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Price: EUR 4

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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) No 1150/2011

of 14 November 2011

amending Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2011/273/CFSP concerning restrictive measures against Syria ⁽¹⁾,

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

Whereas:

(1) On 9 May 2011, the Council adopted Regulation (EU) No 442/2011 ⁽²⁾ concerning restrictive measures in view of the situation in Syria.

(2) On 2 September 2011, the Council amended ⁽³⁾ Regulation (EU) No 442/2011 to extend the measures against Syria, including an expansion of the listing criteria agreed for the purpose of freezing of funds and economic resources, and a prohibition on the purchase, import or transportation of crude oil from Syria. On 23 September 2011, the Council amended ⁽⁴⁾ Regulation (EU) No 442/2011 to extend further the measures against Syria, including a prohibition on investment in the crude oil sector, the addition of further listings, and a prohibition of the delivery of Syrian banknotes and coins to the Central Bank of Syria. On 13 October 2011, the Council again amended ⁽⁵⁾ Regulation (EU) No 442/2011, listing an additional entity and making a derogation permitting, for a limited period, the use of

frozen funds subsequently received by this entity in connection with the financing of trade with non-designated persons and entities.

(3) In view of the continued brutal repression and violation of human rights by the Government of Syria, on 14 November 2011, the Council adopted Decision 2011/735/CFSP amending Decision 2011/273/CFSP concerning restrictive measures against Syria ⁽⁶⁾ providing for an additional measure, namely to prohibit the European Investment Bank to make any disbursement or payment under or in connection with existing loan agreements with Syria and to suspend all existing Technical Assistance Service Contracts for sovereign projects located in Syria.

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

(5) Furthermore, Decision 2011/735/CFSP provides for the update of the information relating to one person on the list in Annex I to Decision 2011/273/CFSP.

(6) Regulation (EU) No 442/2011 should be amended accordingly.

(7) In order to ensure that the measures provided for in this Regulation are effective, this Regulation must enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

The following article is inserted in Regulation (EU) No 442/2011:

⁽¹⁾ OJ L 121, 10.5.2011, p. 11.

⁽²⁾ OJ L 121, 10.5.2011, p. 1.

⁽³⁾ Council Regulation (EU) No 878/2011, OJ L 228, 3.9.2011, p. 1.

⁽⁴⁾ Council Regulation (EU) No 950/2011, OJ L 247, 24.9.2011, p. 3.

⁽⁵⁾ Council Regulation (EU) No 1011/2011, OJ L 269, 14.10.2011, p. 18.

⁽⁶⁾ See page 53 of this Official Journal.

'Article 3d

The European Investment Bank (EIB) shall:

- (a) be prohibited from making any disbursement or payment under or in connection with any existing loan agreements entered into between the State of Syria or any public authority thereof and the EIB;
- (b) suspend all existing Technical Assistance Service Contracts relating to projects financed under the loan agreements referred to in point (a), and which are

intended for the direct or indirect benefit of the State of Syria or any public authority thereof to be performed in Syria.'.

Article 2

Annex II to Regulation (EU) No 442/2011 is amended in accordance with the Annex to this Regulation.

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 Brussels, 14 November 2011.

For the Council
The President
 C. ASHTON

 ANNEX

The entry for Nizar AL-ASSAAD in Annex II to Regulation (EU) No 442/2011 is replaced by the following:

	Name	Identifying information	Reasons	Date of listing
'38.	Nizar Al-Assad (نزار الأسد)	Cousin of Bashar Al-Assad; previously head of the company "Nizar Oilfield Supplies".	Very close to key government officials. Financing Shabiha in the region of Latakia.	23.08.2011'

COUNCIL IMPLEMENTING REGULATION (EU) No 1151/2011**of 14 November 2011****implementing Regulation (EU) No 442/2011 concerning restrictive measures in view of the situation in Syria**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

*Article 1*Having regard to Council Regulation (EU) No 442/2011 of 9 May 2011 concerning restrictive measures in view of the situation in Syria ⁽¹⁾, and in particular Article 14(1) thereof,

The persons listed in the Annex to this Regulation shall be added to the list set out in Annex II to Regulation (EU) No 442/2011.

Whereas:

Article 2

(1) On 9 May 2011, the Council adopted Regulation (EU) No 442/2011 concerning restrictive measures against Syria.

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.(2) In view of the gravity of the situation in Syria and in accordance with Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria ⁽²⁾, additional persons should be included in the list of persons, entities and bodies subject to restrictive measures set out in Annex II to Regulation (EU) No 442/2011,

Done at Brussels, 14 November 2011.

For the Council
The President
C. ASHTON⁽¹⁾ OJ L 121, 10.5.2011, p. 1.⁽²⁾ See page 55 of this Official Journal.

ANNEX

Persons referred to in Article 1

	Name	Identifying information	Reasons	Date of listing
1.	Major General Jumah Al-Ahmad		Commander Special Forces. Responsible for the use of violence against protestors across Syria.	14.11.2011
2.	Colonel Lu'ai al-Ali		Head of Syrian Military Intelligence, Dera'a Branch. Responsible for the violence against protesters in Dera'a.	14.11.2011
3.	Lt. General Ali Abdullah Ayyub		Deputy Chief of General Staff (Personnel and Manpower). Responsible for the use of violence against protestors across Syria.	14.11.2011
4.	Lt. General Jasim al-Furayj		Chief of General staff. Responsible for the use of violence against protestors across Syria.	14.11.2011
5.	General Aous (Aws) ASLAN	Born in 1958	Head of Battalion in the Republican Guard. Close to Maher al-ASSAD and President al-ASSAD. Involved in the crackdown on the civilian population across Syria.	14.11.2011
6.	General Ghassan BELAL		General in command of the 4th Division reserve bureau. Adviser to Maher al-ASSAD and coordinator of security operations. Responsible for the crackdown on the civilian population across Syria.	14.11.2011
7.	Abdullah BERRI		Head of Berri family militia. In charge of pro-government militia involved in the crackdown on the civilian population in Aleppo.	14.11.2011
8.	George CHAOUI		Member of Syrian electronic army. Involved in the violent crackdown and call for violence against the civilian population across Syria.	14.11.2011
9.	Major General Zuhair Hamad		Deputy Head of General Intelligence Directorate. Responsible for the use of violence across Syria and intimidation and torture of protestors.	14.11.2011
10.	Amar ISMAEL		Civilian - Head of Syrian electronic army (territorial army intelligence service). Involved in the violent crackdown and call for violence against the civilian population across Syria.	14.11.2011
11.	Mujahed ISMAIL		Member of Syrian electronic army. Involved in the violent crackdown and call for violence against the civilian population across Syria.	14.11.2011

	Name	Identifying information	Reasons	Date of listing
12.	Saqr KHAYR BEK		Deputy Minister for the Interior. Responsible for the use of violence against the civilian population in Syria.	14.11.2011
13.	Major General Nazih		Deputy Director of General Intelligence Directorate. Responsible for the use of violence across Syria and intimidation and torture of protestors.	14.11.2011
14.	Kifah MOULHEM		Battalion Commander in the 4th Division. Responsible for the crackdown on the civilian population in Deir el-Zor.	14.11.2011
15.	Major General Wajih Mahmud		Commander 18th Armoured Division. Responsible for the violence against protestors in Homs.	14.11.2011
16.	Bassam SABBAGH	Born on 24 August 1959 in Damascus. Address: Kasaa, Anwar al Attar Street, al Midani building, Damascus. Syrian passport no 004326765 issued 2 November 2008, valid until November 2014.	Head of Sabbagh & Associates law firm (Damascus). Member of the Paris Bar. Legal and financial adviser and manages affairs of Rami Makhoul and Khaldoun Makhoul. Involved with Bashar al-Assad in funding a real estate project in Latakia. Provides financial support for the regime.	14.11.2011
17.	Lt. General Tala Mustafa Tlass		Deputy Chief of General Staff (Logistics and supplies). Responsible for the use of violence against protestors across Syria.	14.11.2011
18.	Major General Fu'ad Tawil		Deputy head Syrian Air Force Intelligence. Responsible for the use of violence across Syria and intimidation and torture of protestors.	14.11.2011

COMMISSION DELEGATED REGULATION (EU) No 1152/2011

of 14 July 2011

supplementing Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards preventive health measures for the control of *Echinococcus multilocularis* infection in dogs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC⁽¹⁾, and in particular the second subparagraph of Article 5(1) thereof,

Whereas:

- (1) Regulation (EC) No 998/2003 lays down animal health requirements applicable to the non-commercial movement of pet animals. In particular, it lays down rules applicable to non-commercial movements into Member States of dogs, cats and ferrets and provides, where necessary, for preventive health measures to be adopted by means of delegated acts to ensure the control of diseases, other than rabies, likely to be spread due to the movement of those animals. Those measures are to be scientifically justified and proportionate to the risk of the spread of those diseases by such movements.
- (2) In addition, Regulation (EC) No 998/2003 provides that pet animals are to be accompanied by a passport issued by a veterinarian authorised by the competent authority certifying, where necessary, that preventive health measures regarding diseases other than rabies were carried out on the animal in question.
- (3) Alveolar echinococcosis is a parasitic disease caused by the tapeworm *Echinococcus multilocularis*. Where the disease is established, the typical transmission cycle of the parasite in Europe is wildlife-based and involves wild carnivores as definitive hosts and several species of mammals, notably small rodents, as intermediate hosts which become infected by ingesting eggs disseminated with the faeces of definitive hosts into the environment.
- (4) Although of secondary importance for the persistence of the life cycle of the parasite in endemic settings, dogs can be infested by ingesting infected rodents. As potential definitive hosts and due to close contacts to human, they may serve as a source of infection for humans as well as a source of contamination of the environment, including parasite-free areas behind natural barriers.

There are no reports of ferrets being definitive hosts and according to the current knowledge, the contribution of cats to the transmission cycle is doubtful.

- (5) Where humans are affected as aberrant intermediate hosts by the larval form of the tapeworm, severe clinical and pathological signs of the disease are observed after a long incubation period and in untreated or in inadequately treated patients, mortality may be more than 90 %. The increasing prevalence of the disease in wildlife, and in parallel in humans, in certain parts of Europe causes serious concern for public health authorities in many Member States.
- (6) While *Echinococcus multilocularis* infection in animals occurs in the northern hemisphere, including central and northern parts of Europe, Asia and North America, it has never been recorded in domestic and wild definitive hosts in certain areas of the European Union despite ongoing surveillance of wildlife and unrestricted access of dogs.
- (7) The transboundary movement of infected wildlife has been identified by the European Food Safety Authority (EFSA), in a scientific opinion on the Assessment of the risk of echinococcosis introduction into the United Kingdom, Ireland, Sweden, Malta and Finland as a consequence of abandoning national rules⁽²⁾, as the main potential route of incursion of the *Echinococcus multilocularis* parasite, especially in areas lacking effective physical barriers, such as open seas. The EFSA considers that the epidemiological role of dogs in endemic settings is of limited importance for the life cycle of the parasite.
- (8) However, the EFSA considers that the risk of the transmission cycle of the *Echinococcus multilocularis* parasite being established in suitable wild intermediate and definitive hosts in previously parasite-free areas is greater than negligible, where the parasite is introduced through the movement of infected dogs shedding eggs of the tapeworm.
- (9) According to the EFSA, the risk of introducing the *Echinococcus multilocularis* parasite into previously parasite-free areas could be mitigated if dogs from endemic areas are treated. In order to prevent re-infection, such treatment should be applied as soon as possible prior to entry into the areas free of that parasite. However, a minimum post-treatment period of 24 hours is necessary to prevent the shedding of residual amounts of infectious eggs in the environment of the parasite-free area.

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

⁽²⁾ The EFSA Journal (2006) 441, 1-54 (<http://www.efsa.europa.eu/en/efsajournal/doc/441.pdf>).

- (10) To ensure their effectiveness for the control of *Echinococcus multilocularis* infection in dogs, the medicinal products should have been granted a marketing authorisation in accordance with either Directive 2001/82/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to veterinary medicinal products ⁽¹⁾ or 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 the European Medicines Agency ⁽²⁾, or should have been approved or licensed by the competent authority of the third country of origin of the animal.
- (11) Article 16 of Regulation (EC) No 998/2003 provides that Finland, Ireland, Malta, Sweden and the United Kingdom, as regards echinococcosis, may make the entry of pet animals into their territory subject to compliance with the special rules applicable on the date of entry into force of that Regulation. Because Article 16 of that Regulation applies only until 31 December 2011, it is necessary to adopt measures before that date, in order to ensure continuous protection of those Member States mentioned in that Article that claim to have remained free of the parasite as a result of applying national rules.
- (12) Experience has shown that the 24 to 48 hour treatment window required by some Member States under national rules in accordance with Article 16 of Regulation (EC) No 998/2003 may be very burdensome or even not feasible for pet owners especially when the treatment has to be carried out during weekends and public holidays or when the departure after treatment is delayed for reasons beyond the control of the owner.
- (13) Given the experience of some other Member States which permit a longer treatment window under national rules in accordance with Article 16 of Regulation (EC) No 998/2003 and have remained free from the parasite, a reasonable increase in that treatment window to a 24 to 120 hour period should not significantly enhance the risk of re-infection of treated dogs from endemic areas with the *Echinococcus multilocularis* parasite.
- (14) The preventive health measures for the control of *Echinococcus multilocularis* infections in dogs should therefore consist in the documented administration by a veterinarian of an effective authorised or licensed medicinal product which guarantees the timely elimination of the intestinal forms of the *Echinococcus multilocularis* parasite.
- (15) The treatment should be documented in the relevant section of the passport as established by Commission Decision 2003/803/EC of 26 November 2003 establishing a model passport for the intra-Community movements of dogs, cats and ferrets ⁽³⁾ or the health certificate established by Commission Decision 2004/824/EC of 1 December 2004 establishing a model health certificate for non-commercial movements of dogs, cats and ferrets from third countries into the Community ⁽⁴⁾.
- (16) Considering that the preventive health measures are burdensome, they should be applied proportionately to the risk of the spread of *Echinococcus multilocularis* infection through the non-commercial movements of pet dogs. Therefore, it is appropriate to mitigate such risks by applying the preventive health measures provided for in this Regulation to non-commercial movements of dogs entering the territory of Member States or parts thereof in which the infection was not recorded, namely those Member States listed in Part A of Annex I to this Regulation.
- (17) In addition, and for a strictly limited period of time, the preventive health measures should be also applied to prevent the re-introduction of the *Echinococcus multilocularis* parasite into Member States or parts thereof with a low prevalence of that parasite and where a compulsory programme for its eradication in wild definitive hosts is being implemented, namely those Member States listed in Part B of Annex I to this Regulation.
- (18) Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A(I) to Directive 90/425/EEC ⁽⁵⁾ lays down, amongst others, animal health rules for trade in and imports from third countries of dogs. The health requirements in Articles 10 and 16 of that Directive refer to Regulation (EC) No 998/2003. Therefore, in the interests of consistency of Union legislation, it is appropriate that the programmes for the eradication of *Echinococcus multilocularis* infection in wild definitive hosts be drawn up and presented to the Commission outlining in particular the elements in Article 14(1) of Directive 92/65/EEC.
- (19) As the movement of dogs from an area free of the *Echinococcus multilocularis* parasite presents a negligible risk of spreading the disease, the preventive health measures should not be required for dogs coming from Member States or parts thereof listed in Part A of Annex I to this Regulation.
- (20) Sweden has reported cases of *Echinococcus multilocularis* infection in wildlife since January 2011, while Ireland, Finland and the United Kingdom have submitted to the Commission results of their surveillance for the *Echinococcus multilocularis* parasite in wild definite hosts which support their claim of the absence of the parasite in their respective ecosystems.

⁽¹⁾ OJ L 311, 28.11.2001, p. 1.

⁽²⁾ OJ L 136, 30.4.2004, p. 1.

⁽³⁾ OJ L 312, 27.11.2003, p. 1.

⁽⁴⁾ OJ L 358, 3.12.2004, p. 12.

⁽⁵⁾ OJ L 268, 14.9.1992, p. 54.

- (21) Malta has submitted evidence that suitable definitive wildlife host animals are missing on the island, that the *Echinococcus multilocularis* parasite has never been recorded in indigenous domestic definitive hosts and that the environment does not support a significant population of potential intermediate host animals.
- (22) From the information submitted by Ireland, Malta, Finland and the United Kingdom, it is clear that those Member States comply with one of the conditions for being listed in Part A of Annex I to this Regulation for the whole of their territory. Accordingly, they should be permitted to apply the preventive health measures provided for in this Regulation from 1 January 2012, when the transitional measure provided for in Article 16 of Regulation (EC) No 998/2003 expires.
- (23) According to the EFSA's opinion of 2006, the shedding of infectious eggs of the *Echinococcus multilocularis* parasite does not commence until 28 days after ingestion of an infected intermediate host. Therefore, this Regulation should lay down the conditions for granting derogations in the case of dogs residing for less than 28 days following the application of preventive health measures on the territory of Member States or parts thereof listed in Annex I to this Regulation, since those dogs do not represent a risk of introducing that parasite,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation establishes preventive health measures for the control of *Echinococcus multilocularis* infection in dogs intended for non-commercial movements into the territories of the Member States or parts thereof, which are determined on the basis of:

- (a) the absence of the *Echinococcus multilocularis* parasite in definitive host animals; or
- (b) the implementation of a programme for the eradication of the *Echinococcus multilocularis* parasite in wild definitive host animals, within a defined timescale.

Article 2

Geographical application of preventive health measures

1. Member States listed in Annex I shall apply the preventive health measures provided for in Article 7 ('the preventive health measures') to dogs intended for non-commercial movements entering into the territory of those Member States or parts thereof listed in that Annex.

2. Member States listed in Part A of Annex I shall not apply the preventive health measures to the dogs intended for non-commercial movements coming directly from another Member State or parts thereof listed in that Part.

3. Member States listed in Part B of Annex I shall not apply the preventive health measures to dogs intended for non-commercial movements coming directly from another Member State or parts thereof listed in Part A.

Article 3

Conditions for listing Member States or parts thereof in Part A of Annex I

Member States shall be listed in Part A of Annex I, for the whole or parts of their territory, where they have submitted to the Commission an application documenting compliance with at least one of the following conditions:

- (a) they have declared, in accordance with the procedure recommended in paragraph 3 of Article 1.4.6 of Chapter 1.4 of the Terrestrial Animal Health Code, 2010 Edition, Volume 1, of the World Organisation for Animal Health (OIE), the whole or part of their territory to be free from *Echinococcus multilocularis* infection in definitive host animals, and rules are in place for *Echinococcus multilocularis* infection in host animals to be compulsorily notifiable under national law;
- (b) during the 15 years prior to the date of that application and without applying a pathogen-specific surveillance programme they have not recorded any occurrence of *Echinococcus multilocularis* infection in host animals provided that during the 10 years prior to the date of that application the following conditions have been met:
- (i) rules have been in place for *Echinococcus multilocularis* infection in host animals to be compulsorily notifiable under national law;
- (ii) an early detection system for *Echinococcus multilocularis* infection in host animals has been in place;
- (iii) appropriate measures to prevent the introduction of the *Echinococcus multilocularis* parasite through domestic definitive host animals have been in place;
- (iv) infection with the *Echinococcus multilocularis* parasite has not been known to be established in the wild host animals on their territory;
- (c) they have implemented, for three 12-month periods prior to the date of that application, a pathogen-specific surveillance programme which complies with the requirements of Annex II and has not recorded any occurrence of *Echinococcus multilocularis* infection in wild definitive host animals, and such occurrences are compulsorily notifiable under national law.

Article 4

Conditions for listing Member States or parts thereof in Part B of Annex I

Member States shall be listed in Part B of Annex I for not more than five 12-month surveillance periods where they have submitted to the Commission an application documenting that:

- (a) a compulsory programme, in line with the indents in Article 14(1) of Directive 92/65/EEC, for the eradication of *Echinococcus multilocularis* infection in wild definitive host animals has been implemented in the whole or part of their territory to be listed in that Part;
- (b) rules are in place for *Echinococcus multilocularis* infection in host animals to be compulsorily notifiable under national law.

Article 5

Obligations of Member States listed in Annex I

1. Member States listed in Annex I shall have in place:
 - (a) rules for *Echinococcus multilocularis* infection in host animals to be compulsorily notifiable under national law;
 - (b) an early detection system for *Echinococcus multilocularis* infection in host animals.
2. Member States listed in Annex I shall implement a pathogen-specific surveillance programme which is drawn up and carried out in accordance with Annex II.
3. Member States listed in Annex I shall immediately notify to the Commission and the other Member States the detection of any *Echinococcus multilocularis* infection in samples taken from wild definitive host animals:
 - (a) during the previous 12-month surveillance period, in the case of Member States or parts thereof listed in Part A of Annex I; or
 - (b) after the first 24-month period following the beginning of the compulsory programme provided for in Article 4 for the eradication of *Echinococcus multilocularis* infection in wild definitive host animals in Member States or parts thereof listed in Part B of Annex I.
4. Member States listed in Annex I shall report to the Commission the results of the pathogen-specific surveillance programme referred to in paragraph 2 by 31 May following the end of each 12-month surveillance period.

Article 6

Conditions for delisting Member States or parts thereof from Annex I

The Commission shall remove Member States or parts thereof from the respective list set out in Annex I when:

- (a) the conditions set up in Article 5(1) no longer apply; or
- (b) the occurrence of any *Echinococcus multilocularis* infection in definitive host animals has been detected during the surveillance periods referred to in Article 5(3); or
- (c) the report referred to in Article 5(4) has not been supplied to the Commission within the set deadline provided for in Article 5(4); or
- (d) the eradication programme provided for in Article 4 has been terminated.

Article 7

Preventive health measures

1. Dogs intended for non-commercial movements into Member States or parts thereof listed in Annex I shall be treated against mature and immature intestinal forms of the *Echinococcus multilocularis* parasite within a period of not more than 120 hours and not less than 24 hours before the time of their scheduled entry into such Member States or parts thereof.
2. The treatment provided for in paragraph 1 shall be administered by a veterinarian and shall consist of a medicinal product:
 - (a) which contains the appropriate dose of:
 - (i) praziquantel; or
 - (ii) pharmacologically active substances, which alone or in combination, have been proven to reduce the burden of mature and immature intestinal forms of the *Echinococcus multilocularis* parasite in the host species concerned;
 - (b) which has been granted:
 - (i) a marketing authorisation in accordance with Article 5 of Directive 2001/82/EC or Article 3 of Regulation (EC) No 726/2004; or
 - (ii) an approval or a licence by the competent authority of the third country of provenance of the dog intended for non-commercial movement.
3. The treatment provided for in paragraph 1 shall be certified by:
 - (a) the administering veterinarian in the relevant section of the model passport established by Decision 2003/803/EC, in the case of intra-Union non-commercial movements of dogs; or
 - (b) an official veterinarian in the relevant section of the model animal health certificate established by Decision 2004/824/EC, in the case of non-commercial movements of dogs from a third country.

Article 8

Derogation from the application of the preventive health measures

1. By way of derogation from Article 7(1), the non-commercial movement into Member States or parts thereof listed in Annex I shall be permitted for dogs which have been subjected to the preventive health measures as provided for:
 - (a) in Article 7(2) and Article 7(3)(a), at least twice at an interval of a maximum of 28 days and the treatment is repeated thereafter at regular intervals not exceeding 28 days;
 - (b) in Article 7(2) and (3), not less than 24 hours before the time of entering, and not more than 28 days prior to the date of completing the transit, in which case those dogs must pass through a travellers' point of entry listed by that Member State in accordance with Article 13 of Regulation (EC) No 998/2003.

2. The derogation provided for in paragraph 1 shall only apply to movements of dogs entering those Member States or parts thereof listed in Annex I which have:

- (a) notified the Commission of the conditions for the control of such movements; and
- (b) made such conditions publicly available.

Article 9

Revision

The Commission shall:

- (a) review this Regulation no later than 5 years following the date of its entry into force in the light of scientific developments regarding *Echinococcus multilocularis* infection in animals;

- (b) submit the results of its review to the European Parliament and to the Council.

The review shall, in particular, assess the proportionality and the scientific justification of the preventive health measures.

Article 10

Entry into force and application

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

It shall apply from 1 January 2012.

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

Done at Brussels, 14 July 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX I

PART A

List of Member States or parts thereof complying with the conditions laid down in Article 3

ISO code	Member State	Part of territory
FI	FINLAND	Whole territory
GB	UNITED KINGDOM	Whole territory
IE	IRELAND	Whole territory
MT	MALTA	Whole territory

PART B

List of Member States or parts thereof complying with the conditions laid down in Article 4

ISO code	Member State	Part of territory

ANNEX II

Requirements for the pathogen-specific surveillance programme provided for in point (c) of Article 3

1. The pathogen-specific surveillance programme shall be designed to detect per epidemiologically relevant geographical unit in the Member State or part thereof a prevalence of not more than 1 % at confidence level of at least 95 %.
 2. The pathogen-specific surveillance programme shall use appropriate sampling, either risk-based or representative, that ensures detection of the *Echinococcus multilocularis* parasite if present in any part of the Member State at the design prevalence specified at point 1.
 3. The pathogen-specific surveillance programme shall consist in the ongoing collection, during the 12-month surveillance period, of samples from wild definitive hosts or, in the case where there is evidence of the absence of wild definitive hosts in the Member State or part thereof, from domestic definitive hosts, to be analysed by examination of:
 - (a) intestinal contents for the detection of the *Echinococcus multilocularis* parasite by the sedimentation and counting technique (SCT), or a technique of equivalent sensitivity and specificity; or
 - (b) faeces for the detection of species-specific deoxyribonucleic acid (DNA) from tissue or eggs of the *Echinococcus multilocularis* parasite by polymerase chain reaction (PCR), or a technique of equivalent sensitivity and specificity.
-

COMMISSION DELEGATED REGULATION (EU) No 1153/2011**of 30 August 2011****amending Annex Ib to Regulation (EC) No 998/2003 of the European Parliament and of the Council
as regards the technical requirements for the anti-rabies vaccination****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ⁽¹⁾, and in particular Article 19a(2) thereof,

Whereas:

- (1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement between Member States of dogs, cats and ferrets as listed in Parts A and B of Annex I thereto. It provides that those animals are to be accompanied by a passport certifying that a valid anti-rabies vaccination was carried out on the animal in question pursuant to Annex Ib. Regulation (EC) No 998/2003 also provides that the technical requirements for anti-rabies vaccination, as laid down in Annex Ib, may be amended by means of delegated acts.
- (2) Annex Ib to Regulation (EC) No 998/2003 provides that an anti-rabies vaccination may only be considered valid if, inter alia, the date of vaccination does not precede the date of microchipping indicated in the passport or accompanying animal health certificate. However, an

animal bearing a clearly readable tattoo applied before 3 July 2011 is also considered identified in accordance with that Regulation. It is therefore necessary, for the sake of clarity of Union legislation, to amend Annex Ib to Regulation (EC) No 998/2003 to provide that an anti-rabies vaccination may be considered valid if, inter alia, the date of the anti-rabies vaccination does not precede the date of microchipping or tattooing.

- (3) Annex Ib to Regulation (EC) No 998/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex Ib to Regulation (EC) No 998/2003, point 2(b) is replaced by the following:

- ‘(b) the date referred to in point (a) must not precede the date of microchipping or tattooing indicated in:
- (i) Section III(2) or III(5) of the passport; or
 - (ii) the appropriate section of the accompanying animal health certificate;’

Article 2

This Regulation shall enter into force on the 20th day following 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 Brussels, 30 August 2011.

*For the Commission
The President*

José Manuel BARROSO

⁽¹⁾ OJ L 146, 13.6.2003, p. 1.

COMMISSION IMPLEMENTING REGULATION (EU) No 1154/2011**of 10 November 2011****entering a name in the register of protected designations of origin and protected geographical indications (Zgornjesavinjski želodec (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Slovenia's application to register the name 'Zgornjesavinjski želodec' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*This Regulation shall enter into force on the 20th day following 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 Brussels, 10 November 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 45, 12.2.2011, p. 28.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.2. Meat products (cooked, salted, smoked, etc.)

SLOVENIA

Zgornjesavinjski želodec (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1155/2011**of 10 November 2011****entering a name in the register of protected designations of origin and protected geographical indications (Šebreljski želodec (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Slovenia's application to register the name 'Šebreljski želodec' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

*Article 2*This Regulation shall enter into force on the 20th day following 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 Brussels, 10 November 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 45, 12.2.2011, p. 25.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.2. Meat products (cooked, salted, smoked, etc.)

SLOVENIA

Šebreljski želodec (PGI)

COMMISSION IMPLEMENTING REGULATION (EU) No 1156/2011**of 10 November 2011****entering a name in the register of protected designations of origin and protected geographical indications (Kočevski gozdni med (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular the first subparagraph of Article 7(4) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 6(2) of Regulation (EC) No 510/2006, Slovenia's application to register the name 'Kočevski gozdni med' was published in the *Official Journal of the European Union* ⁽²⁾.

- (2) As no statement of objection under Article 7 of Regulation (EC) No 510/2006 has been received by the Commission, that name should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name contained in the Annex to this Regulation is hereby entered in the register.

Article 2

This Regulation shall enter into force on the 20th day following 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 Brussels, 10 November 2011.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ C 70, 4.3.2011, p. 11.

ANNEX

Agricultural products intended for human consumption listed in Annex I to the Treaty:

Class 1.4. Other products of animal origin (eggs, honey, various dairy products except butter, etc.)

SLOVENIA

Kočevski gozdni med (PDO)

COMMISSION REGULATION (EU) No 1157/2011**of 10 November 2011****establishing a prohibition of fishing for herring in EU and international waters of Vb, VIb and VIaN
by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽²⁾, lays down quotas for 2011.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the day following 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 Brussels, 10 November 2011.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

No	66/T&Q
Member State	France
Stock	HER/5B6ANB
Species	Herring (<i>Clupea harengus</i>)
Zone	EU and international waters of Vb, VIb and VIaN
Date	12.10.2011

COMMISSION REGULATION (EU) No 1158/2011**of 11 November 2011****establishing a prohibition of fishing for haddock in IIIa; EU waters of Subdivisions 22-32 by vessels flying the flag of Sweden**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

*Article 1***Quota exhaustion**

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

Whereas:

*Article 2***Prohibitions**

(1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽²⁾, lays down quotas for 2011.

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.

*Article 3***Entry into force**

(3) It is therefore necessary to prohibit fishing activities for that stock,

This Regulation shall enter into force on the day following 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 Brussels, 11 November 2011.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

No	69/T&Q
Member State	Sweden
Stock	HAD/3A/BCD
Species	Haddock (<i>Melanogrammus aeglefinus</i>)
Zone	IIIa; EU waters of Subdivisions 22-32
Date	24.10.2011

COMMISSION REGULATION (EU) No 1159/2011**of 11 November 2011****establishing a prohibition of fishing for cod in Norwegian waters of I and II by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 57/2011 of 18 January 2011 fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in EU waters and, for EU vessels, in certain non-EU waters ⁽²⁾, lays down quotas for 2011.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2011.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2011 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

*Article 3***Entry into force**

This Regulation shall enter into force on the day following 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 Brussels, 11 November 2011.

*For the Commission,
On behalf of the President,*

Lowri EVANS

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 24, 27.1.2011, p. 1.

ANNEX

No	67/T&Q
Member State	Spain
Stock	COD/1N2AB.
Species	Cod (<i>Gadus morhua</i>)
Zone	Norwegian waters of I and II
Date	6.7.2011

COMMISSION REGULATION (EU) No 1160/2011**of 14 November 2011****on the authorisation and refusal of authorisation of certain health claims made on foods and referring to the reduction of disease risk****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 17(3) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority'.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission thereof, and to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from CreaNutrition AG, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of oat beta-glucan on lowering blood cholesterol (Question No EFSA-Q-2008-681) ⁽²⁾. The claim proposed by the applicant was worded as follows: 'The inclusion of oat beta-glucan as part of a balanced diet can actively lower/reduce blood LDL (low-density lipoprotein) and total cholesterol'.

(6) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 8 December 2010 that a cause and effect relationship had been established between the consumption of oat beta-glucan and lowering of blood LDL-cholesterol concentrations. Accordingly, a health claim reflecting this conclusion should be considered as complying with the requirements of Regulation (EC) No 1924/2006, and should be included in the Union list of permitted claims.

(7) Article 16(4) of Regulation (EC) No 1924/2006 provides that an opinion in favour of authorising a health claim should include certain particulars. Accordingly, those particulars should be set out in Annex I to this Regulation as regards the authorised claim and include, as the case may be, the revised wording of the claim, specific conditions of use of the claim, and, where applicable, conditions or restrictions of use of the food and/or an additional statement or warning, in accordance with the rules laid down in Regulation (EC) No 1924/2006 and in line with the opinions of the Authority.

(8) One of the objectives of Regulation (EC) No 1924/2006 is to ensure that health claims are truthful, clear and reliable and useful to the consumer, and that wording and presentation are taken into account in that respect. Therefore where the wording of claims has the same meaning for consumers as that of an authorised health claim, because they demonstrate the same relationship that exists between a food category, a food or one of its constituents and health, they should be subject to the same conditions of use indicated in the Annex to this Regulation.

(9) Following an application from HarlandHall Ltd (on behalf of the Soya Protein Association, the European Vegetable Protein Federation and the European Natural Soyfood Manufacturers Association), submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of soy protein on the reduction of blood cholesterol concentrations (Question No EFSA-Q-2009-00672) ⁽³⁾. The claim proposed by the applicants was worded as follows: 'Soy protein has been shown to lower/reduce blood cholesterol; blood cholesterol lowering may reduce the risk of (coronary) heart disease'.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ EFSA Journal 2010; 8(12):1885.

⁽³⁾ EFSA Journal 2010; 8(7):1688.

- (10) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 30 July 2010 that a cause and effect relationship had not been established between the consumption of soy protein and the claimed effect. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (11) Following an application from Danone France, submitted pursuant to Article 14(1)(a) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to the effects of Actimel®, a fermented milk product containing *Lactobacillus casei* DN-114 001 and yoghurt symbiosis on the reduction of the presence of *Clostridium difficile* toxins in the gut (Question No EFSA-Q-2009-00776) ⁽¹⁾. The claim proposed by the applicant was worded as follows: 'Fermented milk containing the probiotic *Lactobacillus casei* DN-114001 and yogurt symbiosis decreases presence of *Clostridium difficile* toxins in the gut (of susceptible ageing people). Presence of *Clostridium difficile* toxins is associated with the incidence of acute diarrhoea'.
- (12) On the basis of the data presented, the Authority concluded in its opinion received by the Commission and the Member States on 8 December 2010 that the evidence provided is insufficient to establish a cause and effect relationship between the consumption of Actimel® and reduction of the risk of *C. difficile* diarrhoea by reducing the presence of *C. difficile* toxins. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (13) The comments from the applicants and the members of the public received by the Commission pursuant to Article 16(6) of Regulation (EC) No 1924/2006 have been considered when setting the measures provided for in this Regulation.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them,
- HAS ADOPTED THIS REGULATION:
- Article 1*
1. The health claim listed in Annex I to this Regulation may be made on foods on the European Union market in compliance with the conditions laid down in that Annex.
2. The health claim referred to paragraph 1 shall be included in the Union list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.
- Article 2*
- The health claims listed in Annex II to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.
- Article 3*
- This Regulation shall enter into force on the 20th day following 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 Brussels, 14 November 2011.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ EFSA Journal 2010; 8(12):1903.

ANNEX I

PERMITTED HEALTH CLAIM

Application — Relevant provisions of Regulation (EC) No 1924/2006	Applicant — Address	Nutrient, substance, food or food category	Claim	Conditions of use of the claim	Conditions and/or restrictions of use of the food and/or additional statement or warning	EFSA opinion reference
Article 14(1)(a) health claim referring to a reduction of a disease risk	CreaNutrition AG, Business Park, 6301 Zug, Switzerland	Oat beta-glucan	Oat beta-glucan has been shown to lower/reduce blood cholesterol. High cholesterol is a risk factor in the development of coronary heart disease.	Information shall be given to the consumer that the beneficial effect is obtained with a daily intake of 3 g of oat beta-glucan. The claim can be used for foods which provide at least 1 g of oat beta glucan per quantified portion.		Q-2008-681

ANNEX II

REJECTED HEALTH CLAIMS

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(a) health claim referring to a reduction of a disease risk	Soy protein	Soy protein has been shown to lower/reduce blood cholesterol; blood cholesterol lowering may reduce the risk of (coronary) heart disease	Q-2009-00672
Article 14(1)(a) health claim referring to a reduction of a disease risk	Actimel® <i>Lactobacillus casei</i> DN-114 001 plus yoghurt symbiosis	Fermented milk containing the probiotic <i>Lactobacillus casei</i> DN-114 001 and yoghurt symbiosis decreases presence of <i>Clostridium difficile</i> toxins in the gut (of susceptible ageing people). Presence of <i>Clostridium difficile</i> toxins is associated with the incidence of acute diarrhoea.	Q-2009-00776

COMMISSION REGULATION (EU) No 1161/2011**of 14 November 2011****amending Directive 2002/46/EC of the European Parliament and of the Council, Regulation (EC) No 1925/2006 of the European Parliament and of the Council and Commission Regulation (EC) No 953/2009 as regards the lists of mineral substances that can be added to foods****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements ⁽¹⁾, and in particular Article 4(5) thereof,

Having regard to Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on the addition of vitamins and minerals and of certain other substances to foods ⁽²⁾, and in particular Article 3(3) thereof,

Having regard to Directive 2009/39/EC of the European Parliament and the Council of 6 May 2009 on foodstuffs intended for particular nutritional uses ⁽³⁾, and in particular Article 4(3) thereof,

After consulting the European Food Safety Authority (EFSA),

Whereas:

- (1) Annex II to Directive 2002/46/EC establishes the list of vitamin and mineral substances which may be used for the manufacture of food supplements. Commission Regulation (EC) No 1170/2009 ⁽⁴⁾ has replaced Annexes I and II to Directive 2002/46/EC. Modifications to the list provided under Annex II to Directive 2002/46/EC as modified by that Regulation are to be adopted in compliance with the requirements laid down in Article 4 of that Directive and in accordance with the procedure referred to in its Article 13(3).
- (2) Annex II to Regulation (EC) No 1925/2006 establishes the list of vitamin and mineral substances which may be added to food.

- (3) The Annex to Commission Regulation (EC) No 953/2009 ⁽⁵⁾ establishes the list of substances that may be added for specific nutritional purposes in foods for particular nutritional uses.
- (4) New mineral substances have been evaluated by the EFSA for use in food. The substances for which the EFSA expressed a favourable opinion should be added to the lists in those acts.
- (5) Interested parties were consulted through the Advisory Group on the Food Chain and Animal and Plant Health and the provided comments were taken into consideration.
- (6) Directive 2002/46/EC, Regulation (EC) No 1925/2006 and Regulation (EC) No 953/2009 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health, and neither the European Parliament nor the Council has opposed them,

HAS ADOPTED THIS REGULATION:

Article 1

Point B of Annex II to Directive 2002/46/EC is amended as follows:

- (a) the following entries are inserted after the entry 'ferrous phosphate':

 'ferrous ammonium phosphate'

 ferric sodium EDTA';
- (b) the following entries are inserted after the entry 'sodium salts of orthophosphoric acid':

 'sodium sulphate'

 potassium sulphate'.

⁽¹⁾ OJ L 183, 12.7.2002, p. 51.

⁽²⁾ OJ L 404, 30.12.2006, p. 26.

⁽³⁾ OJ L 124, 20.5.2009, p. 21.

⁽⁴⁾ OJ L 314, 1.12.2009, p. 36.

⁽⁵⁾ OJ L 269, 14.10.2009, p. 9.

Article 2

Point 2 of Annex II to Regulation (EC) No 1925/2006 is amended as follows:

- (a) the following entries are inserted after the entry 'ferrous sulphate':

'ferrous ammonium phosphate

ferric sodium EDTA';

- (b) the following entry is inserted after the entry 'chromium (III) sulphate and its hexahydrate':

'chromium picolinate'.

- (a) the following entries are inserted after the entry 'ferrous sulphate':

'ferrous ammonium phosphate	x	
ferric sodium EDTA	x'	

- (b) the following entry is inserted after the entry 'chromium (III) sulphate and its hexahydrate':

'chromium picolinate	x'	
----------------------	----	--

Article 3

Category 2 (Minerals) of the Annex to Regulation (EC) No 953/2009 is amended as follows:

Article 4

This Regulation shall enter into force on the 20th day following 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 Brussels, 14 November 2011.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1162/2011**of 14 November 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 15 November 2011.

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

Done at Brussels, 14 November 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	64,0
	AR	40,4
	MA	67,1
	TR	89,1
	ZZ	65,2
0707 00 05	AL	64,0
	TR	143,9
	ZZ	104,0
0709 90 70	AR	61,1
	MA	59,0
	TR	129,4
	ZZ	83,2
0805 20 10	MA	115,3
	ZA	71,4
	ZZ	93,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	HR	29,1
	IL	75,8
	MA	79,7
	TR	82,5
	UY	54,6
	ZZ	64,3
0805 50 10	TR	61,0
	ZA	59,4
	ZZ	60,2
0806 10 10	BR	235,4
	EC	65,7
	LB	271,1
	TR	145,0
	US	266,1
	ZA	77,5
	ZZ	176,8
0808 10 80	CA	86,1
	CL	90,0
	CN	67,2
	NZ	182,1
	US	142,4
	ZA	142,9
	ZZ	118,5
0808 20 50	CL	73,3
	CN	46,3
	TR	133,1
	ZA	73,2
	ZZ	81,5

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

COMMISSION IMPLEMENTING REGULATION (EU) No 1163/2011**of 14 November 2011****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 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 organisation of agricultural markets and on specific provisions for certain agricultural products (single CMO Regulation) ⁽¹⁾,

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

Whereas:

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

for the 2011/12 marketing year are fixed by Commission Implementing Regulation (EU) No 971/2011 ⁽³⁾. These prices and duties have been last amended by Commission Implementing Regulation (EU) No 1137/2011 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Implementing Regulation (EU) No 971/2011 for the 2011/12 marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 15 November 2011.

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

Done at Brussels, 14 November 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 254, 30.9.2011, p. 12.

⁽⁴⁾ OJ L 292, 10.11.2011, p. 10.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 15 November 2011

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	43,24	0,00
1701 11 90 ⁽¹⁾	43,24	1,93
1701 12 10 ⁽¹⁾	43,24	0,00
1701 12 90 ⁽¹⁾	43,24	1,64
1701 91 00 ⁽²⁾	47,87	3,11
1701 99 10 ⁽²⁾	47,87	0,00
1701 99 90 ⁽²⁾	47,87	0,00
1702 90 95 ⁽³⁾	0,48	0,23

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

DIRECTIVES

COMMISSION DIRECTIVE 2011/90/EU

of 14 November 2011

amending Part II of Annex I to Directive 2008/48/EC of the European Parliament and of the Council providing additional assumptions for the calculation of the annual percentage rate of charge

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS DIRECTIVE:

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

Article 1

Part II of Annex I to Directive 2008/48/EC is amended in accordance with the Annex to this Directive.

Having regard to Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC ⁽¹⁾ (the Consumer Credit Directive), and in particular Article 19(5) thereof,

Article 2

1. Member States shall adopt and publish, by 31 December 2012 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith inform the Commission thereof.

Whereas:

They shall apply those provisions from 1 January 2013.

(1) The experience gathered by Member States with the implementation of Directive 2008/48/EC has shown that the assumptions set out in Part II of Annex I to that Directive do not suffice to calculate the annual percentage rate of charge in a uniform manner and moreover are not adapted any more to the commercial situation at the market.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

(2) It is necessary to add to those assumptions by providing new assumptions on standards for the calculation of the annual percentage rate of charge for credits without fixed duration or repayable in full repeatedly. It is also necessary to provide standards for the timing of the initial drawdown of credit and the payments to be made by the consumer.

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

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

(3) Part II of Annex I to Directive 2008/48/EC should therefore be amended accordingly.

Article 4

This Directive is addressed to the Member States.

(4) The measures provided for in this Directive are in accordance with the opinion of the Committee set up by Article 25(1) of Directive 2008/48/EC and neither the European Parliament nor the Council has opposed them,

Done at Brussels, 14 November 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 133, 22.5.2008, p. 66.

ANNEX

Part II of Annex I to Directive 2008/48/EC is replaced by the following:

II. The additional assumptions for the calculation of the annual percentage rate of charge shall be as follows:

- (a) If a credit agreement gives the consumer freedom of drawdown, the total amount of credit shall be deemed to be drawn down immediately and in full.
- (b) If a credit agreement gives the consumer freedom of drawdown in general but imposes, amongst the different ways of drawdown, a limitation with regard to the amount of credit and period of time, the amount of credit shall be deemed to be drawn down on the earliest date provided for in the credit agreement and in accordance with those drawdown limits.
- (c) If a credit agreement provides different ways of drawdown with different charges or borrowing rates, the total amount of credit shall be deemed to be drawn down at the highest charge and borrowing rate applied to the most common drawdown mechanism for this type of credit agreement.
- (d) In the case of an overdraft facility, the total amount of credit shall be deemed to be drawn down in full and for the whole duration of the credit agreement. If the duration of the overdraft facility is not known, the annual percentage rate of charge shall be calculated on the assumption that the duration of the credit is 3 months.
- (e) In the case of an open-end credit agreement, other than an overdraft facility, it shall be assumed that:
 - (i) the credit is provided for a period of 1 year starting from the date of the initial drawdown, and that the final payment made by the consumer clears the balance of capital, interest and other charges, if any;
 - (ii) the capital is repaid by the consumer in equal monthly payments, commencing 1 month after the date of the initial drawdown. However, in cases where the capital must be repaid only in full, in a single payment, within each payment period, successive drawdowns and repayments of the entire capital by the consumer shall be assumed to occur over the period of 1 year. Interest and other charges shall be applied in accordance with those drawdowns and repayments of capital and as provided for in the credit agreement.

For the purposes of this point, an open-end credit agreement is a credit agreement without fixed duration and includes credits which must be repaid in full within or after a period but, once repaid, become available to be drawn down again.

- (f) In the case of credit agreements other than overdrafts and open-end credits as referred to in the assumptions set out in points (d) and (e):
 - (i) if the date or amount of a repayment of capital to be made by the consumer cannot be ascertained, it shall be assumed that the repayment is made at the earliest date provided for in the credit agreement and is for the lowest amount for which the credit agreement provides;
 - (ii) if the date of conclusion of the credit agreement is not known, the date of the initial drawdown shall be assumed to be the date which results in the shortest interval between that date and the date of the first payment to be made by the consumer.
- (g) Where the date or amount of a payment to be made by the consumer cannot be ascertained on the basis of the credit agreement or the assumptions set out in points (d), (e) or (f), it shall be assumed that the payment is made in accordance with the dates and conditions required by the creditor and, when these are unknown:
 - (i) interest charges are paid together with the repayments of capital;
 - (ii) a non-interest charge expressed as a single sum is paid at the date of the conclusion of the credit agreement;

- (iii) non-interest charges expressed as several payments are paid at regular intervals, commencing with the date of the first repayment of capital, and if the amount of such payments is not known they shall be assumed to be equal amounts;
 - (iv) the final payment clears the balance of capital, interest and other charges, if any.
- (h) If the ceiling applicable to the credit has not yet been agreed, that ceiling is assumed to be EUR 1 500.
- (i) If different borrowing rates and charges are offered for a limited period or amount, the borrowing rate and the charges shall be deemed to be the highest rate for the whole duration of the credit agreement.
- (j) For consumer credit agreements for which a fixed borrowing rate is agreed in relation to the initial period, at the end of which a new borrowing rate is determined and subsequently periodically adjusted according to an agreed indicator, the calculation of the annual percentage rate shall be based on the assumption that, at the end of the fixed borrowing rate period, the borrowing rate is the same as at the time of calculating the annual percentage rate, based on the value of the agreed indicator at that time.’
-

DECISIONS

COUNCIL DECISION

of 12 July 2011

addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit

(recast)

(2011/734/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(9) and Article 136 thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Council Decision 2010/320/EU of 10 May 2010 addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit ⁽¹⁾ has been substantially amended several times ⁽²⁾. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Article 136(1)(a) of the Treaty on the Functioning of the European Union (TFEU) foresees the possibility of adopting measures specific to the Member States whose currency is the euro with a view to strengthening the coordination and surveillance of their budgetary discipline.
- (3) Article 126 TFEU establishes that Member States are to avoid excessive government deficits and sets out the excessive deficit procedure to that effect. The Stability and Growth Pact, which in its corrective arm implements the excessive deficit procedure, provides the framework supporting government policies for a prompt return to sound budgetary positions taking account of the economic situation.
- (4) On 27 April 2009, the Council decided, in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), that an excessive deficit existed in Greece and issued recommendations to correct that deficit by 2010 at the latest, in accordance with Article 104(7) (TEC) and Article 3(4) of Council

Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure ⁽³⁾. The Council also set a deadline of 27 October 2009 for Greece to take effective action. On 30 November 2009, the Council established, in accordance with Article 126(8) TFEU, that Greece had not taken effective action; consequently, on 16 February 2010, the Council gave notice to Greece in accordance with Article 126(9) TFEU to take measures to correct the excessive deficit by 2012 at the latest (hereinafter 'the Council Decision pursuant to Article 126(9)'). The Council also set a deadline of 15 May 2010 for effective action to be taken.

- (5) According to Article 5(2) of Regulation (EC) No 1467/97, if effective action has been taken in compliance with Article 126(9) TFEU and unexpected adverse economic events with major unfavourable consequences for government finances occur after the adoption of that notice, the Council may decide, on a recommendation from the Commission, to adopt a revised notice pursuant to Article 126(9) TFEU.
- (6) According to the Commission services' autumn 2009 forecasts, which provided the basis for the initial notice addressed to Greece, GDP was expected to contract by ¼ % in 2010, and recover as from 2011, when the economy was forecast to grow by 0,7 %. A deeper contraction in real GDP took place in 2010 and this contraction is expected to continue in 2011. A gradual resumption of growth is expected thereafter. This marked worsening of the economic scenario implies a corresponding deterioration of the outlook for public finances at unchanged policy. To this should be added the upward revision of the government deficit outcome for 2009 (from an estimated 12,7 % of GDP at the time of the Council Decision pursuant to Article 126(9) to 13,6 % of GDP according to the fiscal notification submitted by Greece on 1 April 2010) ⁽⁴⁾ and later on to 15,4 % of GDP following completion of the investigations that Eurostat undertook with the Greek Statistical Authorities ⁽⁵⁾. Lastly, concerns in the markets for the

⁽¹⁾ OJ L 145, 11.6.2010, p. 6.

⁽²⁾ See Annex I.

⁽³⁾ OJ L 209, 2.8.1997, p. 6.

⁽⁴⁾ Eurostat news release 55/2010, 22 April 2010.

⁽⁵⁾ Eurostat news release 60/2011, 26 April 2011.

public finances outlook have been reflected in a sharp rise in risk premiums on government debt, compounding the difficulties in controlling the path of government deficit and debt.

- (7) Gross government debt at the end of 2009 stood at 127,1 % of GDP. This is the highest debt ratio in the EU, and is considerably higher than the 60 %-of-GDP reference value of the Treaty. Achieving the deficit reduction path that is considered necessary and feasible in the light of the circumstances would imply that the increase in debt would be reversed from 2013. In addition to persistently high government deficits, certain financial operations have further increased debt. These factors have contributed to undermining market confidence in the ability of the Greek Government to service the debt going forward. There is an urgent need for Greece to take decisive action, on an unprecedented scale, on its deficit and on other factors contributing to the increase in debt, in order to reverse the increase in the debt-to-GDP ratio and allow it to return as soon as possible to market financing.
- (8) The very severe deterioration of the financial situation of the Greek Government has led the other euro area Member States to decide to provide stability support to Greece, with a view to safeguarding the financial stability of the euro area as a whole, in conjunction with multi-lateral assistance provided by the International Monetary Fund. Support provided by the euro area Member States will take the form of a pooling of bilateral loans, coordinated by the Commission. The lenders have decided that their support shall be conditional on Greece respecting this Decision. In particular, Greece is expected to carry out the measures specified in this Decision in accordance with the calendar set out herein.
- (9) In June 2011, it became evident that, taking into account the 2010 budgetary slippage and budgetary execution until May, with unchanged policies, the 2011 target for the deficit would be missed by a significant amount which would jeopardise the overall credibility of the programme. Therefore, there has been a need to update specific budgetary measures to allow Greece to stick to the deficit target in 2011 and respect the deficit ceilings for the following years established by Decision 2010/320/EU. These measures have been extensively discussed with the Greek government and commonly agreed by the European Commission, the European Central Bank and the International Monetary Fund.
- (10) In the light of the above considerations, it appears appropriate to amend Decision 2010/320/EU in a number of respects, while keeping unchanged the deadline for the correction of the excessive deficit,

HAS ADOPTED THIS DECISION:

Article 1

1. Greece shall put an end to the present excessive deficit situation as rapidly as possible and, at the latest, by the deadline of 2014.

2. The adjustment path towards the correction of the excessive deficit shall aim to achieve a general government deficit not exceeding EUR 18 508 million (8,0 % of GDP) in 2010, EUR 17 065 million (7,6 % of GDP) in 2011, EUR 14 916 million (6,5 % of GDP) in 2012, EUR 11 399 million (4,8 % of GDP) in 2013 and EUR 6 385 million (2,6 % of GDP) in 2014. To this aim, an improvement in the structural balance of at least 10 % of GDP will have to be achieved over the period 2009-2014.

3. The adjustment path referred to in paragraph 2 requires that the annual change in the general government consolidated gross debt does not exceed EUR 34 058 million in 2010, EUR 17 365 million in 2011, EUR 15 016 million in 2012, EUR 11 599 million in 2013 and EUR 7 885 million in 2014. Based on May 2011 GDP projections, the corresponding path for the debt-to-GDP ratio shall not exceed 143 % in 2010, 154 % in 2011, 158 % in 2012, 159 % in 2013 and 157 % in 2014.

Article 2

1. Greece shall adopt the following measures before the end of June 2010:

- (a) a law introducing a progressive tax scale for all sources of income and a horizontally unified treatment of income generated by labour and capital assets;
- (b) a law repealing all exemptions and autonomous taxation provisions in the tax system, including income from special allowances paid to civil servants;
- (c) the cancellation of the budgetary appropriations in the contingency reserve, with the aim of saving EUR 700 million;
- (d) the abolition of most of the budgetary appropriation for the solidarity allowance (except a part for poverty relief) with the aim of saving EUR 400 million;
- (e) a reduction of the highest pensions with the aim of saving EUR 500 million for a full year (EUR 350 million for 2010);
- (f) a reduction of the Easter, summer and Christmas bonuses and allowances paid to civil servants with the aim of saving EUR 1 500 million for a full year (EUR 1 100 million in 2010);
- (g) the abolition of the Easter, summer and Christmas bonuses paid to pensioners, though protecting those receiving low pensions, with the aim of saving EUR 1 900 million for a full year (EUR 1 500 million in 2010);
- (h) an increase in the VAT rate, with a yield of at least EUR 1 800 million for a full year (EUR 800 million in 2010);
- (i) an increase in excises for fuel, tobacco and alcohol, with a yield of at least EUR 1 050 million for a full year (EUR 450 million in 2010);

- (j) legislation implementing the Services Directive ⁽¹⁾;
- (k) a law reforming and simplifying public administration at local level with the aim of reducing operating costs;
- (l) the establishment of a task force aiming at improving the absorption rate of structural and cohesion funds;
- (m) a law to simplify the start-up of new businesses;
- (n) a reduction of public investment by EUR 500 million compared to plans;
- (o) the channelling of the budgetary appropriations for the co-financing of structural and cohesion funds to a special central account that cannot be used for any other purpose;
- (p) the establishment of an independent financial stability fund to deal with potential capital shortfalls and preserve the soundness of the financial sector, by providing equity support to banks as needed;
- (q) the reinforced supervision of banks, with increased human resources, more frequent reporting and quarterly stress tests.

2. Greece shall adopt the following measures by the end of September 2010:

- (a) fiscal consolidation measures amounting to at least 3,2 % of GDP (4,3 % of GDP if carryovers from measures implemented in 2010 are considered) to be included in the draft budget for 2011: a reduction in intermediate consumption of the general government by at least EUR 300 million compared to the 2010 level (on top of savings stemming from the reform of public administration and of local government referred to in this paragraph); a freeze in the indexation of pensions (with the aim of saving EUR 100 million); a temporary crisis levy on highly profitable firms (yielding at least EUR 600 million in additional revenue per year in 2011, 2012 and 2013); a presumptive taxation of professionals (with a yield of at least EUR 400 million in 2011 and increasing returns by at least EUR 100 million per year in 2012 and 2013); a broadening of the VAT base by including certain services currently exempted and by moving 30 % of goods and services from the reduced rate to the main rate (with a yield of EUR 1 billion); a phased-in green tax on CO₂ emissions (with a yield of at least EUR 300 million in

2011); the implementation by the government of the legislation reforming the public administration and a reorganisation of local government (with the aim of reducing costs by at least EUR 500 million in 2011, and additional EUR 500 million in each year 2012 and 2013); a reduction in domestically-financed investments (by at least EUR 500 million) by giving priority to investment projects financed by EU structural funds, incentives to regularise land-use violations (yielding at least EUR 1 500 million from 2011 to 2013, of which at least EUR 500 million in 2011); a collection of revenue from the licensing of gaming (at least EUR 500 million in sales of licences and EUR 200 million in annual royalties); an expansion of the base of the real estate tax by updating asset values (to yield at least EUR 400 million additional revenue); an increased taxation of wages in kind, including by taxing car lease payments (by at least EUR 150 million); an increased taxation of luxury goods (by at least EUR 100 million); a special tax on unauthorised establishments (to yield at least EUR 800 million per year) and a replacement of only 20 % of retiring employees in the public sector (central government, local governments, social security funds, public companies, State agencies and other public institutions). Measures yielding comparable budgetary savings may be considered after consultation with the Commission;

- (b) a reinforcement of the role and resources of the general accounting office and the establishment of safeguards against possible political interference in data projection and accounting;
- (c) a draft reform of wage legislation in the public sector, including, in particular, the creation of a single payment authority for the payment of wages, the introduction of unified principles and a timetable to establish a streamlined and unified public sector wage grid to apply to the State sector, local authorities and other agencies;
- (d) legislation to improve the efficiency of the tax administration and controls;
- (e) the launch of independent reviews of central administration and of existing social programmes;
- (f) the publication of monthly statistics (on a cash basis) on revenue, expenditure, financing and spending arrears for the 'available general government' and its sub entities;
- (g) an action plan to improve the collection and processing of general government data, in particular by enhancing the control mechanisms of statistical authorities and of the general accounting office and ensuring effective personal responsibility for cases of misreporting, in order to ensure the prompt supply of high quality general

⁽¹⁾ Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376, 27.12.2006, p. 36).

- government data required by Regulations (EC) No 2223/96 ⁽¹⁾, (EC) No 264/2000 ⁽²⁾, (EC) No 1221/2002 ⁽³⁾, (EC) No 501/2004 ⁽⁴⁾, (EC) No 1222/2004 ⁽⁵⁾, (EC) No 1161/2005 ⁽⁶⁾, (EC) No 223/2009 ⁽⁷⁾ and (EC) No 479/2009 ⁽⁸⁾;
- (h) the regular publication of information on the financial position of public undertakings and other public entities not classified as part of the general government (including detailed income statements, balance sheets and data on employment and the wage bill);
- (i) the establishment of a comprehensive central registry for public enterprises;
- (j) an action plan with a timetable for concrete actions leading to the creation of a central procurement authority;
- (k) an act establishing an upper limit of EUR 50 million for the annual public service obligation contribution from the general government to railway operators for the period 2011-2013 and establishing the principle that the State provides no additional explicit or implicit support to railway operators;
- (l) a business plan for the Greek railways. The business plan specifies how operational activities will be made profitable, including covering depreciation costs, as from 2011, including by closing loss-making lines, by increasing tariffs and by reducing wages and staffing; provides a detailed sensitivity analysis on the implication for wage costs of various scenarios for the outcome of collective agreement and provides information on several options
- concerning staff; and provides for the restructuring of the holding company, including the sale of land and other assets;
- (m) a law to reform the wage bargaining system in the private sector, which should provide for a reduction in pay rates for overtime work, enhanced flexibility in the management of working time and allow local territorial pacts to set wage growth below sectoral agreements;
- (n) a reform of employment protection legislation to extend the probationary period for new jobs to one year, and to facilitate greater use of temporary contracts and part-time work;
- (o) an amendment of the regulation of the arbitration system to allow each of the parties to resort to arbitration if they disagree with the proposal of the mediator;
- (p) a reform of the arbitration procedure to ensure that it operates according to transparent objective criteria, with an independent committee of arbitrators with decision making capacity free from government influence.
3. Greece shall adopt the following measures by the end of December 2010:
- (a) the final adoption of the measures referred to in paragraph 2(a);
- (b) the implementation of legislation strengthening the fiscal framework. This should, in particular, include the establishment of a medium-term fiscal framework, the creation of a compulsory contingency reserve in the budget corresponding to 5 % of total appropriations of government departments, other than wages, pensions and interest, the creation of stronger expenditure monitoring mechanisms and the establishment of a budget office attached to Parliament;
- (c) a significant increase in the absorption rate of structural and cohesion funds;
- (d) legislation simplifying and accelerating the process of licensing undertakings, industrial activities and professions;
- (e) a modification of the institutional framework of the Hellenic competition authority (HCC) with a view to increasing its independence, establishing reasonable deadlines for the investigation and issue of decisions and entrusting it with the power to reject complaints;
- (f) measures aiming at removing existing restrictions on the freedom to provide services;
- (g) a decree disallowing local governments to run deficits at least until 2014; reduction in transfers to local government in line with planned savings and transfers of competences;
- ⁽¹⁾ Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community (OJ L 310, 30.11.1996, p. 1).
- ⁽²⁾ Commission Regulation (EC) No 264/2000 of 3 February 2000 on the implementation of Council Regulation (EC) No 2223/96 with respect to short-term public finance statistics (OJ L 29, 4.2.2000, p. 4).
- ⁽³⁾ Regulation (EC) No 1221/2002 of the European Parliament and of the Council of 10 June 2002 on quarterly non-financial accounts for general government (OJ L 179, 9.7.2002, p. 1).
- ⁽⁴⁾ Regulation (EC) No 501/2004 of the European Parliament and of the Council of 10 March 2004 on quarterly financial accounts for general government (OJ L 81, 19.3.2004, p. 1).
- ⁽⁵⁾ Council Regulation (EC) No 1222/2004 of 28 June 2004 concerning the compilation and transmission of data on the quarterly government debt (OJ L 233, 2.7.2004, p. 1).
- ⁽⁶⁾ Regulation (EC) No 1161/2005 of the European Parliament and of the Council of 6 July 2005 on the compilation of quarterly non-financial accounts by institutional sector (OJ L 191, 22.7.2005, p. 22).
- ⁽⁷⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).
- ⁽⁸⁾ Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

- (h) publication of interim long-term projections of pension expenditure up to 2060 as set out in the July 2010 legislative reform covering the main pension schemes (IKA, including the pension scheme for civil servants, OGA and OAE);
 - (i) implementation of a uniform e-prescribing system; publication of the complete price list for the medicines in the market; application of the list of non-reimbursed medicines and of the list of over-the-counter medicines; publication of the new list of reimbursed medicines using the new reference price system; the use of the information made available through e-prescribing and scanning for the collection of rebates from pharmaceutical companies; introduction of a monitoring mechanism allowing for pharmaceutical expenditure to be assessed on a monthly basis; enforcement of co-payments for regular outpatient services of EUR 5 and extension of co-payments to unwarranted visits to emergency departments; publication of audited accounts for hospitals and health centres; and creation of an independent taskforce of health policy experts whose task is to produce, by end May 2011, a detailed report for an overall reform of the health system aimed at improving efficiency and effectiveness in the health system;
 - (j) further reduction in operational expenditure by at least 5 % yielding savings of at least EUR 100 million;
 - (k) further reduction in transfers yielding savings for the government as a whole of at least EUR 100 million. The beneficiary public entities will ensure the concomitant reduction in expenditure so that there is no accumulation of arrears;
 - (l) means-testing of family allowances from January 2011 on yielding savings of at least EUR 150 million (net of the respective administrative costs);
 - (m) reduction in the purchase of military equipment (deliveries) by at least EUR 500 million compared to the actual 2010 level;
 - (n) reduction in pharmaceutical expenditure by social security funds by EUR 900 million owing to an additional reduction in drug prices and new procurement procedures and by hospitals (also including expenditure in equipment) by at least EUR 350 million;
 - (o) changes in the management, pricing and wages of public enterprises yielding savings of at least EUR 800 million;
 - (p) increase in the reduced rates of VAT from 5,5 % to 6,5 % and from 11 % to 13 %, yielding at least EUR 880 million and reduction in the VAT rate applicable to medicines and hotel accommodation from 11 % to 6,5 % with a cost not exceeding EUR 250 million, net of savings for social security funds and hospitals that result from the lower VAT rate on medicines;
 - (q) intensification of the fight against smuggling on fuel (at least EUR 190 million);
 - (r) increase in court trial fees (at least EUR 100 million);
 - (s) implementation of an action plan to accelerate the collection of tax arrears (at least EUR 200 million);
 - (t) speeding up tax penalty collection (at least EUR 400 million);
 - (u) collection of revenue that results from the new framework of tax disputes and trials (at least EUR 300 million);
 - (v) revenue from the renewal of telecommunication licences that are about to expire (at least EUR 350 million);
 - (w) revenue from concessions (at least EUR 250 million);
 - (x) a restructuring plan for the Athens transportation network (OASA). The objective of the plan shall be to reduce operational losses of the company and make it economically viable. The plan shall include cuts in operational expenditure of the company and tariff increases. The required actions shall be implemented by March 2011;
 - (y) an act that limits recruitment in the whole general government to a ratio of not more than one recruitment for five retirements or dismissals, without sectoral exceptions, and including staff transferred from public enterprises under restructuring to government entities;
 - (z) acts to strengthen labour market institution and establish that: firm-level agreements prevail over those under sector and occupational agreements without undue restrictions; firm-level collective agreements are not restricted by requirements regarding the minimum size of firms; the extension of sector and occupational agreements to parties not represented in negotiations is eliminated; the probationary period for new jobs is extended; temporal limits in the use of temporary working agencies are eliminated; impediments for greater use of fixed-term contracts are removed; the provision that establishes higher hourly remuneration to part-time workers is eliminated; and a more flexible working-time management including part-time shift work is allowed for.
4. Greece shall adopt the following measures by the end of March 2011:
- (a) publication of comprehensive long-term projections of pension expenditure up to 2060 as set out in the July 2010 legislative reform. The projections shall encompass the supplementary (auxiliary) schemes, based on a comprehensive set of data collected and elaborated by the National Actuarial Authority. The projections shall be peer-reviewed and validated by the Economic Policy Committee;

- (b) the government clears payment of arrears accumulated in 2010 and reduces those of previous years;
 - (c) an anti-evasion plan which includes quantitative performance indicators to hold revenue administration accountable; legislation to streamline the administrative tax dispute and judicial appeal processes and the required acts and procedures to better address misconduct, corruption and poor performance of tax officials, including prosecution in cases of breach of duty; and publication of monthly reports of the five anti-evasion taskforces, including a set of progress indicators;
 - (d) a detailed action plan with a timeline to complete and implement the simplified remuneration system; preparation of a medium-term human resource plan for the period up to 2013 in line with the rule of one recruitment for five exits, also specifying plans to reallocate qualified staff to priority areas; and publication of monthly data on staff movements (entries, exits, transfers among entities) of the several government departments;
 - (e) implementation of the comprehensive reform of the healthcare system started in 2010 with the objective to keep public health expenditure at or below 6 % of GDP; measures yielding savings on pharmaceuticals of at least EUR 2 billion relative to the 2010 level, of which at least EUR 1 billion in 2011; improvement in the accounting and billing systems of hospitals, through: finalising the introduction of double-entry accrual accounting systems in all hospitals; the use of the uniform coding system and a common registry for medical supplies; the calculation of stocks and flows of medical supplies in all the hospitals using the uniform coding system for medical supplies; and the timely invoicing of treatment costs (no later than two months) to Greek social security funds, other Member States and private health insurers; and ensure that at least 50 % of the volume of medicines used by public hospitals by the end of 2011 is composed of generics and off-patent medicines by making it compulsory for all public hospitals to procure pharmaceutical products by active substance;
 - (f) with the aim of fighting waste and mismanagement in State-owned companies and yield fiscal savings of at least EUR 800 million, an act that: cuts primary remuneration in public enterprises by at least 10 % at company level; limits secondary remuneration to 10 % of primary remuneration; establishes a ceiling of EUR 4 000 per month for gross earnings (12 payments per year); increases urban transport tariffs by at least 30 %; actions that reduce operational expenditure in public companies between 15 % to 25 %; and an act for the restructuring of the OASA;
 - (g) a new regulatory framework to facilitate the conclusion of concession agreements for regional airports;
 - (h) establishment of an independent taskforce of education policy aiming at increasing the efficiency of the public education system (primary, secondary and higher education) and reach a more efficient use of resources;
 - (i) adoption of a law to establish the Single Public Procurement Authority in line with the Action Plan; and development of an e-procurement IT platform and setting up of intermediate milestones in line with the Action Plan, including: testing a pilot version, availability of all functionalities for all contracts and phasing-in of the mandatory use of e-procurement system for supplies, services and works contracts.
5. Greece shall adopt the following measures by the end of July 2011:
- (a) introduces to Parliament a streamlined and unified public sector wage grid to apply to the State sector, local authorities and other agencies, phased in over three years, with remunerations reflecting productivity and tasks;
 - (b) a medium-term staffing plan for the period up to 2015 in line with the rule of one recruitment for five exits (one for 10 in 2011). The plan shall include tighter rules for temporary staff, cancellation of vacant job post and reallocation of qualified staff to priority areas and take into account the extension of working hours in the public sector;
 - (c) a detailed action plan with a timeline to complete and implement the simplified remuneration system, in line with private sector wages, achieving a reduction in the total wage bill. This plan shall be based on the results of the report published by the Ministry of Finance and the single payment authority. The legislation for a simplified remuneration system shall be phased in over three years. Wages of State-owned enterprises employees shall be in line with the new wage grid for the public sector;
 - (d) a reinforcement of the labour inspectorate, which shall be fully resourced with qualified staff and have quantitative targets on the number of controls to be carried out;
 - (e) an act revising the main parameters of the pension system in order to limit the increase in public sector spending on pensions over the period 2009-2060 to less than 2,5 % of GDP, if long-term projections show that the projected increase in public pension expenditure would exceed this amount. The National Actuarial Authority (NAA) shall

continue the submission of long-term projections of pension expenditure up to 2060 under the adopted reform. The projections shall encompass the main supplementary (auxiliary) schemes (ETEAM, TEADY, MTPY), based on comprehensive data collected and elaborated by the NAA;

- (f) a revision of the list of heavy and arduous professions to reduce its coverage to no more than 10 % of employment; the new list of difficult and hazardous occupations shall apply with effect from 1 August 2011 to all current and future employees;
- (g) legislation to establish the Single Public Procurement Authority (SPPA) with the mandate, objectives, competences, powers and schedule for entry into force, in line with the Action Plan;
- (h) additional measures to promote the use of generic medicines through: compulsory e-prescription by active substance and of less expensive generics when available; associating a lower cost-sharing rate to generic medicines that have a significantly lower price than the reference price (lower than 60 % of the reference price) on the basis of the experience of other EU Member States; setting the maximum price of generics to 60 % of the branded medicine with similar active substance;
- (i) publication of an inventory of State-owned assets, including stakes in listed and non-listed enterprises and commercially viable real estate and land; a General Secretariat of Real Estate Development shall be established with the aims of improving management of real estate assets, clearing them of encumbrances and preparing them for privatisation;
- (j) the medium-term fiscal strategy (hereinafter 'MTFS') through 2015 as described in Annex I to this Decision and respective implementing bills. The MTFS shall elaborate on the permanent fiscal consolidation measures which ensure that the deficit ceiling for 2011-15 as established by the Council Decision are not exceeded, and that the debt-to-GDP ratio is put on a sustainable downward path;
- (k) privatisation of assets worth at least EUR 390 million; adoption of a privatisation programme with the aim of collecting at least EUR 15 billion by end-2012, EUR 22 billion by end-2013, EUR 35 billion by end-2014 and at least EUR 50 billion by end-2015; proceeds from the privatisation of assets (real estate, concessions and financial assets) shall be used to redeem debt and will not reduce the fiscal consolidation efforts to comply with the deficit ceilings in Article 1(2);
- (l) establishment of a privatisation fund with sound governance to accelerate the privatisation process and

guarantee its irreversibility and professional management. The Fund obtains the legal ownership of the assets to privatise. The Fund cannot pledge its assets in a way that would frustrate its purpose, i.e. privatisation of assets;

- (m) tables legislation to close, merge and downsize non-viable entities;
 - (n) measures to strengthen expenditure control: a decision specifying the qualification and responsibilities of accounting officers to be appointed in all line ministries with the responsibility to ensure sound financial controls;
 - (o) new criteria and terms for the conclusions of contracts by social security funds with all healthcare providers, with the aim of achieving the targeted reduction in spending; initiates joint purchase of medical services and goods to achieve substantial expenditure reduction of at least 25 % compared to 2010 through price-volume agreements;
 - (p) publication of binding prescription guidelines for physicians on the basis of international prescription guidelines to ensure a cost-effective use of medicines; publication and continuous update of the positive list of reimbursed medicines;
 - (q) preparation of a plan for the reorganisation and restructuring of hospitals for the short and medium term with a view to reducing existing inefficiencies, utilising economies of scale and scope, and improving quality of care for patients. The aim is to reduce hospital costs by at least 10 % in 2011 and by an additional 5 % in 2012 in addition to the previous year.
6. Greece shall adopt the following measures by the end of September 2011:
- (a) a budget for 2012 in line with the MTFS and the objective of respecting the deficit ceilings established in Article 1(2);
 - (b) a mitigation of tax obstacles to mergers and acquisitions;
 - (c) a simplification of the custom clearing process for exports and imports;
 - (d) a further increase in the absorption rates of structural and cohesion funds;
 - (e) the full implementation of the Better Regulation agenda with a view to reducing administrative burdens by 20 % (compared with 2008);
 - (f) legislation to close, merge and downsize large non-viable entities;

- (g) measures enabling a reduction in procurement and third party costs in State-owned enterprises, updating tariffs, and creating new business lines, and reduce personnel costs by completing and implementing an employment retrenchment plan. Excess staff that cannot be removed by the hiring rule of one recruitment for five exits (one for 10 in 2011) shall be dealt with through non-voluntary redundancies and furlough (labour reserve). This rule is without sectoral exceptions; it shall also apply to staff transferred from public enterprises to other government entities after screening of professional qualifications by ASEP under its regular evaluation criteria. Staff in the labour reserve shall be paid at 60 % of their wage for not more than 12 months, after which they shall be dismissed;
- (h) a legal framework enabling fast assignment of land use and accelerates State land ownership registration;
- (i) an act enabling the promotion of investment in the tourism sector (tourist resorts and secondary tourist housing), with a view to, together with the bill on land use, allow for accelerating the privatisation process of land plots managed by the Greek Tourist Real Estate Agency (ETA);
- (j) finalisation of the functional review of existing social programmes; assessment by the government of the results of the second and final phase of the independent functional review of central administration; legislation and measures to implement the operational recommendations of the first phase of the functional review of public administration at central level and of the full review of existing social programmes;
- (k) an in-depth revision of the functioning of secondary/supplementary public pension funds, including welfare funds and lump-sum schemes. The aim of the revision is to stabilise pension expenditure, guarantee the budgetary neutrality of these schemes, and ensure medium- and long-term sustainability of the system. The revision shall achieve: a further reduction in the number of existing funds; the elimination of imbalances in those funds with deficits; the stabilisation of the current spending at sustainable level, through appropriate adjustments to be made from 1 January 2012; the long-term sustainability of secondary schemes through a strict link between contributions and benefits;
- (l) identification of the schemes for which lump sums paid on retirement are out of line with contributions paid with the aim of adjusting payment by the end of December 2011;
- (m) further measures to extend in a cost-effective way the e-prescribing of medicines, diagnostics and doctors' referrals to all social security funds, health centres and hospitals. In compliance with EU procurement rules, the government shall conduct the necessary tendering procedures to implement a comprehensive and uniform healthcare information system (e-health system);
- (n) further measures to ensure that at least 30 % of the volume of medicines used by public hospitals is composed of generics with a price below that of similar branded products and off-patent medicines, in particular by making it compulsory that all public hospitals procure pharmaceutical products by active substance;
- (o) decisions to provide for the institution and establishment of positions for the SPPA's (Single Public Procurement Authority) personnel, as well as for the organisation of human resources and services of the Authority in accordance with the provisions of the law on the SPPA; to appoint the members of the SPPA;
- (p) Publication of monthly data on staff movements (entries, exits, transfers among entities) of the several government departments.
7. Greece shall adopt the following measures by the end of December 2011:
- (a) the final adoption of the budget for 2012;
- (b) a reinforcement of the managerial capacity of all managing authorities and intermediate bodies of operational programmes under the framework of the national strategy reference framework 2007-2013 and their ISO 9001:2008 (quality management) certification;
- (c) a hospital case-based costing system to be used for budgeting purposes from 2013 on;
- (d) acts to implement the operational recommendations of the first phase of the functional review of public administration at central level and of the full review of existing social programmes; assessment of the results of the second and final phase of the independent functional review of central administration;
- (e) starting of operations of the Single Public Procurement Authority with the necessary resources to fulfil its mandate, objectives, competences and powers as defined in the Action Plan;
- (f) review of fees for medical services outsourced to private providers with the aim of reducing related costs by at least 15 % in 2011, and by an additional 15 % in 2012;
- (g) measures to simplify the tax system, broaden bases and reduce tax rates in a fiscally-neutral manner, in relation to the personal income tax, corporate income tax and VAT;

(h) further measures to ensure that at least 50 % of the volume of medicines used by public hospitals is composed of generics with a price below that of similar branded products and off-patent medicines, in particular by making compulsory that all public hospitals procure pharmaceutical products by active substance.

8. Greece shall adopt the following measures by the end of March 2012:

- (a) a reform of the secondary/supplementary pension schemes, by merging funds and starting the calculation of benefits on the basis of the new notional defined contribution system; freezing of nominal supplementary pensions and reduction of the replacement rates for accrued rights in funds with deficits, based on the actuarial study prepared by the National Actuarial Authority. In case the actuarial study is not ready, replacement rates shall be reduced, starting from 1 January 2012, to avoid deficits;
- (b) calculation of pharmacies' profit margins as a flat amount or flat fee combined with a small profit margin with the aim of reducing the overall profit margin to no more than 15 %, including on the most expensive drugs.

Article 3

Greece shall fully cooperate with the Commission and transmit without delay, upon a reasoned request from the latter, any data or document required in order to monitor compliance with this Decision.

Article 4

1. Greece shall submit to the Council and the Commission a report outlining the policy measures taken to comply with this Decision on a quarterly basis.
2. The reports referred to in paragraph 1 shall contain detailed information on:
 - (a) concrete measures implemented by the date of the report in order to comply with this Decision, including their quantified budgetary impact;
 - (b) concrete measures planned to be implemented after the date of the report in order to comply with this Decision, their implementation calendar and an estimation of their budgetary impact;

- (c) the monthly State budget execution;
- (d) infra-annual budgetary implementation by social security, local government and extra budgetary funds;
- (e) government debt issue and reimbursement;
- (f) permanent and temporary public sector employment developments;
- (g) government expenditure pending payment, specifying those past due date;
- (h) the financial position of public undertakings and other public entities.

3. The Commission and the Council shall analyse the reports with a view to assessing Greece's compliance with this Decision. In the context of those assessments, the Commission may indicate the measures needed to respect the adjustment path set by this Decision for the correction of the excessive deficit.

Article 5

Decision 2010/320/EU is repealed.

References to the repealed Decision shall be construed as references to this Decision and shall be read in accordance with the correlation table in Annex III.

Article 6

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

Article 7

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 12 July 2011.

For the Council
The President
J. VINCENT-ROSTOWSKI

ANNEX I

Medium-term fiscal strategy measures

(as mentioned in Article 2(5) of this Decision)

The medium-term fiscal strategy (MTFS) through 2015 will include the following:

Cuts in wage bill by at least EUR 770 million in 2011, and additional EUR 600 million in 2012, EUR 448 million in 2013, EUR 306 million in 2014 and EUR 71 million in 2015, through the implementation of attrition beyond the rule of one recruitment for five exits (one for 10 in 2011); an increase in weekly working hours for public sector employees from 37,5 to 40 hours and reduction in overtime payments; reduction in the number of remunerated committees and councils; reduction in other additional compensation, allowances and bonus schemes; reduction in contractors (50 % in 2011 and additional 10 % in 2012 and onwards); temporary freeze of automatic progression; the implementation of a new remuneration grid; the introduction of part-time public sector employment and unpaid leave; a reduction in the number of admissions to military and policy academies, the transfer of excess staff to a labour reserve paid on average at 60 % of the wage up to 12 months, and a cut in the productivity allowance by 50 %.

Cuts in the State's operation expenditure by at least EUR 190 million in 2011, and additional EUR 92 million in 2012, EUR 161 million in 2013, EUR 323 million in 2014 and EUR 370 million in 2015, through the implementation of e-procurement for all public procurement; rationalisation of energy expenses by public services; reduction in rental expenses following more efficient use of public property; reduction of all telecommunication expenses, abolition of free distribution of newspapers; cuts in operational expenditure in the ordinary budget, across the board; implementation of benchmarks in public spending following a one-year full operation of MIS for the general government expenditure.

Cuts in extra-budgetary funds' expenses and transfer to other entities by at least EUR 540 million in 2011, and additional EUR 150 million in 2012, EUR 200 million in 2013, EUR 200 million in 2014 and EUR 150 million in 2015, through the assessment of the mandate, viability and expenses of all entities subsidised by the public sector and their mergers and closure; merger/closure and reduction in subsidies to educational institutions (schools, higher education institutions); reduction in State grants to entities outside general government, and an action plan on closing, merging and downsizing entities.

Savings in State-owned enterprises by at least EUR 414 million in 2012, and additional EUR 329 million in 2013, EUR 297 million in 2014 and EUR 274 million in 2015, through increase in revenue of OSE, OASA and other enterprises, the implementation of restructuring plans and privatisation in Hellenic Defence Systems, Hellenic Aeronautical Industry, Hellenic Horse Racing Corporation; sale of enterprises' assets associated with non-core activities; reduction in personnel expenses; reduction in operational expenses and mergers and closure of enterprises.

Cuts in operational defence-related expenditure by at least EUR 133 million in 2013 and additional EUR 133 million in 2014 and EUR 134 million in 2015, on top of the reduction in military equipment procurement (deliveries) of EUR 830 million from 2010 to 2015.

Cuts in healthcare and pharmaceutical expenditure by at least EUR 310 million in 2011, and additional EUR 697 million in 2012, EUR 349 million in 2013, EUR 303 million in 2014 and EUR 463 million in 2015, through the implementation of a new 'health map' and associated reduction in hospitals expenses; a re-evaluation of mandate and expenses of non-hospital supervised entities; the implementation of central procurement system; reduction of average cost per case through case mixing; reduction in the services provided to the non-insured (gate-keeping function); introduction of charges for services provided to foreign citizens; the operation of the National Organisation for Primary Healthcare (EOPI); the scanning by IKA of hand-written prescriptions; the expansion of the list of pharmaceuticals that do not require prescriptions; new prices of medicines; the establishment of insurance price by social security sector and the full implementation of e-prescription.

Cuts in social benefits by at least EUR 1 188 million in 2011, and additional EUR 1 230 million in 2012, EUR 1 025 million in 2013, EUR 1 010 million in 2014 and EUR 700 million in 2015, through an adjustment in supplementary pension schemes and subsequent freeze through 2015; a freeze in the base pensions; the reform of the disability pension system; a census of pensioners and cross-checking of personal data with full implementation of social security number and upper cap on pensions; a rationalisation of criteria for pensioners (EKAS); a rationalisation of benefits and beneficiaries of OEE-OEK and OAED; cuts in the lump-sums paid on retirement; the cross-checking of personal data from introduction of ceilings for employees who can join OAED schemes; a reduction in the core pension of OGA and in the lower pension thresholds of other social security funds and tightening of criteria based on the permanent residence; reduction in expenses on social benefits through cross-checking of data; uniform regulation of health benefits for all social security funds; uniform contracts with private hospitals and medical centres; the review of social benefits in cash and in kind leading to the abolition of the least effective; an increase in the special pensioner contribution (Law 3863/2010) for

pensioners whose monthly pension exceeds EUR 1 700; an increase in the special social contribution paid by pensioners below 60 years old with monthly pensions above EUR 1 700; the introduction of special tiered contribution for supplementary pensions above EUR 300 per month and reduction in transfers to NAT (sailors' pension scheme) and the OTE pension scheme with concomitant reduction in pension expenditure or increase in contributions from beneficiaries.

Cuts in State transfers to local governments by at least EUR 150 million in 2011, and additional EUR 355 million in 2012, EUR 345 million in 2013, EUR 350 million in 2014 and EUR 305 million in 2015. These reductions will be achieved primarily through cuts in expenses of local government equal to at least EUR 150 million in 2011, and additional EUR 250 million in 2012, EUR 175 million in 2013, EUR 170 million in 2014 and EUR 160 million in 2015. Additionally, local governments' own revenue will rise by at least EUR 105 million in 2012 and additional EUR 170 million in 2013, EUR 130 million in 2014 and EUR 145 million in 2015, through an increase in revenues from tolls, fees, rights and other revenue streams following the merging of local administrations, and an increase in local tax compliance following the introduction of a local tax clearance certificate requirement.

Cuts in expenditure by the public investment budget (domestically-financed public investment, and investment-related grants) and administrative costs by EUR 950 million in 2011, of which EUR 350 million will be permanent, and additional EUR 154 million (administrative costs) in 2012.

Increases in taxes by at least EUR 2 017 million in 2011, and additional EUR 3 678 million in 2012, EUR 156 million in 2013 and EUR 685 million in 2014, through an increase in VAT rate on restaurants and bars from 13 to 23 % from September 2011 on; increase in property taxes; reduction of income tax-free threshold to EUR 8 000 and establishment of a progressive solidarity contribution; increases in presumptive taxation and levies on self-employed; reduction of tax exemptions/expenditures; changes in tax regime for tobacco products with an accelerated payment of excise duty and in tax structure; an excise on soft drinks; excises on natural gas and liquefied gas; abolition of the tax advantage for heating oil (for enterprises from October 2011 on, and progressively for households from October 2011 to October 2013); an increase in the vehicles tax; an emergency contributions on vehicle, motorbikes and pools; increase fines of unauthorised buildings and settlement of planning infringements; the taxation on private boats and yachts; a special levy on high-value real estate; and special levy on smoking spaces.

Improvements in tax compliance by at least EUR 878 million in 2013, and additional EUR 975 million in 2014 and EUR 1 147 million in 2015.

Increases in social contributions by at least EUR 629 million in 2011, and additional EUR 259 million in 2012, EUR 714 million in 2013, EUR 1 139 million in 2014 and EUR 504 million in 2015, through the full implementation of a single unified payroll and insurance contribution payment method; an increase in contribution rates for OGA and ETAA beneficiaries; the establishment of OAEE beneficiary solidarity fund; the adjustment of unemployment contribution for private sector employees; the introduction of unemployment contribution for self-employed; and a contribution for unemployed paid by the employees of the public sector, including State-owned enterprises, local government and other public entities.

*ANNEX II***Repealed Decision with list of its successive amendments**

Council Decision 2010/320/EU	(OJ L 145, 11.6.2010, p. 6)
Council Decision 2010/486/EU	(OJ L 241, 14.9.2010, p. 12)
Council Decision 2011/57/EU	(OJ L 26, 29.1.2011, p. 15)
Council Decision 2011/257/EU	(OJ L 110, 29.4.2011, p. 26)

ANNEX III

Correlation table

Decision 2010/320/EU	This Decision
Article 1	Article 1
Article 2(1)	Article 2(1)
Article 2(2), introductory wording	Article 2(2), introductory wording
Article 2(2)(a)	Article 2(2)(a)
Article 2(2)(c)	Article 2(2)(b)
Article 2(2)(d)	Article 2(2)(c)
Article 2(2)(e)	Article 2(2)(d)
Article 2(2)(f)	Article 2(2)(e)
Article 2(2)(g)	Article 2(2)(f)
Article 2(2)(h)	Article 2(2)(g)
Article 2(2)(i)	Article 2(2)(h)
Article 2(2)(j)	Article 2(2)(i)
Article 2(2)(k)	Article 2(2)(j)
Article 2(2)(l)	Article 2(2)(k)
Article 2(2)(m)	Article 2(2)(l)
Article 2(2)(n)	Article 2(2)(m)
Article 2(2)(o)	Article 2(2)(n)
Article 2(2)(p)	Article 2(2)(o)
Article 2(2)(q)	Article 2(2)(p)
Article 2(3), introductory wording	Article 2(3), introductory wording
Article 2(3)(a)	Article 2(3)(a)
Article 2(3)(b)	Article 2(3)(b)
Article 2(3)(f)	Article 2(3)(c)
Article 2(3)(i)	Article 2(3)(d)
Article 2(3)(j)	Article 2(3)(e)
Article 2(3)(k)	—
Article 2(3)(l)	Article 2(3)(f)
Article 2(3)(m)	Article 2(3)(g)
Article 2(3)(n)	Article 2(3)(h)
Article 2(3)(o)	Article 2(3)(i)
Article 2(3)(q)	Article 2(3)(j)

Decision 2010/320/EU	This Decision
Article 2(3)(r)	Article 2(3)(k)
Article 2(3)(s)	Article 2(3)(l)
Article 2(3)(t)	Article 2(3)(m)
Article 2(3)(u)	Article 2(3)(n)
Article 2(3)(v)	Article 2(3)(o)
Article 2(3)(w)	—
Article 2(3)(x)	Article 2(3)(p)
Article 2(3)(y)	Article 2(3)(q)
Article 2(3)(z)	Article 2(3)(r)
Article 2(3)(aa)	Article 2(3)(s)
Article 2(3)(bb)	Article 2(3)(t)
Article 2(3)(cc)	Article 2(3)(u)
Article 2(3)(dd)	Article 2(3)(v)
Article 2(3)(ee)	Article 2(3)(w)
Article 2(3)(ff)	Article 2(3)(x)
Article 2(3)(gg)	Article 2(3)(y)
Article 2(3)(hh)	Article 2(3)(z)
Article 2(4), introductory wording	Article 2(4), introductory wording
Article 2(4)(b)	Article 2(4)(a)
Article 2(4)(c)	Article 2(4)(b)
Article 2(4)(d)	—
Article 2(4)(e)	Article 2(4)(c)
Article 2(4)(f)	Article 2(4)(d)
Article 2(4)(g)	Article 2(4)(e)
Article 2(4)(h)	Article 2(4)(f)
Article 2(4)(i)	Article 2(4)(g)
Article 2(4)(j)	Article 2(4)(h)
Article 2(4)(k)	Article 2(4)(i)
Article 2(4)(l)	—
Article 2(5), introductory wording	Article 2(5), introductory wording
Article 2(5)(a)	Article 2(5)(a)
Article 2(5)(b)	—
—	Article 2(5)(b) and (c)

Decision 2010/320/EU	This Decision
Article 2(5)(c)	Article 2(5)(d)
Article 2(5)(d)	Article 2(5)(e)
Article 2(5)(e)	—
Article 2(5)(f)	Article 2(5)(f)
Article 2(5)(g)	—
—	Article 2(5)(g)
Article 2(5)(h)	Article 2(5)(h)
Article 2(5)(i)	Article 2(5)(i)
—	Article 2(5)(j)-(q)
Article 2(6), introductory wording	Article 2(6), introductory wording
Article 2(6)(a)	Article 2(6)(a)
Article 2(6)(b)	Article 2(6)(b)
Article 2(6)(c)	Article 2(6)(c)
Article 2(6)(d)	Article 2(6)(d)
Article 2(6)(e)	Article 2(6)(e)
Article 2(6)(f)	—
—	Article 2(6)(f)-(p)
Article 2(7), introductory wording	Article 2(7), introductory wording
Article 2(7)(a)	Article 2(7)(a)
Article 2(7)(b)	Article 2(7)(b)
Article 2(7)(d)	Article 2(7)(c)
Article 2(7)(e)	Article 2(7)(d)
Article 2(7)(f)	Article 2(7)(e)
—	Article 2(7)(f)-(h)
Article 2(8), introductory wording	Article 2(8), introductory wording
Article 2(8)(a)	Article 2(8)(a)
—	Article 2(8)(b)
Article 3	Article 3
Article 4	Article 4
—	Article 5
Article 5	Article 6
Article 6	Article 7
—	Annexes I, II and III

COUNCIL DECISION 2011/735/CFSP**of 14 November 2011****amending Decision 2011/273/CFSP concerning restrictive measures against Syria**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

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

Article 1

In Decision 2011/273/CFSP, the following article is inserted:

Whereas:

‘Article 2e

The following shall be prohibited:

- (1) On 9 May 2011, the Council adopted Decision 2011/273/CFSP concerning restrictive measures against Syria ⁽¹⁾.
- (2) On 23 October 2011, the European Council stated that the EU would impose further measures against the Syrian regime as long as the repression of the civilian population continued.
- (3) In view of the gravity of the situation in Syria, the Council considers it necessary to impose additional restrictive measures.
- (4) The European Investment Bank should suspend the disbursement or other payments under or in connection with existing loan agreements with Syria as well as existing Technical Assistance Service Contracts for sovereign projects located in Syria.
- (5) Furthermore, the information relating to one person on the list in Annex I to Decision 2011/273/CFSP should be updated.
- (6) Decision 2011/273/CFSP should be amended accordingly,

(a) any disbursement or payment by the European Investment Bank (EIB) under or in connection with any existing loan agreements entered into between Syria and the EIB;

(b) the continuation by the EIB of any existing Technical Assistance Service Contracts for sovereign projects located in Syria.’.

Article 2

In Annex I to Decision 2011/273/CFSP, the entry for Nizar AL-ASSAAD shall be replaced by the entry set out in the Annex to this Decision.

Article 3

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

Done at Brussels, 14 November 2011.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 121, 10.5.2011, p. 11.

ANNEX

Person referred to in Article 2

	Name	Identifying information	Reasons	Date of listing
1.	Nizar Al-Assad (نزار الأسد)	Cousin of Bashar Al-Assad; previously head of the company 'Nizar Oilfield Supplies'.	Very close to key government officials. Financing Shabiha in the region of Latakia.	23.08.2011

COUNCIL IMPLEMENTING DECISION 2011/736/CFSP
of 14 November 2011
implementing Decision 2011/273/CFSP concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Whereas:

- (1) On 9 May 2011, the Council adopted Decision 2011/273/CFSP concerning restrictive measures against Syria ⁽¹⁾.
- (2) On 23 October 2011, the European Council stated that the EU would impose further measures against the Syrian regime as long as the repression of the civilian population continued.
- (3) In view of the gravity of the situation in Syria, the Council considers it necessary to impose additional restrictive measures.
- (4) Additional persons should be included in the list of persons and entities subject to restrictive measures as set out in Annex I to Decision 2011/273/CFSP.

- (5) Decision 2011/273/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The persons listed in the Annex to this Decision shall be added to the list set out in Annex I to Decision 2011/273/CFSP.

Article 2

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

Done at Brussels, 14 November 2011.

For the Council
The President
C. ASHTON

⁽¹⁾ OJ L 121, 10.5.2011, p. 11.

ANNEX

Persons referred to in Article 1

	Name	Identifying information	Reasons	Date of listing
1.	Major General Jumah Al-Ahmad		Commander Special Forces. Responsible for the use of violence against protestors across Syria.	14.11.2011
2.	Colonel Lu'ai al-Ali		Head of Syrian Military Intelligence, Dera'a Branch. Responsible for the violence against protesters in Dera'a.	14.11.2011
3.	Lt. General Ali Abdullah Ayyub		Deputy Chief of General Staff (Personnel and Manpower). Responsible for the use of violence against protestors across Syria.	14.11.2011
4.	Lt. General Jasim al-Furayj		Chief of General staff. Responsible for the use of violence against protestors across Syria.	14.11.2011
5.	General Aous (Aws) ASLAN	Born in 1958	Head of Battallion in the Republican Guard. Close to Maher al-ASSAD and President al-ASSAD. Involved in the crackdown on the civilian population across Syria.	14.11.2011
6.	General Ghassan BELAL		General in command of the 4th Division reserve bureau. Adviser to Maher al-ASSAD and coordinator of security operations. Responsible for the crackdown on the civilian population across Syria.	14.11.2011
7.	Abdullah BERRI		Head of Berri family militia. In charge of pro-government militia involved in the crackdown on the civilian population in Aleppo.	14.11.2011
8.	George CHAOUI		Member of Syrian electronic army. Involved in the violent crackdown and call for violence against the civilian population across Syria.	14.11.2011
9.	Major General Zuhair Hamad		Deputy Head of General Intelligence Directorate. Responsible for the use of violence across Syria and intimidation and torture of protestors.	14.11.2011
10.	Amar ISMAEL		Civilian - Head of Syrian electronic army (territorial army intelligence service). Involved in the violent crackdown and call for violence against the civilian population across Syria.	14.11.2011
11.	Mujahed ISMAIL		Member of Syrian electronic army. Involved in the violent crackdown and call for violence against the civilian population across Syria.	14.11.2011

	Name	Identifying information	Reasons	Date of listing
12.	Saqr KHAYR BEK		Deputy Minister for the Interior. Responsible for the use of violence against the civilian population in Syria.	14.11.2011
13.	Major General Nazih		Deputy Director of General Intelligence Directorate. Responsible for the use of violence across Syria and intimidation and torture of protestors.	14.11.2011
14.	Kifah MOULHEM		Battalion Commander in the 4th Division. Responsible for the crackdown on the civilian population in Deir el-Zor.	14.11.2011
15.	Major General Wajih Mahmud		Commander 18th Armoured Division. Responsible for the violence against protestors in Homs.	14.11.2011
16.	Bassam SABBAGH	Born on 24 August 1959 in Damascus. Address: Kasaa, Anwar al Attar Street, al Midani building, Damascus. Syrian passport no 004326765 issued 2 November 2008, valid until November 2014.	Head of Sabbagh & Associates law firm (Damascus). Member of the Paris Bar. Legal and financial adviser and manages affairs of Rami Makhoul and Khaldoun Makhoul. Involved with Bashar al-Assad in funding a real estate project in Latakia. Provides financial support for the regime.	14.11.2011
17.	Lt. General Tala Mustafa Tlass		Deputy Chief of General Staff (Logistics and supplies). Responsible for the use of violence against protestors across Syria.	14.11.2011
18.	Major General Fu'ad Tawil		Deputy head Syrian Air Force Intelligence. Responsible for the use of violence across Syria and intimidation and torture of protestors.	14.11.2011

COMMISSION DECISION
of 9 November 2011
amending its Rules of Procedure
(2011/737/EU, Euratom)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 249 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to Commission Decision 2010/138/EU, Euratom, of 24 February 2010 amending its Rules of Procedure ⁽¹⁾,

Having regard to the Decision of the President of the Commission C(2011)8000 of 27 October 2011,

HAS ADOPTED THIS DECISION:

Article 1

In Article 12 of the Rules of Procedure of the Commission, a new point 5 shall be added, worded as follows:

“5. Any Member of the Commission wishing to suspend a written procedure in the field of coordination and surveillance of the economic and budgetary policies of the Member States, in particular of the euro area, shall send a reasoned request to that effect to the President, explicitly indicating the aspects of the draft decision to which it relates, based on an impartial and objective assessment of the timing, structure, reasoning or result of the proposed decision.

If the President considers that the reasons given are not well-founded, and if the request for suspension is maintained, he

or she may refuse to allow the suspension and may decide that the written procedure shall continue; in that case, the Secretary-General shall ask the other Members of the Commission for their position to ensure that the quorum laid down in Article 250 of the Treaty on the Functioning of the European Union has been met. The President may also include the item on the agenda of the next Commission meeting with a view to its adoption.”

Article 2

In Article 23 of the Rules of Procedure of the Commission, a new point 5a shall be added, worded as follows:

“5a. The Directorate-General responsible for economic and financial affairs must be consulted on all initiatives relating to or having a potential impact on growth, competitiveness or economic stability in the European Union or in the euro area.”

Article 3

This Decision shall take effect on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 9 November 2011.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 55, 5.3.2010, p. 60.

DECISIONS

2011/734/EU:

- ★ Council Decision of 12 July 2011 addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit 38

- ★ Council Decision 2011/735/CFSP of 14 November 2011 amending Decision 2011/273/CFSP concerning restrictive measures against Syria 53

- ★ Council Implementing Decision 2011/736/CFSP of 14 November 2011 implementing Decision 2011/273/CFSP concerning restrictive measures against Syria 55

2011/737/EU, Euratom:

- ★ Commission Decision of 9 November 2011 amending its Rules of Procedure 58

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