15.12.2000, p. 355.

⁽⁴⁾ OJ L 83, 1.4.2003, p. 1.

⁽⁵⁾ OJ C 303, 9.11.2010, p. 243.

COUNCIL RECOMMENDATION**of 4 October 2011****on the appointment of a member of the Executive Board of the European Central Bank**

(2011/669/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 283(2) thereof,

Having regard to the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 11.2 thereof,

HEREBY RECOMMENDS TO THE EUROPEAN COUNCIL:

To appoint Mr Jörg ASMUSSEN as member of the Executive Board of the European Central Bank for a term of office of 8 years.

Done at Luxembourg, 4 October 2011.

For the Council

The President

J. VINCENT-ROSTOWSKI

CORRIGENDA**Corrigendum to Decision 2010/703/EU of the Representatives of the Governments of the Member States of 18 November 2010 appointing a Judge to the General Court***(Official Journal of the European Union L 306 of 23 November 2010)*

On page 76, signature:

*for: 'For the Council**The President**J. DE RUYT,**read: 'The President**J. DE RUYT'*

Corrigendum to Decision 2010/762/EU of the Representatives of the Governments of the Member States, meeting within the Council of 25 February 2010 determining the seat of the European Asylum Support Office*(Official Journal of the European Union L 324 of 9 December 2010)*

On page 47, signature:

*for: 'For the Council**The President**A. PÉREZ RUBALCABA',**read: 'The President**A. PÉREZ RUBALCABA'*

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