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I

(Legislative acts)

DIRECTIVES

DIRECTIVE 2010/64/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 October 2010

on the right to interpretation and translation in criminal proceedings

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (b) of the second subparagraph of Article 82(2) thereof,

Having regard to the initiative of the Kingdom of Belgium, the Federal Republic of Germany, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand-Duchy of Luxembourg, the Republic of Hungary, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Finland and the Kingdom of Sweden ⁽¹⁾,

After transmission of the draft legislative act to the national parliaments,

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

Whereas:

(1) The Union has set itself the objective of maintaining and developing an area of freedom, security and justice. According to the Presidency Conclusions of the European Council in Tampere of 15 and 16 October 1999, and in particular point 33 thereof, the principle of mutual recognition of judgments and other decisions of judicial authorities should become the cornerstone of judicial cooperation in civil and criminal matters within the Union because enhanced mutual recognition and the necessary approximation of legislation would facilitate cooperation between competent authorities and the judicial protection of individual rights.

(2) On 29 November 2000, the Council, in accordance with the Tampere Conclusions, adopted a programme of measures to implement the principle of mutual recognition of decisions in criminal matters ⁽³⁾. The introduction to the programme states that mutual recognition is 'designed to strengthen cooperation between Member States but also to enhance the protection of individual rights'.

(3) The implementation of the principle of mutual recognition of decisions in criminal matters presupposes that Member States have trust in each other's criminal justice systems. The extent of mutual recognition is very much dependent on a number of parameters, which include mechanisms for safeguarding the rights of suspected or accused persons and common minimum standards necessary to facilitate the application of the principle of mutual recognition.

(4) Mutual recognition of decisions in criminal matters can operate effectively only in a spirit of trust in which not only judicial authorities but all actors in the criminal process consider decisions of the judicial authorities of other Member States as equivalent to their own, implying not only trust in the adequacy of other Member States' rules, but also trust that those rules are correctly applied.

(5) Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter the ECHR) and Article 47 of the Charter of Fundamental Rights of the European Union (hereinafter the Charter) enshrine the right to a fair trial. Article 48(2) of the Charter guarantees respect for the right of defence. This Directive respects those rights and should be implemented accordingly.

⁽¹⁾ OJ C 69, 18.3.2010, p. 1.

⁽²⁾ Position of the European Parliament of 16 June 2010 (not yet published in the Official Journal) and decision of the Council of 7 October 2010.

⁽³⁾ OJ C 12, 15.1.2001, p. 10.

- (6) Although all the Member States are party to the ECHR, experience has shown that that alone does not always provide a sufficient degree of trust in the criminal justice systems of other Member States.
- (7) Strengthening mutual trust requires a more consistent implementation of the rights and guarantees set out in Article 6 of the ECHR. It also requires, by means of this Directive and other measures, further development within the Union of the minimum standards set out in the ECHR and the Charter.
- (8) Article 82(2) of the Treaty on the Functioning of the European Union provides for the establishment of minimum rules applicable in the Member States so as to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension. Point (b) of the second subparagraph of Article 82(2) refers to 'the rights of individuals in criminal procedure' as one of the areas in which minimum rules may be established.
- (9) Common minimum rules should lead to increased confidence in the criminal justice systems of all Member States, which, in turn, should lead to more efficient judicial cooperation in a climate of mutual trust. Such common minimum rules should be established in the fields of interpretation and translation in criminal proceedings.
- (10) On 30 November 2009, the Council adopted a resolution on a Roadmap for strengthening procedural rights of suspected or accused persons in criminal proceedings⁽¹⁾. Taking a step-by-step approach, the Roadmap called for the adoption of measures regarding the right to translation and interpretation (measure A), the right to information on rights and information about the charges (measure B), the right to legal advice and legal aid (measure C), the right to communication with relatives, employers and consular authorities (measure D), and special safeguards for suspected or accused persons who are vulnerable (measure E).
- (11) In the Stockholm programme, adopted on 10 December 2009, the European Council welcomed the Roadmap and made it part of the Stockholm programme (point 2.4). The European Council underlined the non-exhaustive character of the Roadmap, by inviting the Commission to examine further elements of minimum procedural rights for suspected and accused persons, and to assess whether other issues, for instance the presumption of innocence, need to be addressed, in order to promote better cooperation in that area.
- (12) This Directive relates to measure A of the Roadmap. It lays down common minimum rules to be applied in the fields of interpretation and translation in criminal proceedings with a view to enhancing mutual trust among Member States.
- (13) This Directive draws on the Commission proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings of 8 July 2009, and on the Commission proposal for a Directive of the European Parliament and of the Council on the right to interpretation and translation in criminal proceedings of 9 March 2010.
- (14) The right to interpretation and translation for those who do not speak or understand the language of the proceedings is enshrined in Article 6 of the ECHR, as interpreted in the case-law of the European Court of Human Rights. This Directive facilitates the application of that right in practice. To that end, the aim of this Directive is to ensure the right of suspected or accused persons to interpretation and translation in criminal proceedings with a view to ensuring their right to a fair trial.
- (15) The rights provided for in this Directive should also apply, as necessary accompanying measures, to the execution of a European arrest warrant⁽²⁾ within the limits provided for by this Directive. Executing Member States should provide, and bear the costs of, interpretation and translation for the benefit of the requested persons who do not speak or understand the language of the proceedings.
- (16) In some Member States an authority other than a court having jurisdiction in criminal matters has competence for imposing sanctions in relation to relatively minor offences. That may be the case, for example, in relation to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require that the competent authority ensure all the rights under this Directive. Where the law of a Member State provides for the imposition of a sanction regarding minor offences by such an authority and there is a right of appeal to a court having jurisdiction in criminal matters, this Directive should therefore apply only to the proceedings before that court following such an appeal.

⁽¹⁾ OJ C 295, 4.12.2009, p. 1.

⁽²⁾ Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ L 190, 18.7.2002, p. 1).

- (17) This Directive should ensure that there is free and adequate linguistic assistance, allowing suspected or accused persons who do not speak or understand the language of the criminal proceedings fully to exercise their right of defence and safeguarding the fairness of the proceedings.
- (18) Interpretation for the benefit of the suspected or accused persons should be provided without delay. However, where a certain period of time elapses before interpretation is provided, that should not constitute an infringement of the requirement that interpretation be provided without delay, as long as that period of time is reasonable in the circumstances.
- (19) Communication between suspected or accused persons and their legal counsel should be interpreted in accordance with this Directive. Suspected or accused persons should be able, inter alia, to explain their version of the events to their legal counsel, point out any statements with which they disagree and make their legal counsel aware of any facts that should be put forward in their defence.
- (20) For the purposes of the preparation of the defence, communication between suspected or accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings, or with the lodging of an appeal or other procedural applications, such as an application for bail, should be interpreted where necessary in order to safeguard the fairness of the proceedings.
- (21) Member States should ensure that there is a procedure or mechanism in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter. Such procedure or mechanism implies that competent authorities verify in any appropriate manner, including by consulting the suspected or accused persons concerned, whether they speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter.
- (22) Interpretation and translation under this Directive should be provided in the native language of the suspected or accused persons or in any other language that they speak or understand in order to allow them fully to exercise their right of defence, and in order to safeguard the fairness of the proceedings.
- (23) The respect for the right to interpretation and translation contained in this Directive should not compromise any other procedural right provided under national law.
- (24) Member States should ensure that control can be exercised over the adequacy of the interpretation and translation provided when the competent authorities have been put on notice in a given case.
- (25) The suspected or accused persons or the persons subject to proceedings for the execution of a European arrest warrant should have the right to challenge the finding that there is no need for interpretation, in accordance with procedures in national law. That right does not entail the obligation for Member States to provide for a separate mechanism or complaint procedure in which such finding may be challenged and should not prejudice the time limits applicable to the execution of a European arrest warrant.
- (26) When the quality of the interpretation is considered insufficient to ensure the right to a fair trial, the competent authorities should be able to replace the appointed interpreter.
- (27) The duty of care towards suspected or accused persons who are in a potentially weak position, in particular because of any physical impairments which affect their ability to communicate effectively, underpins a fair administration of justice. The prosecution, law enforcement and judicial authorities should therefore ensure that such persons are able to exercise effectively the rights provided for in this Directive, for example by taking into account any potential vulnerability that affects their ability to follow the proceedings and to make themselves understood, and by taking appropriate steps to ensure those rights are guaranteed.
- (28) When using videoconferencing for the purpose of remote interpretation, the competent authorities should be able to rely on the tools that are being developed in the context of European e-Justice (e.g. information on courts with videoconferencing equipment or manuals).
- (29) This Directive should be evaluated in the light of the practical experience gained. If appropriate, it should be amended so as to improve the safeguards which it lays down.

(30) Safeguarding the fairness of the proceedings requires that essential documents, or at least the relevant passages of such documents, be translated for the benefit of suspected or accused persons in accordance with this Directive. Certain documents should always be considered essential for that purpose and should therefore be translated, such as any decision depriving a person of his liberty, any charge or indictment, and any judgment. It is for the competent authorities of the Member States to decide, on their own motion or upon a request of suspected or accused persons or of their legal counsel, which other documents are essential to safeguard the fairness of the proceedings and should therefore be translated as well.

(31) Member States should facilitate access to national databases of legal translators and interpreters where such databases exist. In that context, particular attention should be paid to the aim of providing access to existing databases through the e-Justice portal, as planned in the multiannual European e-Justice action plan 2009-2013 of 27 November 2008 ⁽¹⁾.

(32) This Directive should set minimum rules. Member States should be able to extend the rights set out in this Directive in order to provide a higher level of protection also in situations not explicitly dealt with in this Directive. The level of protection should never fall below the standards provided by the ECHR or the Charter as interpreted in the case-law of the European Court of Human Rights or the Court of Justice of the European Union.

(33) The provisions of this Directive that correspond to rights guaranteed by the ECHR or the Charter should be interpreted and implemented consistently with those rights, as interpreted in the relevant case-law of the European Court of Human Rights and the Court of Justice of the European Union.

(34) Since the objective of this Directive, namely establishing common minimum rules, cannot be sufficiently achieved by the Member States and can therefore, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the

Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(35) In accordance with Article 3 of the Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, those Member States have notified their wish to take part in the adoption and application of this Directive.

(36) In accordance with Articles 1 and 2 of the Protocol (No 22) on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

1. This Directive lays down rules concerning the right to interpretation and translation in criminal proceedings and proceedings for the execution of a European arrest warrant.

2. The right referred to in paragraph 1 shall apply to persons from the time that they are made aware by the competent authorities of a Member State, by official notification or otherwise, that they are suspected or accused of having committed a criminal offence until the conclusion of the proceedings, which is understood to mean the final determination of the question whether they have committed the offence, including, where applicable, sentencing and the resolution of any appeal.

3. Where the law of a Member State provides for the imposition of a sanction regarding minor offences by an authority other than a court having jurisdiction in criminal matters, and the imposition of such a sanction may be appealed to such a court, this Directive shall apply only to the proceedings before that court following such an appeal.

⁽¹⁾ OJ C 75, 31.3.2009, p. 1.

4. This Directive does not affect national law concerning the presence of legal counsel during any stage of the criminal proceedings, nor does it affect national law concerning the right of access of a suspected or accused person to documents in criminal proceedings.

Article 2

Right to interpretation

1. Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings.

2. Member States shall ensure that, where necessary for the purpose of safeguarding the fairness of the proceedings, interpretation is available for communication between suspected or accused persons and their legal counsel in direct connection with any questioning or hearing during the proceedings or with the lodging of an appeal or other procedural applications.

3. The right to interpretation under paragraphs 1 and 2 includes appropriate assistance for persons with hearing or speech impediments.

4. Member States shall ensure that a procedure or mechanism is in place to ascertain whether suspected or accused persons speak and understand the language of the criminal proceedings and whether they need the assistance of an interpreter.

5. Member States shall ensure that, in accordance with procedures in national law, suspected or accused persons have the right to challenge a decision finding that there is no need for interpretation and, when interpretation has been provided, the possibility to complain that the quality of the interpretation is not sufficient to safeguard the fairness of the proceedings.

6. Where appropriate, communication technology such as videoconferencing, telephone or the Internet may be used, unless the physical presence of the interpreter is required in order to safeguard the fairness of the proceedings.

7. In proceedings for the execution of a European arrest warrant, the executing Member State shall ensure that its competent authorities provide persons subject to such

proceedings who do not speak or understand the language of the proceedings with interpretation in accordance with this Article.

8. Interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.

Article 3

Right to translation of essential documents

1. Member States shall ensure that suspected or accused persons who do not understand the language of the criminal proceedings concerned are, within a reasonable period of time, provided with a written translation of all documents which are essential to ensure that they are able to exercise their right of defence and to safeguard the fairness of the proceedings.

2. Essential documents shall include any decision depriving a person of his liberty, any charge or indictment, and any judgment.

3. The competent authorities shall, in any given case, decide whether any other document is essential. Suspected or accused persons or their legal counsel may submit a reasoned request to that effect.

4. There shall be no requirement to translate passages of essential documents which are not relevant for the purposes of enabling suspected or accused persons to have knowledge of the case against them.

5. Member States shall ensure that, in accordance with procedures in national law, suspected or accused persons have the right to challenge a decision finding that there is no need for the translation of documents or passages thereof and, when a translation has been provided, the possibility to complain that the quality of the translation is not sufficient to safeguard the fairness of the proceedings.

6. In proceedings for the execution of a European arrest warrant, the executing Member State shall ensure that its competent authorities provide any person subject to such proceedings who does not understand the language in which the European arrest warrant is drawn up, or into which it has been translated by the issuing Member State, with a written translation of that document.

7. As an exception to the general rules established in paragraphs 1, 2, 3 and 6, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings.

8. Any waiver of the right to translation of documents referred to in this Article shall be subject to the requirements that suspected or accused persons have received prior legal advice or have otherwise obtained full knowledge of the consequences of such a waiver, and that the waiver was unequivocal and given voluntarily.

9. Translation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence.

Article 4

Costs of interpretation and translation

Member States shall meet the costs of interpretation and translation resulting from the application of Articles 2 and 3, irrespective of the outcome of the proceedings.

Article 5

Quality of the interpretation and translation

1. Member States shall take concrete measures to ensure that the interpretation and translation provided meets the quality required under Article 2(8) and Article 3(9).

2. In order to promote the adequacy of interpretation and translation and efficient access thereto, Member States shall endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified. Once established, such register or registers shall, where appropriate, be made available to legal counsel and relevant authorities.

3. Member States shall ensure that interpreters and translators be required to observe confidentiality regarding interpretation and translation provided under this Directive.

Article 6

Training

Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall request those responsible for the training of judges, prosecutors and judicial staff involved in criminal proceedings to pay special attention to the particularities of communicating with the assistance of an interpreter so as to ensure efficient and effective communication.

Article 7

Record-keeping

Member States shall ensure that when a suspected or accused person has been subject to questioning or hearings by an investigative or judicial authority with the assistance of an interpreter pursuant to Article 2, when an oral translation or oral summary of essential documents has been provided in the presence of such an authority pursuant to Article 3(7), or when a person has waived the right to translation pursuant to Article 3(8), it will be noted that these events have occurred, using the recording procedure in accordance with the law of the Member State concerned.

Article 8

Non-regression

Nothing in this Directive shall be construed as limiting or derogating from any of the rights and procedural safeguards that are ensured under the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union, other relevant provisions of international law or the law of any Member State which provides a higher level of protection.

Article 9

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 27 October 2013.

2. Member States shall transmit the text of those measures to the Commission.

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

Article 10

Report

The Commission shall, by 27 October 2014, submit a report to the European Parliament and to the Council, assessing the extent to which the Member States have taken the necessary measures in order to comply with this Directive, accompanied, if necessary, by legislative proposals.

Article 11

Entry into force

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

*Article 12***Addressees**

This Directive is addressed to the Member States in accordance with the Treaties.

Done at Strasbourg, 20 October 2010.

For the European Parliament
The President
J. BUZEK

For the Council
The President
O. CHASTEL

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 960/2010

of 25 October 2010

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 October 2010.

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

Done at Brussels, 25 October 2010.

*For the Commission,
On behalf of the President,
Jean-Luc DEMARTY
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 350, 31.12.2007, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	78,7
	MK	80,0
	XS	73,2
	ZZ	77,3
0707 00 05	MK	87,5
	TR	152,9
	ZZ	120,2
0709 90 70	TR	143,9
	ZZ	143,9
0805 50 10	AR	88,4
	BR	68,9
	CL	65,0
	TR	93,2
	UY	61,0
	ZA	90,2
	ZZ	77,8
0806 10 10	BR	220,8
	TR	133,9
	US	155,2
	ZA	64,2
	ZZ	143,5
0808 10 80	AR	77,3
	BR	59,6
	CL	110,2
	CN	82,6
	NZ	101,3
	US	82,6
	ZA	94,6
	ZZ	86,9
0808 20 50	CN	92,7
	ZA	88,6
	ZZ	90,7

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

DECISIONS

COUNCIL DECISION 2010/638/CFSP

of 25 October 2010

concerning restrictive measures against the Republic of Guinea

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 27 October 2009, the Council adopted Common Position 2009/788/CFSP concerning restrictive measures against the Republic of Guinea ⁽¹⁾, in response to the violent crackdown by security forces on political demonstrators in Conakry on 28 September 2009.
- (2) On 22 December 2009, the Council adopted Decision 2009/1003/CFSP amending Common Position 2009/788/CFSP ⁽²⁾, including additional restrictive measures.
- (3) On 29 March 2010, the Council adopted Decision 2010/186/CFSP amending Common Position 2009/788/CFSP ⁽³⁾.
- (4) On the basis of a review of Common Position 2009/788/CFSP, the restrictive measures should be renewed until 27 October 2011.
- (5) The Union implementing measures are set out in Council Regulation (EU) No 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea ⁽⁴⁾.

HAS ADOPTED THIS DECISION:

Article 1

1. The sale, supply, transfer or export of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to the Republic of Guinea by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories.

2. It shall be prohibited to:

- (a) provide, directly or indirectly, technical assistance, brokering services or other services related to the items referred to in

paragraph 1 or related to the provision, manufacture, maintenance and use of such items, to any natural or legal person, entity or body in, or for use in, the Republic of Guinea;

- (b) provide, directly or indirectly, financing or financial assistance related to the items referred to in paragraph 1, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services or other services to any natural or legal person, entity or body in, or for use in, the Republic of Guinea;
- (c) participate, knowingly and intentionally, in activities, the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b).

Article 2

1. Article 1 shall not apply to the:

- (a) sale, supply, transfer or export of non-lethal military equipment or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution building programmes of the United Nations (UN) and the European Union, or for Union and UN crisis management operations;
- (b) sale, supply, transfer or export of non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for protective use of personnel of the Union and its Member States in the Republic of Guinea;
- (c) provision of technical assistance, brokering services and other services related to such equipment or to such programmes and operations;
- (d) provision of financing and financial assistance related to such equipment or to such programmes and operations;

⁽¹⁾ OJ L 281, 28.10.2009, p. 7.

⁽²⁾ OJ L 346, 23.12.2009, p. 51.

⁽³⁾ OJ L 83, 30.3.2010, p. 23.

⁽⁴⁾ OJ L 346, 23.12.2009, p. 26.

on condition that such exports and assistance have been approved in advance by the relevant competent authority.

2. Article 1 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to the Republic of Guinea by UN personnel, personnel of the Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 3

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the individual members of the National Council for Democracy and Development (CNDD) and persons associated with them, as listed in the Annex.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country to an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the UN;
- (c) under a multilateral agreement conferring privileges and immunities; or
- (d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in the Republic of Guinea.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The

exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 4

1. All funds and economic resources belonging to, owned, held or controlled by the individual members of the CNDD and natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of, natural or legal persons, entities or bodies listed in the Annex.

3. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the persons listed in the Annex and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authority of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation.

A Member State shall inform the other Member States and the Commission of any authorisation it grants under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in Article 4(1) was included in the Annex or of a judicial, administrative or arbitral judgment rendered prior to that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgment is not for the benefit of a natural or legal person, entity or body listed in the Annex; and
- (d) recognising the lien or judgement is not contrary to public policy in the Member State concerned.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to Common Position 2009/788/CFSP,

provided that any such interest, other earnings and payments remain subject to paragraph 1.

Article 5

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt amendments to the list contained in the Annex as required by political developments in the Republic of Guinea.

2. The Council shall communicate its decision, including the grounds for listing, to the person concerned, either directly, if the address is known, or through the publication of a notice, providing such person with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person concerned accordingly.

Article 6

In order to maximise the impact of the abovementioned measures, the EU shall encourage third States to adopt restrictive measures similar to those contained in this Decision.

Article 7

Common Position 2009/788/CFSP is hereby repealed.

Article 8

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

2. This Decision shall apply until 27 October 2011. It shall be kept under constant review. It may be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.

Done at Luxembourg, 25 October 2010.

For the Council

The President

C. ASHTON

ANNEX

List of persons referred to in Articles 3 and 4

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
1.	Captain Moussa Dadis CAMARA	d.o.b: 1.1.1964 or 29.12.1968 Pass: R0001318	President of the CNDD
2.	Colonel Mathurin BANGOURA	d.o.b: 15.11.1962 Pass: R0003491	Minister for Telecommunications and New Information Technologies
3.	Lieutenant Colonel Aboubacar Sidiki (alias Idi Amin) CAMARA	d.o.b: 22.10.1979 Pass: R0017873	Minister and Permanent Secretary of the CNDD (discharged from the army on 26.1.2009)
4.	Commandant Oumar BALDÉ	d.o.b: 26.12.1964 Pass: R0003076	Member of the CNDD
5.	Commandant Mamadi (alias Mamady) MARA	d.o.b: 1.1.1954 Pass: R0001343	Member of the CNDD
6.	Commandant Almamy CAMARA	d.o.b: 17.10.1975 Pass: R0023013	Member of the CNDD
7.	Lieutenant Colonel Mamadou Bhoie DIALLO	d.o.b: 1.1.1956 Pass: R0001855	Member of the CNDD
8.	Captain Koulako BÉAVOGUI		Member of the CNDD
9.	Police Lieutenant Colonel Kandia (alias Kandja) MARA	Pass: R0178636	Member of the CNDD Regional Director of Security in Labé
10.	Colonel Sékou MARA	d.o.b: 1957	Member of the CNDD Deputy Director of National Police
11.	Mr Morciré CAMARA	d.o.b: 1.1.1949 Pass: R0003216	Member of the CNDD
12.	Mr Alpha Yaya DIALLO		Member of the CNDD National Director of Customs
13.	Colonel Mamadou Korka DIALLO	d.o.b: 19.2.1962	Minister for Trade, Industry and SMEs
14.	Colonel Fodeba TOURÉ	d.o.b: 7.6.1961 Pass: R0003417/R0002132	Governor of Kindia (former Minister for Youth, dismissed as Minister on 7.5.2009)
15.	Commandant Cheick Sékou (alias Ahmed) Tidiane CAMARA	d.o.b: 12.5.1966	Member of the CNDD
16.	Colonel Sékou (alias Sékouba) SAKO		Member of the CNDD

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
17.	Lieutenant Jean-Claude PIVI (alias Coplan)	d.o.b: 1.1.1960	Member of the CNDD Minister with responsibility for presidential security
18.	Captain Saa Alphonse TOURÉ	d.o.b: 3.6.1970	Member of the CNDD
19.	Colonel Moussa KEITA	d.o.b: 1.1.1966	Member of the CNDD Minister and Permanent Secretary of the CNDD with responsibility for relations with Republican Institutions
20.	Lieutenant Colonel Aïdor (alias Aëdor) BAH		Member of the CNDD
21.	Commandant Bamou LAMA		Member of the CNDD
22.	Mr Mohamed Lamine KABA		Member of the CNDD
23.	Captain Daman (alias Dama) CONDÉ		Member of the CNDD
24.	Commandant Aboubacar Amadou DOUMBOUYA		Member of the CNDD
25.	Commandant Moussa Tiégboro CAMARA	d.o.b: 1.1.1968 Pass: 7190	Member of the CNDD Minister attached to the Presidency with responsibility for special anti-drug services and organised crime
26.	Captain Issa CAMARA	d.o.b: 1954	Member of the CNDD Governor of Mamou
27.	Colonel Dr. Abdoulaye Chérif DIABY	d.o.b: 26.2.1957 Pass: 13683	Member of the CNDD Minister for Health and Sanitation,
28.	Mr Mamady CONDÉ	d.o.b: 28.11.1952 Pass: R0003212	Member of the CNDD
29.	Sub-lieutenant Cheikh Ahmed TOURÉ		Member of the CNDD
30.	Lieutenant Colonel Aboubacar Biro CONDÉ	d.o.b: 15.10.1962 Pass: 2443/R0004700	Member of the CNDD
31.	Mr Bouna KEITA		Member of the CNDD
32.	Mr Idrissa CHERIF	d.o.b: 13.11.1967 Pass: R0105758	Minister with responsibility for Communication attached to the Presidency and the Ministry of Defence
33.	Mr Mamoudou (alias Mamadou) CONDÉ	d.o.b: 9.12.1960 Pass: R0020803	State Secretary, official representative, with responsibility for Strategic Issues and Sustainable Development
34.	Lieutenant Aboubacar Chérif (alias Toumba) DIAKITÉ		Presidential aide-de-camp

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
35.	Mr Ibrahima Khalil DIAWARA	d.o.b: 1.1.1976 Pass: R0000968	Special adviser to Aboubacar Chérif 'Toumba' Diakité
36.	Sub-lieutenant Marcel KOIVOGUI		Deputy to Aboubacar Chérif 'Toumba' Diakité
37.	Mr Papa Koly KOUROUMA	d.o.b: 3.11.1962 Pass: R11914/R001534	Minister for the Environment and Sustainable Development
38.	Commandant Nouhou THIAM	d.o.b: 1960 Pass: 5180	Inspector-General of the armed forces CNDD spokesman
39.	Police Captain Théodore (alias Siba) KOUROUMA	d.o.b: 13.5.1971 Pass: Service R0001204	Attaché in the presidential private office
40.	Captain Mamadou SANDÉ	d.o.b: 12.12.1969 Pass: R0003465	Minister attached to the Presidency with responsibility for the economy and finances
41.	Mr Alhassane (alias Al-Hassane) Siba ONIPOGUI	d.o.b: 31.12.1961 Pass: 5938/R00003488	Minister attached to the Presidency with responsibility for State control
42.	Mr Joseph KANDUNO		Minister with responsibility for audits, transparency and good governance
43.	Mr Fodéba (alias Isto) KÉIRA	d.o.b: 4.6.1961 Pass: R0001767	Minister for Youth, Sport and the Promotion of Youth Employment
44.	Colonel Siba LOHALAMOU	d.o.b: 1.8.1962 Pass: R0001376	Minister for Justice and Keeper of the Seals
45.	Dr. Frédéric KOLIÉ	d.o.b: 1.1.1960 Pass: R0001714	Minister for Territorial Administration and Political Affairs
46.	Mr Alexandre Cécé LOUA	d.o.b: 1.1.1956 Pass: R0001757/ Diplomatic passport: R 0000027	Minister for Foreign Affairs and Guineans Abroadé
47.	Mr Mamoudou (alias Mahmoud) THIAM	d.o.b: 4.10.1968 Pass: R0001758	Minister for Mines and Energy
48.	Mr Boubacar BARRY	d.o.b: 28.5.1964 Pass: R0003408	Minister of State attached to the Presidency with responsibility for construction, planning and public buildings
49.	Mr Demba FADIGA	d.o.b: 1.1.1952 Pass: residence permit FR365845/365857	Member of the CNDD Ambassador Extraordinary and Plenipotentiary with responsibility for relations between the CNDD and the Government

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
50.	Mr Mohamed DIOP	d.o.b: 1.1.1963 Pass: R0001798	Member of the CNDD Governor of Conakry
51.	Sergeant Mohamed (alias Tigre) CAMARA		Member of the security forces attached to the Koundara Presidential Guard camp
52.	Mr Habib HANN	d.o.b: 15.12.1950 Pass: 341442	Audit and Surveillance Committee for Strategic Sectors of the State
53.	Mr Ousmane KABA		Audit and Surveillance Committee for Strategic Sectors of the State
54.	Mr Alfred MATHOS		Audit and Surveillance Committee for Strategic Sectors of the State
55.	Captain Mandiou DIOUBATÉ	d.o.b: 1.1.1960 Pass: R0003622	Director of the Presidency press office CNDD spokesman
56.	Mr Cheik Sydia DIABATÉ	d.o.b: 23.4.1968 Pass: R0004490	Member of the armed forces Director of the Intelligence and Investigation Services at the Ministry of Defence
57.	Mr Ibrahima Ahmed BARRY	d.o.b: 11.11.1961 Pass: R0048243	Director General of Radio Télévision Guinéenne
58.	Mr Alhassane BARRY	d.o.b: 15.11.1962 Pass: R0003484	Governor of the Central Bank
59.	Mr Roda Namatala FAWAZ	d.o.b: 6.7.1947 Pass: R0001977	Businessman connected to the CNDD who has given the CNDD financial support
60.	Mr Dioulde DIALLO		Businessman connected to the CNDD who has given the CNDD financial support
61.	Mr Kerfalla CAMARA KPC		CEO of Guicopress Businessman connected to the CNDD who has given the CNDD financial support
62.	Dr. Moustapha ZABATT	d.o.b: 6.2.1965	Doctor and personal adviser to the President
63.	Mr Aly MANET		'Dadis Doit Rester' (Dadis Must Stay) movement
64.	Mr Louis M'bemba SOUMAH		Minister for Employment, Administrative Reform and the Civil Service

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
65.	Mr Cheik Fantamady CONDÉ		Minister for Information and Culture
66.	Colonel Boureima CONDÉ		Minister for Agriculture and Stock Farming
67.	Ms. Mariame SYLLA		Minister for Decentralisation and Local Government

COUNCIL DECISION 2010/639/CFSP

of 25 October 2010

concerning restrictive measures against certain officials of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 10 April 2006, the Council adopted Common Position 2006/276/CFSP concerning restrictive measures against certain officials of Belarus ⁽¹⁾.
- (2) By Common Position 2009/314/CFSP of 6 April 2009 amending Common Position 2006/276/CFSP ⁽²⁾ the restrictive measures were extended until 15 March 2010. However, the travel restrictions imposed on certain leading figures in Belarus, with the exception of those involved in the disappearances which occurred in 1999 and 2000 and of the President of the Central Electoral Commission, were suspended until 15 December 2009.
- (3) On 15 December 2009, the Council adopted Council Decision 2009/969/CFSP ⁽³⁾ extending both the restrictive measures and the suspension until 31 October 2010.
- (4) On the basis of a re-examination of Common Position 2006/276/CFSP, the restrictive measures should be renewed until 31 October 2011, whilst the suspension of the travel restrictions, should also be renewed until the same date.
- (5) The Union implementing measures are set out in Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures against President Lukashenko and certain officials of Belarus ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of persons, who are responsible:

(a) for, but failed to start, the initiation of independent investigation and prosecution of the alleged crimes and those who are considered by the Pourgourides Report to be key actors in the disappearances of four well-known persons in Belarus in 1999/2000 and the following cover-up, in view of their apparent obstruction of justice, as listed in Annex I;

(b) for the fraudulent elections and referendum in Belarus on 17 October 2004 and those who are responsible for severe human rights violations in the repression of peaceful demonstrators in the aftermath of the elections and referendum in Belarus, as listed in Annex II;

(c) for the violations of international electoral standards in the presidential elections in Belarus on 19 March 2006, and the crackdown on civil society and democratic opposition, as listed in Annex III.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

(i) as a host country of an international intergovernmental organisation;

(ii) as a host country to an international conference convened by, or under the auspices of, the United Nations;

(iii) under a multilateral agreement conferring privileges and immunities;

or

(iv) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

⁽¹⁾ OJ L 101, 11.4.2006, p. 5.

⁽²⁾ OJ L 93, 7.4.2009, p. 21.

⁽³⁾ OJ L 332, 17.12.2009, p. 76.

⁽⁴⁾ OJ L 134, 20.5.2006, p. 1.

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending inter-governmental meetings, including those promoted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Belarus.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annexes I, II and III, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by persons who are responsible for the violations of international electoral standards in the Presidential elections in Belarus on 19 March 2006 and the crackdown on civil society and democratic opposition, and those natural or legal persons, entities or bodies associated with them, as listed in Annex IV shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of such persons listed in Annex IV.

Article 3

1. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the persons listed in Annex IV and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources; or

(d) necessary for extraordinary expenses, provided that the competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the other competent authorities and the Commission at least two weeks prior to the authorisation.

Member States shall inform the other Member States and the Commission of any authorisation granted under this Article.

2. Article 2(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to the provisions of Common Position 2006/276/CFSP

and provided that any such interest, other earnings and payments continue to be subject to Article 2(1) of this Decision.

Article 4

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt amendments to the lists contained in Annexes I, II, III and IV as required by political developments in Belarus.

2. The Council shall communicate its decision, including the grounds for listing, to the person concerned, either directly, if the address is known, or through the publication of a notice, providing such person with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person concerned accordingly.

Article 5

In order to maximise the impact of the abovementioned measures, the Union shall encourage third States to adopt restrictive measures similar to those contained in this Decision.

Article 6

Common Position 2006/276/CFSP is hereby repealed.

Article 7

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

2. This Decision shall apply until 31 October 2011. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

3. The measures referred to in Article 1(1)(b), insofar as they apply to Mr Yuri Nikolaevich PODOBED, as well as the measures referred to in Article 1(1)(c) shall be suspended until 31 October 2011.

Done at Luxembourg, 25 October 2010.

For the Council
The President
C. ASHTON

ANNEX I

List of persons referred to in Article 1(1)(a)

1. SIVAKOV, YURY (YURIJ) Leonidovich, ex-Minister of Tourism and Sports of Belarus, born on 5 August 1946, in Sakhalin Region, former Russian Socialist Federative Soviet Republic.
2. SHEYMAN (SHEIMAN), VICTOR Vladimirovich, State Secretary of the Security Council of Belarus, born on 26 May 1958, in Grodno region.
3. PAVLICHENKO (PAVLIUCHENKO), DMITRI (Dmitry) Valeriyevich, Head of the Special Response Group at the Ministry of the Interior (SOBR) of Belarus, born in 1966 in Vitebsk.
4. NAUMOV, VLADIMIR Vladimirovich, Minister of the Interior, born in 1956.

ANNEX II

List of persons referred to in Article 1(1)(b)

1. Lydia Mihajlovna YERMOSHINA, Chairwoman of the Central Election Commission of Belarus, born on 29 January 1953 in Slutsk (Minsk Region).
 2. Yuri Nikolaevich PODOBED, Lieutenant-Colonel of Militia, Unit for Special Purposes (OMON), Ministry of Internal Affairs, born on 5 March 1962 in Slutsk (Minsk Region).
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ANNEX III

List of persons referred to in Article 1(1)(c)

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Lukashenko Aleksandr Grigorievich (Lukashenka Alaksandr Ryhoravich)	Лукашенка Аляксандр Рыгоравіч	ЛУКАШЕНКО Александр Григорьевич	30.8.1954	Kopys, Vitebsk district			President
Nevyglas Gennady Nikolaevich (Nievvyhlas Hienadz Mikalaevich)	Невыглас Геннадзь Мікалаевіч	НЕВЫГЛАС Геннадий Николаевич	11.2.1954	Parahonsk, Pinsk district			Head of President's Administration
Petkevich Natalya Vladimirovna (Piatkevich Natallia Uladzimirana)	Пяткевіч Наталля Уладзіміраўна	ПЕТКЕВИЧ Наталья Владимировна	24.10.1972	Minsk			Deputy Head of President's Administration
Rubinov Anatoly Nikolaevich (Rubinau Anatol Mikalaevich)	Рубінаў Анатоль Мікалаевіч	РУБИНОВ Анатолий Николаевич	15.4.1939	Mogilev			Deputy Head in charge of Media and Ideology, PA
Proleskovsky Oleg Vitoldovich Pralaskouski Aleh Vitoldavich,	Праляскоўскі Алег Вітольдавіч	ПРОЛЕСКОВСКИЙ Олег Витольдович	1.10.1963	Zagorsk (Russia, now Sergijev Posad)			Aide and Head of the Main Ideological Department, PA
Radkov Aleksandr Mikhailovich (Radzkou Alaksandr Mikhailavich)	Радзькоў Аляксандр Міхайлавіч	РАДЬКОВ Александр Михайлович	1.7.1951	Votnya, Вотня Быховского района Могилевской области			Minister of Education
Rusakevich Vladimir Vasilyevich (Rusakevich Uladzimir Vasilievich)	Русакевіч Уладзімір Васільевіч	РУСАКЕВИЧ Владимир Васильевич	13.9.1947	Vygonoshchi, Выгонощи, Брестская область			Minister of Information
Golovanov Viktor Grigoryevich Halavanau Viktor Ryhoravich,	Галаванаў Віктар Рыгоравіч	ГОЛОВАНОВ Виктор Григорьевич	1952	Borisov			Minister of Justice

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Zimovsky Alexander Leonidovich (Zimouski Alaksandr Leanidavich)	Зімоўскі Аляксандр Леанідавіч	ЗИМОВСКИЙ Александр Леонидович	10.1.1961	Germany			Member of the Upper House of the Parliament; Head of the national state tele-radio company
Konoplyev Vladimir Nikolaevich (Kanapliou Uladzimir Mikalaevich)	Каналёў Уладзімір Мікалаевіч	КОНОПЛЕВ Владимир Николаевич	3.1.1954	Akulintsy, д. Акулинцы Могиле- вского района			Chairman of the Lower House of the Parliament
Cherginets Nikolai Ivanovich (Charhiniets Mikalai Ivanavich)	Чаргінец Мікалай Іванавіч	ЧЕРГИНЕЦ Николай Иванович	17.10.1937	Minsk			Chairman of the Foreign Affairs Committee of the Upper House
Kostyan Sergei Ivanovich (Kastsian Siarhieï Ivanavich),	Касцян Сяргей Іванавіч	КОСТЯН Сергей Иванович	15.1.1941	Usokhi, Mogilevdistrict, Усохи Кличевского района Могилевской области			Chairman of the Foreign Affairs Committee of the Lower House
Orda Mikhail Sergeevich (Orda Mikhail Siarhieievich)	Орда Міхаіл Сяргеевіч	ОРДА Михаил Сергеевич	28.9.1966	Dyatlovo, Grodnodistrict, Дятлово Гродненской области			Member of the Upper House, leader of BRSM
Lozovik Nikolai Ivanovich (Lazavik Mikalai Ivanavich)	Лазавік Мікалай Іванавіч	ЛОЗОВИК Николай Иванович	18.1.1951	Nevinyany, Minskdistrict, Невиняны Вилейского р-на Минской обл			Deputy of the CEC
Miklashevich Petr Petrovich (Miklashevich Piotr Piatrovich)	Міклашэвіч Пётр Пятровіч	МИКЛАШЕВИЧ Петр Петрович	1954	Kosuta, Minskdistrict, Косу́та Минской области			Prosecutor General
Slizhevsky Oleg Leonidovich (Slizheuski Aleh Leanidavich)	Сліжэўскі Алег Леанідавіч	СЛИЖЕВСКИЙ Олег Леонидович					Head of the Division of Social Organisations, Parties and NGOs, Ministry of Justice
Khariton Aleksandr (Kharyton Alaksandr)	Харытон Аляксандр	ХАРИТОН Александр					Consultant of the Division of Social Organisations, Parties and NGOs of the Ministry of Justice

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Smirnov Evgeny Aleksandrovich (Smirnou Yauhien Alaksandravich)	Смірноў Яўген Аляксандравіч	СМИРНОВ Евгений Александрович	15.3.1949	Ryazandistrict, Russia			First Deputy of the Chairman of the Economic Court
Reutskaya Nadezhda Zalovna (Ravutskaya Nadzieja Zalauna)	Равуцкая Надзея Залаўна	РЕУТСКАЯ Надежда Заловна					Judge of the Moscow district of Minsk
Trubnikov Nikolai Alekseevich (Trubnikau Mikalai Alakseevich)	Трубнікаў Мікалай Аляксеевіч	ТРУБНИКОВ Николай Алексеевич					Judge of the Partizanskiy district of Minsk
Kupriyanov Nikolai Mikhailovich (Kupryianau Mikalai Mikhailavich)	Купрыянаў Мікалай Міхайлавіч	КУПРИЯНОВ Николай Михайлович					Deputy Prosecutor General
Sukhorenko Stepan Nikolaevich (Sukharenka Stsiapan Mikalaevich)	Сухарэнка Сцяпан Мікалаевіч	СУХОРЕНКО Степан Николаевич	27.1.1957	Zdudichi, Mogilevdistrict, Здудичи Светлогорского района Гомельской области			Chairman of KGB
Dementei Vasily Ivanovich (Dzemiantsei Vasil Ivanavich)	Дземянцей Васіль Іванавіч	ДЕМЕНТЕЙ Василий Иванович					First deputy, KGB
Kozik Leonid Petrovich (Kozik Leamid Piatrovich)	Козік Леанід Пятровіч	КОЗИК Леонид Петрович	13.7.1948	Borisov			Head of the Federation of Trade Unions
Koleda Alexandr Mikhailovich (Kalada Alaksandr Mikhailavich)	Каляда Аляксандр Міхайлавіч	КОЛЕДА Александр Михайлович					Chairman of the Elections Commission of the Brest district
Mikhasev Vladimir Ilyich (Mikhasiou Uladzimir Iliich)	Міхасеў Уладзімір Ільіч	МИХАСЕВ Владимир Ильич					Chairman of the CEC of the Gomel district

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Luchina Leonid Aleksandrovich	Лучына Леанід Аляксандравіч	ЛУЧИНА Леонид Александрович	18.11.1947	Minsk district			Chairman of the CEC of the Grodno district
Karpenko Igor Vasilievich (Karpenka Ihar Vasilievich)	Карпенка Ігар Васільевіч	КАРПЕНКО Игорь Васильевич	28.4.1964	Novokuznetsk, Russia Новокузнецк Кемеровской области, Россия			Chairman of the CEC of the Minsk City
Kurlovich Vladimir Anatolievich (Kurlovich Uladzimir Anatolievich)	Курловіч Уладзімір Анатольевіч	КУРЛОВИЧ Владимир Анатольевич					Chairman of the CEC of the Minsk district
Metelitsa Nikolai Timofeevich (Miatsielitsa Mikalai Tsimafeevich)	Мяцеліца Мікалай Цімафеевіч	МЕТЕЛИЦА Николай Тимофеевич					Chairman of the CEC of the Mogilev district
Pishchulenok Mikhail Vasilievich (Pishchulenak Mikhail Vasilievich)	Пішчулёнак Міхаіл Васільевіч	ПИЩУЛЕНОК Михаил Васильевич					Chairman of the CEC of the Vitebsk district
Rybakov Alexei	Рыбакоў Аляксей	РЫБАКОВ Алексей			Ul. Jesenina 31-1-104, Minsk		Judge of the Minsk Moskovsky District Court
Bortnik Sergei Aleksandrovich	Бортнік Сяргей Аляксандравіч	БОРТНИК Сергей Александрович	28.5.1953	Minsk	Ul. Surganovo 80-263, Minsk	MP0469554	Public Prosecutor
Yasinovich Leonid Stanislavovich	Ясіновіч Леанід Станіслававіч	ЯСИНОВИЧ Леонид Станиславович	26.11.1961	Buchany, Vitebsk district	Ul. Gorovtza 4-104, Minsk	MP0515811	Judge of the Minsk Tsentralny District Court
Migun Andrei Arkadevich	Мігун Андрэй Аркадзевіч	МИГУН Андрей Аркадевич	5.2.1978	Minsk	Ul. Goretskovo Maksima 53-16, Minsk	MP1313262	Public Prosecutor

List of persons referred to in Article 2

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Lukashenko Aleksandr Grigorievich (Lukashenka Alaksandr Ryhoravich)	Лукашенка Аляксандр Рыгоравіч	ЛУКАШЕНКО Александр Григорьевич	30.8.1954	Kopys, Vitebsk district			President
Nevyglas Gennady Nikolaevich (Nievylhas Hienadz Mikalaevich)	Невыглас Геннадзь Мікалаевіч	НЕВЫГЛАС Геннадий Николаевич	11.2.1954	Parahonsk, Pinsk district			Head of President's Administration
Petkevich Natalya Vladimirovna (Piatkevich Natallia Uladzimirauна)	Пяткевіч Наталля Уладзіміраўна	ПЕТКЕВИЧ Наталья Владимировна	24.10.1972	Minsk			Deputy Head of President's Administration
Rubinov Anatoly Nikolaevich (Rubinau Anatol Mikalaevich)	Рубінаў Анатоль Мікалаевіч	РУБИНОВ Анатолий Николаевич	15.4.1939	Mogilev			Deputy Head in charge of Media and Ideology, PA
Proleskovsky Oleg Vitoldovich Pralaskouski Aleh Vitoldavich,	Праляскоўскі Алег Вітольдавіч	ПРОЛЕСКОВСКИЙ Олег Витольдович	1.10.1963	Zagorsk (Russia, now Sergijev Posad)			Aide and Head of the Main Ideological department, PA
Radkov Aleksandr Mikhailovich (Radzkou Alaksandr Mikhailavich)	Радзькоў Аляксандр Міхайлавіч	РАДЬКОВ Александр Михайлович	1.7.1951	Votnya, Votnya Bykhovskogo района Могилевской области			Minister of Education
Rusakevich Vladimir Vasilyevich (Rusakevich Uladzimir Vasilievich)	Русакевіч Уладзімір Васільевіч	РУСАКЕВИЧ Владимир Васильевич	13.9.1947	Vygonoshchi, Выгоноши, Брестская область			Minister of Information
Golovanov Viktor Grigoryevich Halavanau Viktor Ryhoravich,	Галаванаў Віктар Рыгоравіч	ГОЛОВАНОВ Виктор Григорьевич	1952	Borisov			Minister of Justice
Zimovsky Alexander Leonidovich (Zimouski Alaksandr Leanidavich)	Зімоўскі Аляксандр Леанідавіч	ЗИМОВСКИЙ Александр Леонидович	10.1.1961	Germany			Member of the Upper House of the Parliament; Head of the national state tele-radio company
Konoplyev Vladimir Nikolaevich (Kanapliou Uladzimir Mikalaevich)	Канаплёў Уладзімір Мікалаевіч	КОНОПЛЕВ Владимир Николаевич	3.1.1954	Akulintsy, д. Акулинцы Могилевского района			Chairman of the Lower House of the Parliament

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Cherginets Nikolai Ivanovich (Charhiniets Mikalai Ivanavich),	Чаргінец Мікалай Іванавіч	ЧЕРГИНЕЦ Николай Иванович	17.10.1937	Minsk			Chairman of the Foreign Affairs Committee of the Upper House
Kostyan Sergei Ivanovich (Kastsian Siarhieі Ivanavich),	Касцян Сяргей Іванавіч	КОСТЯН Сергей Иванович	15.1.1941	Usokhi, Mogilev district, Усохи Кличевского района Могилевской области			Chairman of the Foreign Affairs Committee of the Lower House
Orda Mikhail Sergeevich (Orda Mikhaіl Siarhieevich)	Орда Міхаіл Сяргеевіч	ОРДА Михаил Сергеевич	28.9.1966	Dyatlovo, Grodnodistrict, Дятлово Гродненской области			Member of the Upper House, leader of BRSM
Lozovik Nikolai Ivanovich (Lazavik Mikalai Ivanavich)	Лазавік Мікалай Іванавіч	ЛОЗОВИК Николай Иванович	18.1.1951	Nevinyany, Minsk district, Невиняны Вилейского р-на Минской обл			Deputy of the CEC
Miklashevich Petr Petrovich (Miklashevich Piotr Piatrovich)	Міклашэвіч Пётр Пятровіч	МИКЛАШЕВИЧ Петр Петрович	1954	Kosuta, Minsk district, Косу́та Минской области			Prosecutor General
Slizhevsky Oleg Leonidovich (Slizheuski Aleh Leanidavich)	Сліжэўскі Алег Леанідавіч	СЛИЖЕВСКИЙ Олег Леонидович					Head of the Division of Social Organisations, Parties and NGOs, Ministry of Justice
Khariton Aleksandr (Kharyton Alaksandr)	Харытон Аляксандр	ХАРИТОН Александр					Consultant of the Division of Social Organisations, Parties and NGOs of the Ministry of Justice
Smirnov Evgeny Aleksandrovich (Smirnou Yauhien Alaksandravich)	Смірноў Яўген Аляксандравіч	СМИРНОВ Евгений Александрович	15.3.1949	Ryazandistrict, Russia			First Deputy of the Chairman of the Economic Court
Reutskaya Nadezhda Zalovna (Ravutskaya Nadzieja Zalauna)	Равуцкая Надзея Залаўна	РЕУТСКАЯ Надежда Заловна					Judge of the Moscow district of Minsk
Trubnikov Nikolai Alekseevich (Trubnikau Mikalai Alakseevich)	Трубнікаў Мікалай Аляксеевіч	ТРУБНИКОВ Николай Алексеевич					Judge of the Partizanskiy district of Minsk
Kupriyanov Nikolai Mikhailovich (Kupryianau Mikalai Mikhailavich)	Купрыянаў Мікалай Міхайлавіч	КУПРИЯНОВ Николай Михайлович					Deputy Prosecutor General

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Sukhorenko Stepan Nikolaevich (Sukharenska Stsiapan Mikalaevich)	Сухарэнка Сцяпан Мікалаевіч	СУХОРЕНКО Степан Николаевич	27.1.1957	Zdudichi, Mogilev district, Здудичи Светлогорского района Гомельской области			Chairman of KGB
Dementei Vasily Ivanovich (Dzemiansiei Vasil Ivanavich)	Дземянцэй Васіль Іванавіч	ДЕМЕНТЕЙ Василий Иванович					First deputy, KGB
Kozik Leonid Petrovich (Kozik Leanid Piatrovich)	Козік Леанід Пятровіч	КОЗИК Леонид Петрович	13.7.1948	Borisov			Head of the Federation of Trade Unions
Koleda Alexandr Mikhailovich (Kalada Alaksandr Mikhailavich)	Каляда Аляксандр Міхайлавіч	КОЛЕДА Александр Михайлович					Chairman of the Elections Commission of the Brest district
Mikhasev Vladimir Ilyich (Mikhasiou Uladzimir Iliich)	Міхасеў Уладзімір Ільіч	МИХАСЕВ Владимир Ильич					Chairman of the CEC of the Gomel district
Luchina Leonid Aleksandrovich	Лучына Леанід Аляксандравіч	ЛУЧИНА Леонид Александрович	18.11.1947	Minsk district			Chairman of the CEC of the Grodno district
Karpenko Igor Vasilievich (Karpenka Ihar Vasilievich)	Карпенка Ігар Васільевіч	КАРПЕНКО Игорь Васильевич	28.4.1964	Novokuznetsk, Russia Новокузнецк Кемеровской области, Россия			Chairman of the CEC of the Minsk City
Kurlovich Vladimir Anatolievich (Kurlovich Uladzimir Anatolievich)	Курловіч Уладзімір Анатольевіч	КУРЛОВИЧ Владимир Анатольевич					Chairman of the CEC of the Minsk district
Metelitsa Nikolai Timofeevich (Miatsielitsa Mikalai Tsimafeevich)	Мяцеліца Мікалай Цімафеевіч	МЕТЕЛИЦА Николай Тимофеевич					Chairman of the CEC of the Mogilev district
Pishchulenok Mikhail Vasilievich (Pishchulenak Mikhail Vasilievich)	Пішчулёнак Міхаіл Васільевіч	ПИЩУЛЕНОК Михаил Васильевич					Chairman of the CEC of the Vitebsk district

Names (English transcription)	Names (Belarusian spelling)	Names (Russian spelling)	Date of birth	Place of birth	Address	Passport number	Position
Sheyman (Sheiman), Victor Vladimirovich			26.5.1958	Grodno region			State Secretary of the Security Council
Pavlichenko (Pavliuchenko), Dmitri (Dmitry) Valeriyevich			1966	Vitebsk			Head of the Special Response Group at the Ministry of the Interior (SOBR)
Naumov, Vladimir Vladimirovich			7.2.1956				Minister of the Interior
Yermoshina Lydia Mihajlovna			29.1.1953	Slutsk (Minsk Region)			Chairwoman of the Central Election Commission
Podobed Yuri Nikolaevich			5.3.1962	Slutsk (Minsk Region)			Lieutenant Colonel of Militia, Unit for Special Purposes (OMON), Ministry of Internal Affairs
Rybakov Alexei	Рыбакоў Аляксей	РЫБАКОВ Алексей			Ul. Jesenina 31-1-104, Minsk		Judge of the Minsk Moskovsky District Court
Bortnik Sergei Aleksandrovich	Бортнік Сяргей Аляксандравіч	БОРТНИК Сергей Александрович	28.5.1953	Minsk	Ul. Surganovo 80-263, Minsk	MP0469554	Public Prosecutor
Yasinovich Leonid Stanislavovich	Ясіновіч Леанід Станіслававіч	ЯСИНОВИЧ Леонид Станиславович	26.11.1961	Buchany, Vitebsk district	Ul. Gorovtsa 4-104, Minsk	MP0515811	Judge of the Minsk Tsentralny District Court
Migun Andrei Arkadevich	Мігун Андрэй Аркадзевіч	МИГУН Андрей Аркадевич	5.2.1978	Minsk	Ul. Goretskovo Maksima 53-16, Minsk	MP1313262	Public Prosecutor

COMMISSION DECISION

of 21 October 2010

amending Decisions 2006/920/EC and 2008/231/EC concerning the technical specifications of interoperability relating to the subsystem 'Traffic Operation and Management' of the trans-European conventional and high-speed rail systems*(notified under document C(2010) 7179)***(Text with EEA relevance)**

(2010/640/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ⁽¹⁾, and in particular Article 6(1) thereof,

Having regard to the recommendations of the European Railway Agency of 17 July 2009 on consistent ERTMS rules in Control-Command and Signalling and Traffic Operation and Management TSIs (ERA/REC/2009-02/INT), on revised Annex P of Traffic Operation and Management TSIs for high-speed and conventional rail (ERA/REC/2009-03/INT), on revised Annex T of Traffic Operation and Management TSI for conventional rail (ERA/REC/2009-04/INT) and on an amendment aiming to achieve consistency between Directive 2007/59/EC and Traffic Operation and Management TSIs in respect to train driver competence provisions (ERA/REC/2009-05/INT),

Whereas:

(1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council ⁽²⁾ requires that the European Rail Agency (hereinafter 'the Agency') shall ensure that the technical specifications for interoperability (hereinafter 'TSIs') are adapted to technical progress and market trends and to the social requirements and propose to the Commission the amendments to the TSIs which it considers necessary.

(2) By Decision C(2007) 3371 of 13 July 2007, the Commission gave a framework mandate to the Agency to perform certain activities under Council Directive

96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system ⁽³⁾ and Directive 2001/16/EC of the European Parliament and the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system ⁽⁴⁾. Under the terms of this framework mandate, the Agency was requested to perform the revision of the conventional rail TSI on Traffic Operation and Management, adopted by Commission Decision 2006/920/EC ⁽⁵⁾, and of the revised high-speed TSI on Traffic Operation and Management, adopted by Commission Decision 2008/231/EC ⁽⁶⁾, as well as to provide technical opinions on critical errors and to publish a list of detected minor errors.

(3) A European Train Control System (hereinafter 'ETCS') and a Global System for Mobile communications — Railways (hereinafter 'GSM-R') are considered as important means on the way to a harmonised trans-European railway system. It is therefore necessary to harmonise the rules for these systems as early as possible. Following this principle, ETCS and GSM-R are specified in TSIs.

(4) It is vital that the requirements laid down in TSIs are coherent and unambiguous. This means also that different TSIs may not refer to technical requirements in different stages of development. All TSIs should therefore refer to identical technical requirements.

(5) In order to harmonise the relevant rules in the TSIs for the trans-European conventional and high-speed rail system, the rules regarding operational aspects should be published as a Technical Document on the website of the Agency.

⁽¹⁾ OJ L 191, 18.7.2008, p. 1.

⁽²⁾ OJ L 164, 30.4.2004, p. 1.

⁽³⁾ OJ L 235, 17.9.1996, p. 6.

⁽⁴⁾ OJ L 110, 20.4.2001, p. 1.

⁽⁵⁾ OJ L 359, 18.12.2006, p. 1.

⁽⁶⁾ OJ L 84, 26.3.2008, p. 1.

- (6) The TSI on Traffic Operation and Management for conventional rail should contain the same reference as the revised TSI on Traffic Operation and Management for high speed.
- (7) The revision of the technical document 'Annex A of TSI OPE' should follow the 'Change Control Management process (CCM)' which is applied for validations of technical ERTMS specifications.
- (8) According to Article 32(1) of Directive 2008/57/EC, each vehicle must receive a European Vehicle Number (EVN) when the first authorisation for placing in service is granted. According to Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC⁽¹⁾, the EVN is registered in the national vehicle register which is kept and updated by the national body designated by the Member State concerned.
- (9) The requirements on Vehicle Identification stipulated in Annex P of the TSI on Traffic Operation and Management (for high speed and conventional rail) need to be revised, taking also into account the development of the legal frame given by Directive 2008/57/EC and Decision 2007/756/EC. As a number of technical codes are of an evolving nature due to technical progress, the Agency should be given the task of publishing and updating such lists of technical codes.
- (10) The requirements on braking performance are an open point in the TSI on Traffic Operation and Management for conventional rail. The operational aspects of braking performance should be harmonised.
- (11) Requirements on professional competence, physical and psychological fitness of train drivers are set out in Directive 2007/59/EC of the European Parliament and of the Council⁽²⁾. In order to avoid overlapping and duplication, the TSIs on Traffic Operation and Management should not include such requirements.
- (12) Decisions 2006/920/EC and 2008/231/EC should therefore be amended accordingly.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Committee estab-

lished in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Decision 2006/920/EC

Decision 2006/920/EC is amended as follows:

- (a) the following Articles 1a and 1b are inserted:

'Article 1a

Management of technical codes

1. The European Railway Agency (ERA) shall publish on its website the lists of technical codes referred in Annexes P.9, P.10, P.11, P.12 and P.13.

2. The ERA shall keep the lists of codes referred to in paragraph 1 up to date and inform the Commission of their evolution. The Commission shall inform the Member States of the evolution of these technical codes through the Committee established under Article 29 of Directive 2008/57/EC.

Article 1b

Until 31 December 2013, if a vehicle is sold or rented for a continuous period exceeding 6 months and if all technical characteristics under which the vehicle has been authorised to be placed in service remain unchanged, its European Vehicle Number (EVN) may be changed through a new registration of the vehicle and withdrawal of the first registration.

If this new registration concerns a Member State which is different from that of the first registration, the registering entity competent for the new registration may require a copy of the documentation related to the former registration.

Such change of EVN is without prejudice to the application of Articles 21 to 26 of Directive 2008/57/EC as far as the authorisation procedures are concerned.

The administrative costs incurred to change the EVN shall be covered by the applicant requesting the change of EVN.;

⁽¹⁾ OJ L 305, 23.11.2007, p. 30.

⁽²⁾ OJ L 315, 3.12.2007, p. 51.

- (b) the Annexes are amended as set out in Annex I.

*Article 2***Amendment to Decision 2008/231/EC**

Decision 2008/231/EC is amended as follows:

(a) the following Articles 1a and 1b are inserted:

*Article 1a***Management of technical codes**

1. The European Railway Agency (ERA) shall publish on its website the lists of technical codes referred in Annexes P.9, P.10, P.11, P.12 and P.13.

2. The ERA shall keep the lists of codes referred to in paragraph 1 up to date and inform the Commission of their evolution. The Commission shall inform the Member States of the evolution of these technical codes through the Committee established under Article 29 of Directive 2008/57/EC.

Article 1b

Until 31 December 2013, if a vehicle is sold or rented for a continuous period exceeding 6 months and if all technical characteristics under which the vehicle has been authorised to be placed in service remain unchanged, its European Vehicle Number (EVN) may be changed through a new registration of the vehicle and withdrawal of the first registration.

If this new registration concerns a Member State which is different from that of the first registration, the registering

entity competent for the new registration may require a copy of the documentation related to the former registration.

Such change of EVN is without prejudice to the application of Articles 21 to 26 of Directive 2008/57/EC as far as the authorisation procedures are concerned.

The administrative costs incurred to change the EVN shall be covered by the applicant requesting the change of EVN.;

(b) the Annexes are amended as set out in Annex II.

Article 3

This Decision shall apply from 25 October 2010.

However point 6 of Annex I and point 5 of Annex II shall apply from 1 January 2014.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 21 October 2010.

For the Commission

Siim KALLAS

Vice-President

ANNEX I

The Annexes to Decision 2006/920/EC are amended as follows:

(1) the Annex is amended as follows:

(a) Section 2.2.1 is replaced by the following:

‘2.2.1. STAFF AND TRAINS

Sections 4.6 and 4.7 apply to those staff undertaking the safety critical tasks of accompanying a train, when this involves crossing a border(s) between states and working beyond any location(s) designated as the “frontier” in the Network Statement of an Infrastructure Manager and included in its safety authorisation.

Section “4.6.2 Linguistic Competency” applies additionally to train drivers as stipulated by Annex VI point 8 of Directive 2007/59/EC.

A staff member will not be considered as crossing a border if the activity only involves working as far as any “frontier” locations as described in the first paragraph of this section.

For those staff undertaking the safety critical tasks of despatching trains and authorising train movements, mutual recognition of professional qualifications and health and safety conditions between Member States will apply.

For those staff undertaking the safety critical tasks associated with the last preparation of a train before it is scheduled to cross a border(s) and work beyond any “frontier” location(s) as described in the first paragraph of this section, subsection 4.6 will apply with mutual recognition between Member States of health and safety conditions. A train will not be considered to be a cross border service, if all the vehicles of the train crossing the state border cross it only to the “frontier” location(s) as described in the first paragraph of this section.

This can be summarised in the following tables:

Staff involved with the working of trains that will cross state borders and proceed beyond the frontier location

Task	Professional Qualifications	Medical Requirements
Accompanying a train	4.6	4.7
Authorising Train Movements	Mutual recognition	Mutual recognition
Train Preparation	4.6	Mutual recognition
Train Despatch	Mutual recognition	Mutual recognition

Staff working trains that do not cross state borders or do so as far as frontier locations

Task	Professional Qualifications	Medical Requirements
Accompanying a train	Mutual recognition	Mutual recognition
Authorising Train Movements	Mutual recognition	Mutual recognition
Train Preparation	Mutual recognition	Mutual recognition
Train Despatch	Mutual recognition	Mutual recognition

(b) in Section 2.2.2, the fourth paragraph is replaced by the following:

‘Subsequently, detailed operating rules for the European Train Control System (ETCS) and the Global System for Mobile communication — Railways (GSM-R) are now specified in Annex A to this TSI.’

(c) Section 4.2.2.6.2 is replaced by the following:

4.2.2.6.2. Braking performance

The Infrastructure Manager (IM) must provide the Railway Undertaking RU with the actual performance required. This data shall include, if necessary, the conditions of use of braking systems possibly affecting the infrastructure such as magnetic, regenerative and eddy-current brake.

The Railway Undertaking is responsible for ensuring that the train has sufficient braking performance by providing braking rules for its staff to be followed.

The rules concerning braking performance have to be managed within the IM's and RU's Safety Management System.

Further requirements are specified in Annex T.;

(d) Section 4.3.2.6 is replaced by the following:

4.3.2.6. Use of sanding. Minimum elements relevant to professional qualifications for the task of driving a train

An interface exists between Annex B (Section C1) of this TSI on one hand, and subsection 4.2.11 (compatibility with track-side Train Detection Systems) and point 4.1 of appendix 1 of Annex A (as quoted in subsection 4.3.1.10) of the CR CCS TSI on the other hand, in respect to the use of sanding.;

(e) Section 4.3.3.11 is replaced by the following:

4.3.3.11. Train composition, Annex L

There is an interface between subsection 4.2.2.5 and Annex L of this TSI and subsection 4.2.3.5 (Longitudinal compressive forces) of the CR RST (Freight Wagons) TSI in respect to running trains, train handling and distribution of vehicles in the train.

There will be an interface with future versions of the RST TSI when it deals with traction units and passenger vehicles.;

(f) the last sentence of Section 4.6.1 is replaced by the following:

'Minimum elements relevant to professional qualifications for individual tasks can be found in annexes J and L.;

(g) points C and D of Section 4.6.3.1 are replaced by the following:

C Initial assessment

- basic conditions
- assessment programme, including practical demonstration
- qualification of the trainers
- issue of a certificate of competency

D Competency retention

- principles for retention of competency
- methods to be followed
- formalisation of the competency retention process
- assessment process.;

(h) Section 4.6.3.2.3.1 is replaced by the following:

4.6.3.2.3.1. Route knowledge

The Railway Undertaking must define the process by which the train crew's knowledge of the routes worked over is acquired and maintained. This process must be:

- based upon the route information provided by the Infrastructure Manager, and

— in accordance with the process described in subsection 4.2.1 of this TSI.;

- (i) Section 4.7.5.4 is deleted;
- (j) Section 4.7.6 is deleted;
- (k) Section 7.3.2 is replaced by the following:

‘7.3.2 LIST OF SPECIFIC CASES

Left intentionally blank’;

- (2) Annex A1 and Annex A2 are replaced by the following Annex A:

‘ANNEX A

ERTMS/ETCS AND ERTMS/GSM-R OPERATING RULES

The operating rules for ERTMS/ETCS and ERTMS/GSM-R are specified in the Technical Document “ETCS and GSM-R rules and principles — version 1” published on the ERA website (www.era.europa.eu).

- (3) in Annex G, the table is amended as follows:
 - (a) for the parameter ‘Health and safety conditions’, in the column ‘Elements to be verified for each parameter’, the item ‘pregnancy (drivers)’ is deleted;
 - (b) for the parameter ‘Health and safety conditions’, the line including ‘Special requirements for drivers: vision, hearing/speaking requirements, anthropometrics’ is deleted, together with the reference to Section 4.7.6;
- (4) Annex H is deleted;
- (5) in Annex N, the last line of the table (4.7.6 — Specific Requirements regarding the task of driving a train) is deleted;
- (6) Annexes P, P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12 and P13 are replaced by the following:

‘ANNEX P

VEHICLE IDENTIFICATION

1. General remarks

This Annex describes the European Vehicle Number and linked marking applied in a visible manner on the vehicle to identify it uniquely and in a permanent manner during operation. It does not describe other numbers or markings eventually engraved or fixed in a permanent manner on the chassis or the main components of the vehicle during its construction.

2. European Vehicle number and linked abbreviations

Each railway vehicle receives a number consisting of 12 figures (called European Vehicle Number (EVN)) with the following structure:

Rolling stock group	Interoperability capability and vehicle type [2 figures]	Country in which the vehicle is registered [2 figures]	Technical characteristics [4 figures]	Serial number [3 figures]	Check digit [1 figure]
Wagons	00 to 09 10 to 19 20 to 29 30 to 39 40 to 49 80 to 89 [details in Annex P.6]	01 to 99 [details in Annex P.4]	0000 to 9999 [details in Annex P.9]	000 to 999	0 to 9 [details in Annex P.3]
Hauled passenger vehicles	50 to 59 60 to 69 70 to 79 [details in Annex P.7]		0000 to 9999 [details in Annex P.10]	000 to 999	

Rolling stock group	Interoperability capability and vehicle type [2 figures]	Country in which the vehicle is registered [2 figures]	Technical characteristics [4 figures]	Serial number [3 figures]	Check digit [1 figure]
Tractive rolling stock and units in a trainset in fixed or pre-defined formation	90 to 99 [details in Annex P.8]		0000000 to 8999999 [the meaning of these figures is defined by the Member States, eventually by bilateral or multilateral agreement]		
Special vehicles			9000 to 9999 [details in Annex P.11]	000 to 999	

In a given country, the 7 digits of technical characteristics and serial number are sufficient to identify uniquely a vehicle inside the groups of hauled passenger vehicles and special vehicles ⁽¹⁾.

Alphabetical markings complete the number:

- (a) markings linked to the interoperability ability (details in Annex P.5);
- (b) abbreviation of the country in which the vehicle is registered (details in Annex P.4);
- (c) Vehicle Keeper Marking (details in Annex P.1);
- (d) abbreviations of the technical characteristics (details in Annex P.12 for the wagons, Annex P.13 for the hauled passenger vehicles).

3. Allocation of number

The European Vehicle Number has to be allocated according to the rules laid down in Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC.

The European Vehicle Number shall be changed when it does not reflect the interoperability capability or technical characteristics according to this Annex due to technical modifications of the vehicle. Such technical modifications may require a new authorisation for placing in service according to Articles 20-25 of Interoperability Directive 2008/57/EC.

ANNEX P.1

VEHICLE KEEPER MARKING

1. Definition of the Vehicle Keeper Marking (VKM)

A Vehicle Keeper Marking (VKM) is an alphabetic code, consisting of 2 to 5 letters ⁽²⁾. A VKM is inscribed on each rail vehicle, near the European Vehicle Number. The VKM identifies the Vehicle Keeper as registered in a National Vehicle Register.

A VKM is unique and valid in all countries covered by this TSI and all countries that enter into an agreement that involves the application of the system of vehicle numbering and Vehicle Keeper Marking as described in this TSI.

2. Format of the Vehicle Keeper Marking

The VKM is representation of the full name or abbreviation of the vehicle keeper, if possible in a recognisable manner. All 26 letters of the Latin alphabet may be used. The letters in the VKM are written in capitals. Letters that do not stand for first letters of words in the keeper's name may be written in lower case. For checking uniqueness, the letters written in lower case will be taken as written in capitals.

Letters may contain diacritical signs ⁽³⁾. Diacritical signs used by these letters are ignored for checking uniqueness.

⁽¹⁾ For special vehicles, the number has to be unique in a given country with the first digit and the 5 last digits of the technical characteristics and serial number.

⁽²⁾ For NMBS/SNCB, the use of an encircled single letter B can be continued.

⁽³⁾ Diacritical marks are "accent-signs", such as in Å, Ç, Ö, Ć, Ž, Å etc. Special letters such as Ø and Æ will be represented by a single letter; in tests for uniqueness Ø is treated as O and Æ as A.

For vehicles kept by keepers that reside in a country that does not use the Latin alphabet, a translation of the VKM in its own alphabet may be applied behind the VKM separated from it by a slash-sign ("/"). This translated VKM is disregarded for data-processing purposes.

3. Provisions about allocation of Vehicle Keeper Markings

A vehicle keeper can be issued more than one VKM, in case:

- the vehicle keeper has a formal name in more than one language,
- a vehicle keeper has good cause to distinguish between separate vehicle fleets within his organisation.

A single VKM can be issued for a group of companies:

- that belong to single corporate structure (e.g. holding structure),
- that belong to a single corporate structure that has appointed and mandated one organisation within this structure to handle all issues on behalf of all others,
- that has mandated a separate, single legal entity for handling all issues on their behalf, in which event the legal entity is the keeper.

4. Register of Vehicle Keeper Markings and procedure for allocation

The register of VKM is public and updated on a real time basis.

An application for a VKM is filed with the applicant's competent national authority and forwarded to the ERA. A VKM can be used only after publication by the ERA.

The holder of a VKM must inform the competent national authority when he ends the use of a VKM, and the competent national authority will forward the information to the ERA. A VKM will then be revoked once the keeper has proved that the marking has been changed on all vehicles concerned. It will not be reissued for 10 years, unless it is reissued to the original holder or at his request to another holder.

A VKM can be transferred to another holder, which is the legal successor to the original holder. A VKM stays valid when the VKM's holder changes his name to a name that does not bear resemblance to the VKM.

ANNEX P.2

INSCRIPTION OF THE NUMBER AND LINKED ALPHABETICAL MARKING ON THE BODYWORK

1. General arrangements for external markings

The capital letters and figures making up the marking inscriptions shall be at least 80 mm in height, in a sans serif font type of correspondence quality. A smaller height may only be used where there is no option but to place the marking on the sole bars.

The marking is put not higher than 2 metres above rail level.

2. Wagons

The marking shall be inscribed on the wagon bodywork in the following manner:

23	TEN	31	TEN	33	TEN
80	<u>D</u> -RFC	80	<u>D</u> -DB	84	<u>NL</u> -ACTS
7369	553-4	0691	235-2	4796	100-8
Zcs		Tanoos		Slpss	

For wagons whose bodywork does not offer a large enough area for this type of arrangement, particularly in the case of flat wagons, the marking shall be arranged as follows:

01 87 3320 644-7

TEN E-SNCF Ks

When one or more index letters with a national definition are inscribed on a wagon, this national marking must be shown after the international letter marking and separated from it by a hyphen as follows:

01 87 3320 644-7

TEN E-SNCF Ks-xy

3. Coaches and hauled passenger stock

The number shall be applied to each sidewall of the vehicle in the following manner:

E-SNCF 61 87 20 - 72 021 - 7

B¹⁰ tu

The marking of the country in which the vehicle is registered and of the technical characteristics are printed directly in front of, behind or under the European Vehicle number.

In case of coaches with driver's cabin, the European Vehicle number is also written inside the cabin.

4. Locomotives, power cars and special vehicles

The European Vehicle Number must be marked on each sidewall of the tractive stock in the following manner:

92 10 1108 062-6

The European Vehicle Number is also written inside each cabin of the tractive rolling stock.

The keeper can add, in letters of larger size than the European Vehicle Number, an own number marking (consisting generally of digits of the serial number supplemented by alphabetical coding) useful in operations. The place where the own number is marked is left to the choice of the keeper; however it must always be possible to identify easily the EVN from the keeper's own number marking.

ANNEX P.3

RULES FOR THE DETERMINATION OF THE CHECK-DIGIT (DIGIT 12)

The check-digit is determined in the following manner:

- the digits in the even positions of the basic number (counting from the right) are taken at their own decimal value,
- the digits in the odd positions of the basic number (counting from the right) are multiplied by 2,
- the sum formed by the digits in even position and by all the digits which constitute the partial products obtained from the odd positions is then established,
- the units digit of this sum is retained,
- the complement required to bring the units digit to 10 forms the check-digit; should this units digit be nought, then the check-digit will also be nought.

Examples

1 — Let the basic number be	3	3	8	4	4	7	9	6	1	0	0
Multiplication factor	2	1	2	1	2	1	2	1	2	1	2
	6	3	16	4	8	7	18	6	2	0	0

Sum: $6 + 3 + 1 + 6 + 4 + 8 + 7 + 1 + 8 + 6 + 2 + 0 + 0 = 52$

The units digit of this sum is 2.

The check-digit number will therefore be 8 and the basic number thus becomes the registration number 33 84 4796 100 - 8.

2 — Let the basic number be	3	1	5	1	3	3	2	0	1	9	8
Multiplication factor	2	1	2	1	2	1	2	1	2	1	2
	6	1	10	1	6	3	4	0	2	9	16

Sum: $6 + 1 + 1 + 0 + 1 + 6 + 3 + 4 + 0 + 2 + 9 + 1 + 6 = 40$

The units digit of this sum is 0.

The check-digit number will therefore be 0 and the basic number thus becomes the registration number 31 51 3320 198 - 0.

ANNEX P.4
CODING OF THE COUNTRIES IN WHICH THE VEHICLES ARE REGISTERED (DIGITS 3-4 AND ABBREVIATION)

The Information relating to third countries is given for information purposes only.

Countries	Alphabetical country code ⁽¹⁾	Numerical country code	Countries	Alphabetical country code ⁽¹⁾	Numerical country code
Albania	AL	41	Egypt	ET	90
Algeria	DZ	92	Estonia	EST	26
Armenia	AM	58	Finland	FIN	10
Austria	A	81	France	F	87
Azerbaijan	AZ	57	Georgia	GE	28
Belarus	BY	21	Germany	D	80
Belgium	B	88	Greece	GR	73
Bosnia-Herzegovina	BIH	49	Hungary	H	55
Bulgaria	BG	52	Iran	IR	96
China	RC	33	Iraq	IRQ ⁽¹⁾	99
Croatia	HR	78	Ireland	IRL	60
Cuba	CU ⁽¹⁾	40	Israel	IL	95
Cyprus	CY		Italy	I	83
Czech Republic	CZ	54	Japan	J	42
Denmark	DK	86	Kazakhstan	KZ	27

Countries	Alphabetical country code ⁽¹⁾	Numerical country code	Countries	Alphabetical country code ⁽¹⁾	Numerical country code
Kyrgyzstan	KS	59	Romania	RO	53
Latvia	LV	25	Russia	RUS	20
Lebanon	RL	98	Serbia	SRB	72
Liechtenstein	FL		Slovakia	SK	56
Lithuania	LT	24	Slovenia	SLO	79
Luxembourg	L	82	South Korea	ROK	61
Macedonia	MK	65	Spain	E	71
Malta	M		Sweden	SE	74
Moldova	MD ⁽¹⁾	23	Switzerland	CH	85
Monaco	MC		Syria	SYR	97
Mongolia	MGL	31	Tajikistan	TJ	66
Montenegro	ME	62	Tunisia	TN	91
Morocco	MA	93	Turkey	TR	75
Netherlands	NL	84	Turkmenistan	TM	67
North Korea	PRK ⁽¹⁾	30	Ukraine	UA	22
Norway	N	76	United Kingdom	GB	70
Poland	PL	51	Uzbekistan	UZ	29
Portugal	P	94	Vietnam	VN ⁽¹⁾	32

⁽¹⁾ According to the alphabetical coding system described in Appendix 4 to the 1949 convention and Article 45(4) of the 1968 convention on road traffic.

ANNEX P.5

ALPHABETICAL MARKING OF THE INTEROPERABILITY CAPABILITY

“TEN”: Vehicle which complies with the following conditions:

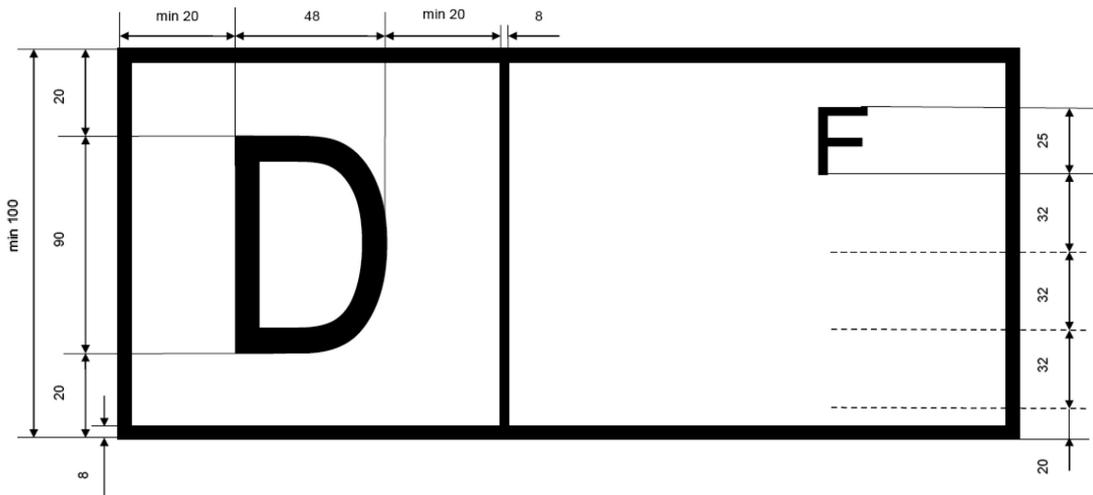
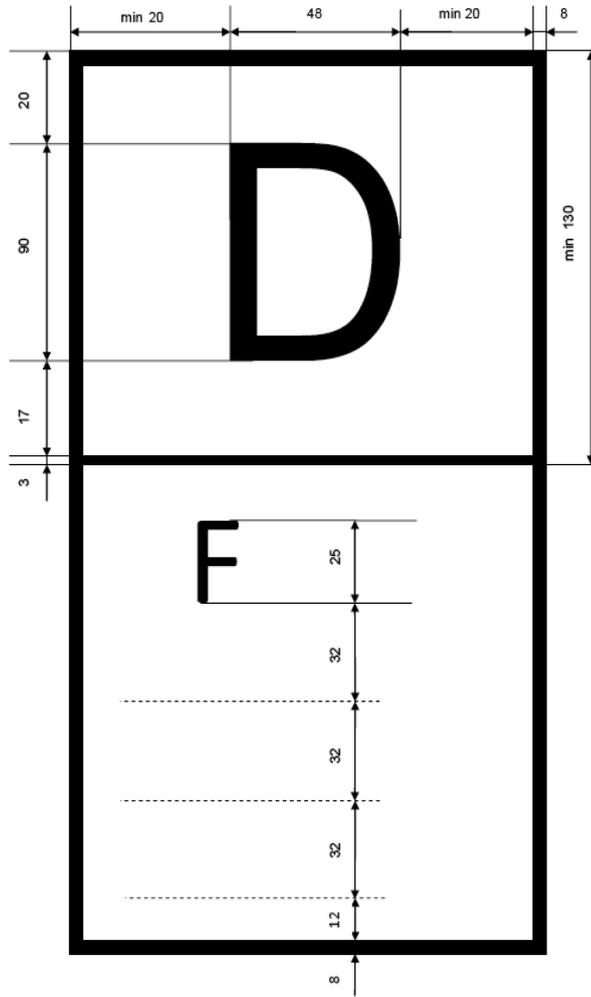
- it complies with all relevant TSIs which are in force at the moment of placing in service and has been authorised to be placed in service according to Article 22(1) of Directive 2008/57/EC;
- it is provided with an authorisation valid in all Member States in accordance with Article 23(1) of Directive 2008/57/EC, or, as an alternative, it has received individual authorisations by all Member States.

“PPV/PPW”: Vehicle which complies with PPV/PPW or PGW agreement (inside OSJD States)

(original: PPV/PPW: ППВ (Правила пользования вагонами в международном сообщении; PGW: Правила Пользования Грузовыми Вагонами)

Notes:

- (a) Vehicles marked TEN correspond to coding 0 to 3 of the first digit in the vehicle number specified in Annex P.6.
- (b) Vehicles which are not authorised for operation in all Member States need a marking indicating the Member States where they have been authorised. The list of authorising MS should be marked according to one of the following drawings, where D stands for the MS who has granted the first authorisation (in the given example, Germany) and F stands for the second authorising MS (in the given example, France). The MS are codified in accordance with Annex P4. This may cover vehicles which are TSI compliant or which are not. These vehicles correspond to coding 4 or 8 of the first digit in the vehicle number specified in Annex P.6.



INTEROPERABILITY CODES USED FOR WAGONS (DIGITS 1-2)

	2 nd digit		0	1	2	3	4	5	6	7	8	9	2 nd digit	
	1 st digit												1 st digit	
		Track Gauge	fixed or variable	fixed	variable	fixed	variable	fixed	variable	fixed	variable	fixed or variable	Track Gauge	
TEN ^(a) and/or COTIF ^(b) and/or PPV/PPW	0	with axles	Not to be used	TEN ^(a) and/or COTIF wagons		not to be used ^(d)						PPV/PPW wagons (variable gauge)	with axles	0
	1	with bogies											with bogies	1
TEN ^(a) and/or COTIF ^(b) and/or PPV/PPW	2	with axles		TEN ^(a) and/or COTIF wagons						PPV/PPW wagons (fixed gauge)	with axles	2		
	3	with bogies									with bogies	3		
Other wagons	4	with axles ^(c)	maintenance related wagons	Other wagons						Wagons with special numbering for technical characteristics not placed in service inside EU	with axles	4		
	8	with bogies ^(c)									with bogies	8		
		Traffic	Domestic traffic or international traffic by special agreement											
	1 st digit	2 nd digit	0	1	2	3	4	5	6	7	8	9	2 nd digit	1 st digit

^(a) Wagons permitted to carry the marking TEN, see Annex P.5.

^(b) Including wagons, which according to existing regulations carry the digits defined in the present table. COTIF: vehicle compliant with COTIF regulation in force at the moment of placing in service.

^(c) Fixed or variable gauge.

^(d) Excepted for wagons in category I (temperature-controlled wagons), not to be used for new vehicles placed in service.

INTERNATIONAL TRAFFIC ABILITY CODES USED FOR HAULED PASSENGER VEHICLES (DIGITS 1-2)

	Domestic traffic	TEN ^(a) and/or COTIF ^(b) and/or PPV/PPW				Domestic traffic or international traffic by special agreement	TEN ^(a) and/or COTIF ^(b)	PPV/PPW		
2 nd digit 1 st digit	0	1	2	3	4	5	6	7	8	9
5	Vehicles for domestic traffic	Fixed-gauge non air-conditioned vehicles (including car-carrying wagons)	Gauge-adjustable (1435/1520) non air-conditioned vehicles	Not to be used	Gauge-adjustable (1435/1668) non air-conditioned vehicles	Historical vehicles	Not to be used ^(c)	Fixed-gauge vehicles	Gauge-adjustable (1435/1520) vehicles with change of bogies	Gauge-adjustable (1435/1520) vehicles with gauge-adjustable axles
6	Service vehicles	Fixed-gauge air-conditioned vehicles	Gauge-adjustable (1435/1520) air-conditioned vehicles	Service vehicles	Gauge-adjustable (1435/1668) air-conditioned vehicles	Car-carrying wagons	Not to be used ^(c)			
7	Air-conditioned and pressure-tight vehicles	Not to be used	Not to be used	Pressure-tight fixed-gauge air-conditioned vehicles	Not to be used	Other vehicles	Not to be used	Not to be used	Not to be used	Not to be used

^(a) Compliance with the applicable TSIs, see Annex P.5.

^(b) Including vehicles, which according to existing regulations carry the digits defined in the present table. COTIF: vehicle compliant with COTIF regulation in force at the moment of placing in service.

^(c) Excepted for coaches with fixed gauge (56) and adjustable gauge (66) already in service, not to be used for new vehicles.

ANNEX P.8

TYPES OF TRACTIVE ROLLING STOCK AND UNITS IN A TRAINSET IN FIXED OR PRE-DEFINED FORMATION (DIGITS 1-2)

The first digit is "9".

If the second digit describes the type of tractive stock, following coding is mandatory:

Code	General vehicle type
0	Miscellaneous
1	Electric locomotive
2	Diesel locomotive
3	Electric multiple-unit set (high speed) [power car or trailer]
4	Electric multiple-unit set (except high speed) [power car or trailer]
5	Diesel multiple-unit set [power car or trailer]
6	Specialised trailer,
7	Electric shunting engine
8	Diesel shunting engine
9	Special vehicle

ANNEX P.9

STANDARD NUMERICAL MARKING OF WAGONS (DIGITS 5 TO 8)

This Annex indicates the numerical marking associated to the main technical characteristics of the wagon and it is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

ANNEX P.10

CODES FOR THE TECHNICAL CHARACTERISTICS OF THE HAULED PASSENGER STOCK (DIGITS 5-6)

Annex P.10 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

ANNEX P.11

CODES FOR THE TECHNICAL CHARACTERISTICS OF THE SPECIAL VEHICLES (DIGIT 6 TO 8)

Annex P.11 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

ANNEX P.12

LETTER MARKING FOR WAGONS EXCLUDING ARTICULATED AND MULTIPLE WAGONS

Annex P.12 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

ANNEX P.13

LETTER MARKING FOR HAULED PASSENGER STOCK

Annex P.13 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.;

- (7) Annex P14 is repealed;
- (8) Annex T is replaced by the following:

‘ANNEX T

BRAKING PERFORMANCE**IM's role**

The IM shall inform the RU about the braking performance required for each route and has to provide information about the route characteristics. The IM has to ensure that the impact of the route characteristics and track-side related margins are included in the required braking performance.

The required braking performance shall in principle be expressed in brake weight percentage unless the IM and RU have agreed on another unit to express the braking performance (e.g. braked tonnes, brake forces, deceleration values, deceleration profiles).

For train sets and fixed train compositions the IM shall deliver the braking performance requirements in deceleration values if so requested by the RU.

RU's role

The RU shall ensure that each train satisfies or exceeds the braking performance required by the IM. Therefore the RU shall calculate the braking performance of a train taking into account the train composition.

The RU must take into account the vehicle or train set braking performance determined when placed in service. Rolling Stock-related margins like reliability and availability of the brakes have to be considered. The RU must also take into account the information about route characteristics which affect the train behaviour when tuning the braking performance for stopping and securing a train.

The braking performance resulting from the checking of the actual train (like train composition, brake availability, brake settings) will be used as an input value for any operational rule to be subsequently applied to the train.

Braking performance not achieved

The IM has to set up rules to be used if a train does not reach the required braking performance and has to make these rules available to the RUs.

If a train does not reach the braking performance required for the routes the train shall run, the RU has to respect the resulting constraints like speed restriction.’

(9) Annex U is replaced by the following:

'ANNEX U

LIST OF OPEN POINTS

Section 4.2.2 — Train Composition Document

Annex B (see subsection 4.4 of this TSI) — Other rules enabling a coherent operation of the new different structural subsystems

Annex R (see subsection 4.2.3.2 of this TSI) — Identification of trains

Annex S (see subsection 4.2.2.1.3 of this TSI) — Train Visibility — Rear End'

—————

ANNEX II

The Annexes to Decision 2008/231/EC are amended as follows:

(1) the Annex is amended as follows:

(a) Section 2.2.1 is replaced by the following:

2.2.1. Staff and trains

Sections 4.6 and 4.7 apply to those staff undertaking the safety critical tasks of accompanying a train, when this involves crossing a border(s) between states and working beyond any location(s) designated as the "frontier" in the Network Statement of an Infrastructure Manager and included in his safety authorisation.

Section "4.6.2 Linguistic Competence" applies additionally to train drivers as stipulated by Annex VI point 8 of Directive 2007/59/EC.

A staff member will not be considered as crossing a border if the activity only involves working as far as any "frontier" locations as described in the first paragraph of this section.

For those staff undertaking the safety critical tasks of despatching trains and authorising train movements, mutual recognition of professional qualifications and health and safety conditions between Member States will apply.

For those staff undertaking the safety critical tasks associated with the last preparation of a train before it is scheduled to cross a border(s) and work beyond any "frontier" location(s) as described in the first paragraph of this section, subsection 4.6 will apply with mutual recognition between Member States of health and safety conditions. A train will not be considered to be a cross border service, if all the vehicles of the train crossing the state border cross it only to the "frontier" location(s) as described in the first paragraph of this section.

This can be summarised in the following tables:

Staff involved with the working of trains that will cross state borders and proceed beyond the frontier location

Task	Professional Qualifications	Medical Requirements
Accompanying a train	4.6	4.7
Authorising Train Movements	Mutual recognition	Mutual recognition
Train Preparation	4.6	Mutual recognition
Train Despatch	Mutual recognition	Mutual recognition

Staff working trains that do not cross state borders or do so as far as frontier locations

Task	Professional Qualifications	Medical Requirements
Accompanying a train	Mutual recognition	Mutual recognition
Authorising Train Movements	Mutual recognition	Mutual recognition
Train Preparation	Mutual recognition	Mutual recognition
Train Despatch	Mutual recognition	Mutual recognition'

(b) in Section 4.2.2.1.2, the last sentence is replaced by the following:

'The detailed specification can be found in subsection 4.3.3.3.1.;

(c) Section 4.3.2.6 is replaced by the following:

'4.3.2.6. Use of sanding. Minimum elements relevant to professional qualifications for the task of driving a train
An interface exists between Annex B (Section C1) of this TSI on one hand, and subsection 4.2.11 (compatibility with track-side Train Detection Systems) and Section 4.1 of appendix 1 of Annex A (as quoted in subsection 4.3.1.10) of the HS CCS TSI on the other hand, in respect to the use of sanding.';

(d) Section 4.3.3.2 is replaced by the following:

'4.3.3.2. Requirements for passenger vehicles
Interfaces exists between subsection 4.2.2.4 of this OPE TSI and subsections 4.2.2.4 (doors), 4.2.5.3 (alarms), 4.3.5.17 (passenger alarm) and 4.2.7.1 (emergency exits) of the HS RST TSI.';

(e) Section 4.3.3.9 is replaced by the following:

'4.3.3.9. Sanding
An interface exists between Annex B (Section C1) of this TSI on one hand, and subsection 4.2.3.10 the HS RST TSI on the other hand, in respect to the use of sanding.';

(f) Section 4.3.3.10 is replaced by the following:

'4.3.3.10. Train composition, Annex J
There is an interface between subsection 4.2.2.5 and Annex J of this TSI and subsection 4.2.1.2 (design of train) and 4.2.7.10 (Monitoring and diagnostic concept) of the HS RST TSI in respect to train crew knowledge of rolling stock functionality.';

(g) Section 4.3.3.12 is replaced by the following:

'4.3.3.12. Data recording
There is an interface between subsection 4.2.3.5.2 (Recording of supervision data on-board the train) of this TSI and subsection 4.2.7.10 of the HS RST TSI (Monitoring and diagnostic concepts).';

(h) in Section 4.6.1, the last sentence is replaced by the following:

'Minimum elements relevant to professional qualification for individual tasks can be found in Annexes J and L.';

(i) points C and D of Section 4.6.3.1 are replaced by the following:

'C. Initial assessment
— basic conditions
— assessment programme, including practical demonstration
— qualification of the trainers
— deliver a certificate of competence
D. Competence retention
— principles for retention of competence
— methods to be followed
— formalisation of the competence retention process.
— assessment process.';

(j) Section 4.6.3.2.3.1 is replaced by the following:

'4.6.3.2.3.1. Route knowledge
The Railway Undertaking must define the process by which knowledge of train crew of the routes worked over is acquired and maintained. This process must be:
— based upon the route information provided by the Infrastructure Manager, and

— in accordance with the process described in subsection 4.2.1 of this TSI;

(k) Section 4.7.5.4 is deleted;

(l) Section 4.7.6 is deleted;

(m) Section 7.3.2 is replaced by the following:

'7.3.2 List of specific cases

Left intentionally blank';

(2) in Annex G, the table is amended as follows:

(a) for the parameter 'Health and safety conditions', in the column 'Elements to be verified for each parameter', the item 'pregnancy (drivers)' is deleted;

(b) for the parameter 'Health and safety conditions', the line including 'Special requirements for drivers: vision, hearing/speaking requirements, anthropometrics' is deleted, together with the reference to Section 4.7.6;

(3) Annex H is deleted;

(4) in Annex N, the last line of the table (4.7.6 — Specific Requirements regarding the task of driving a train) is deleted;

(5) Annexes P, P1, P2, P3, P4, P5, P6, P7, P8, P9, P10, P11, P12 and P13 are replaced by the following:

'ANNEX P

VEHICLE IDENTIFICATION

1. General remarks

This Annex describes the European Vehicle Number and linked marking applied in a visible manner on the vehicle to identify it uniquely and in a permanent manner during operation. It does not describe other numbers or markings eventually engraved or fixed in a permanent manner on the chassis or the main components of the vehicle during its construction.

2. European Vehicle number and linked abbreviations

Each railway vehicle receives a number consisting of 12 figures (called European Vehicle Number (EVN)) with the following structure:

Rolling stock group	Interoperability capability and vehicle type [2 figures]	Country in which the vehicle is registered [2 figures]	Technical characteristics [4 figures]	Serial number [3 figures]	Check digit [1 figure]
Wagons	00 to 09 10 to 19 20 to 29 30 to 39 40 to 49 80 to 89 [details in Annex P.6]	01 to 99 [details in Annex P.4]	0000 to 9999 [details in Annex P.9]	000 to 999	0 to 9 [details in Annex P.3]
Hauled passenger vehicles	50 to 59 60 to 69 70 to 79 [details in Annex P.7]		0000 to 9999 [details in Annex P.10]	000 to 999	
Tractive rolling stock and units in a trainset in fixed or pre-defined formation	90 to 99 [details in Annex P.8]		0000000 to 8999999 [the meaning of these figures is defined by the Member States, eventually by bilateral or multilateral agreement]		
Special vehicles			9000 to 9999 [details in Annex P.11]	000 to 999	

In a given country, the 7 digits of technical characteristics and serial number are sufficient to identify uniquely a vehicle inside the groups of hauled passenger vehicles and special vehicles ⁽¹⁾.

Alphabetical markings complete the number:

- (a) markings linked to the interoperability ability (details in Annex P.5);
- (b) abbreviation of the country in which the vehicle is registered (details in Annex P.4);
- (c) Vehicle Keeper Marking (details in Annex P.1);
- (d) abbreviations of the technical characteristics (details in Annex P.12 for the wagons, Annex P.13 for the hauled passenger vehicles).

3. Allocation of number

The European Vehicle Number has to be allocated according to the rules laid down in Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC.

The European Vehicle Number shall be changed when it does not reflect the interoperability capability or technical characteristics according to this Annex due to technical modifications of the vehicle. Such technical modifications may require a new authorisation for placing in service according to Articles 20-25 of Interoperability Directive 2008/57/EC.

ANNEX P.1

VEHICLE KEEPER MARKING

1. Definition of the Vehicle Keeper Marking (VKM)

A Vehicle Keeper Marking (VKM) is an alphabetic code, consisting of 2 to 5 letters ⁽²⁾. A VKM is inscribed on each rail vehicle, near the European Vehicle Number. The VKM identifies the Vehicle Keeper as registered in a National Vehicle Register.

A VKM is unique and valid in all countries covered by this TSI and all countries that enter into an agreement that involves the application of the system of vehicle numbering and Vehicle Keeper Marking as described in this TSI.

2. Format of the Vehicle Keeper Marking

The VKM is representation of the full name or abbreviation of the vehicle keeper, if possible in a recognisable manner. All 26 letters of the Latin alphabet may be used. The letters in the VKM are written in capitals. Letters that do not stand for first letters of words in the keeper's name may be written in lower case. For checking uniqueness, the letters written in lower case will be taken as written in capitals.

Letters may contain diacritical signs ⁽³⁾. Diacritical signs used by these letters are ignored for checking uniqueness.

For vehicles kept by keepers that reside in a country that does not use the Latin alphabet, a translation of the VKM in its own alphabet may be applied behind the VKM separated from it by a slash-sign ("/"). This translated VKM is disregarded for data-processing purposes.

3. Provisions about allocation of Vehicle Keeper Markings

A vehicle keeper can be issued more than one VKM, in case:

- the vehicle keeper has a formal name in more than one language,
- a vehicle keeper has good cause to distinguish between separate vehicle fleets within his organisation.

A single VKM can be issued for a group of companies:

- that belong to single corporate structure (e.g. holding structure),

⁽¹⁾ For special vehicles, the number has to be unique in a given country with the first digit and the 5 last digits of the technical characteristics and serial number.

⁽²⁾ For NMBS/SNCB, the use of an encircled single letter B can be continued.

⁽³⁾ Diacritical marks are "accent-signs", such as in Å, Ç, Ö, Ć, Ž, Å etc. Special letters such as Ø and Æ will be represented by a single letter; in tests for uniqueness Ø is treated as O and Æ as A.

- that belong to a single corporate structure that has appointed and mandated one organisation within this structure to handle all issues on behalf of all others,
- that has mandated a separate, single legal entity for handling all issues on their behalf, in which event the legal entity is the keeper.

4. Register of Vehicle Keeper Markings and procedure for allocation

The register of VKM is public and updated on a real time basis.

An application for a VKM is filed with the applicant's competent national authority and forwarded to the ERA. A VKM can be used only after publication by the ERA.

The holder of a VKM must inform the competent national authority when he ends the use of a VKM, and the competent national authority will forward the information to the ERA. A VKM will then be revoked once the keeper has proved that the marking has been changed on all vehicles concerned. It will not be reissued for 10 years, unless it is reissued to the original holder or at his request to another holder.

A VKM can be transferred to another holder, which is the legal successor to the original holder. A VKM stays valid when the VKM's holder changes his name to a name that does not bear resemblance to the VKM.

ANNEX P.2

INSCRIPTION OF THE NUMBER AND LINKED ALPHABETICAL MARKING ON THE BODYWORK

1. General arrangements for external markings

The capital letters and figures making up the marking inscriptions shall be at least 80 mm in height, in a sans serif font type of correspondence quality. A smaller height may only be used where there is no option but to place the marking on the sole bars.

The marking is put not higher than 2 metres above rail level.

2. Wagons

The marking shall be inscribed on the wagon bodywork in the following manner:

23	TEN	31	TEN	33	TEN
80	<u>D</u> -RFC	80	<u>D</u> -DB	84	<u>NL</u> -ACTS
7369	553-4	0691	235-2	4796	100-8
Zcs		Tanoos		Slpss	

For wagons whose bodywork does not offer a large enough area for this type of arrangement, particularly in the case of flat wagons, the marking shall be arranged as follows:

01 87 3320 644-7

TEN F-SNCF Ks

When one or more index letters with a national definition are inscribed on a wagon, this national marking must be shown after the international letter marking and separated from it by a hyphen as follows:

01 87 3320 644-7

TEN F-SNCF Ks-xy

2 — Let the basic number be	3	1	5	1	3	3	2	0	1	9	8
Multiplication factor	2	1	2	1	2	1	2	1	2	1	2
	6	1	10	1	6	3	4	0	2	9	16

Sum: $6 + 1 + 1 + 0 + 1 + 6 + 3 + 4 + 0 + 2 + 9 + 1 + 6 = 40$

The units digit of this sum is 0.

The check-digit number will therefore be 0 and the basic number thus becomes the registration number 31 51 3320 198 - 0.

ANNEX P.4

CODING OF THE COUNTRIES IN WHICH THE VEHICLES ARE REGISTERED (DIGITS 3-4 AND ABBREVIATION)

The Information relating to third countries is given for information purposes only.

Countries	Alphabetical country code (1)	Numerical country code	Countries	Alphabetical country code (1)	Numerical country code
Albania	AL	41	Germany	D	80
Algeria	DZ	92	Greece	GR	73
Armenia	AM	58	Hungary	H	55
Austria	A	81	Iran	IR	96
Azerbaijan	AZ	57	Iraq	IRQ (1)	99
Belarus	BY	21	Ireland	IRL	60
Belgium	B	88	Israel	IL	95
Bosnia-Herzegovina	BIH	49	Italy	I	83
Bulgaria	BG	52	Japan	J	42
China	RC	33	Kazakhstan	KZ	27
Croatia	HR	78	Kyrgyzstan	KS	59
Cuba	CU (1)	40	Latvia	LV	25
Cyprus	CY		Lebanon	RL	98
Czech Republic	CZ	54	Liechtenstein	FL	
Denmark	DK	86	Lithuania	LT	24
Egypt	ET	90	Luxembourg	L	82
Estonia	EST	26	Macedonia	MK	65
Finland	FIN	10	Malta	M	
France	F	87	Moldova	MD (1)	23
Georgia	GE	28	Monaco	MC	

Countries	Alphabetical country code ⁽¹⁾	Numerical country code
Mongolia	MGL	31
Montenegro	ME	62
Morocco	MA	93
Netherlands	NL	84
North Korea	PRK ⁽¹⁾	30
Norway	N	76
Poland	PL	51
Portugal	P	94
Romania	RO	53
Russia	RUS	20
Serbia	SRB	72
Slovakia	SK	56
Slovenia	SLO	79

Countries	Alphabetical country code ⁽¹⁾	Numerical country code
South Korea	ROK	61
Spain	E	71
Sweden	SE	74
Switzerland	CH	85
Syria	SYR	97
Tajikistan	TJ	66
Tunisia	TN	91
Turkey	TR	75
Turkmenistan	TM	67
Ukraine	UA	22
United Kingdom	GB	70
Uzbekistan	UZ	29
Vietnam	VN ⁽¹⁾	32

⁽¹⁾ According to the alphabetical coding system described in Appendix 4 to the 1949 convention and Article 45(4) of the 1968 convention on road traffic.

ANNEX P.5

ALPHABETICAL MARKING OF THE INTEROPERABILITY CAPABILITY

“TEN”: Vehicle which complies with the following conditions:

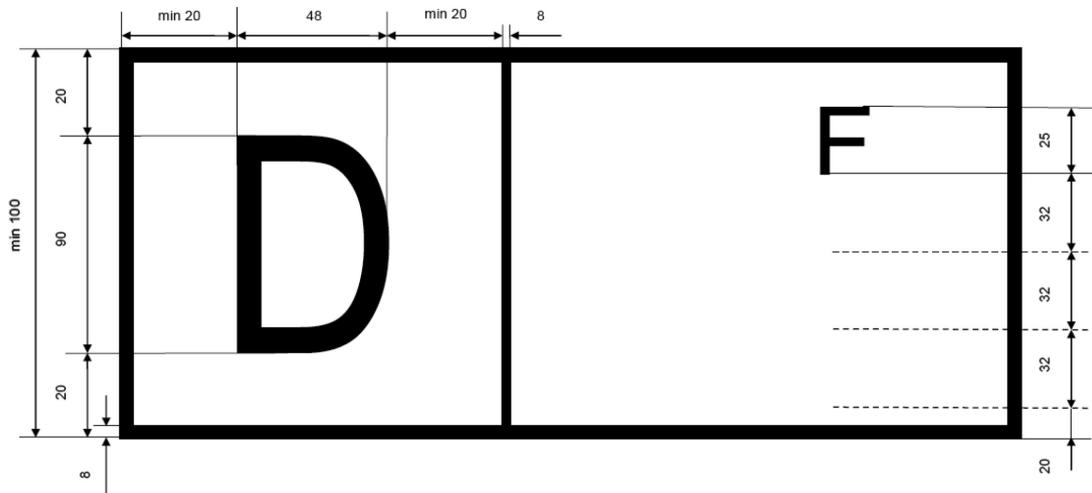
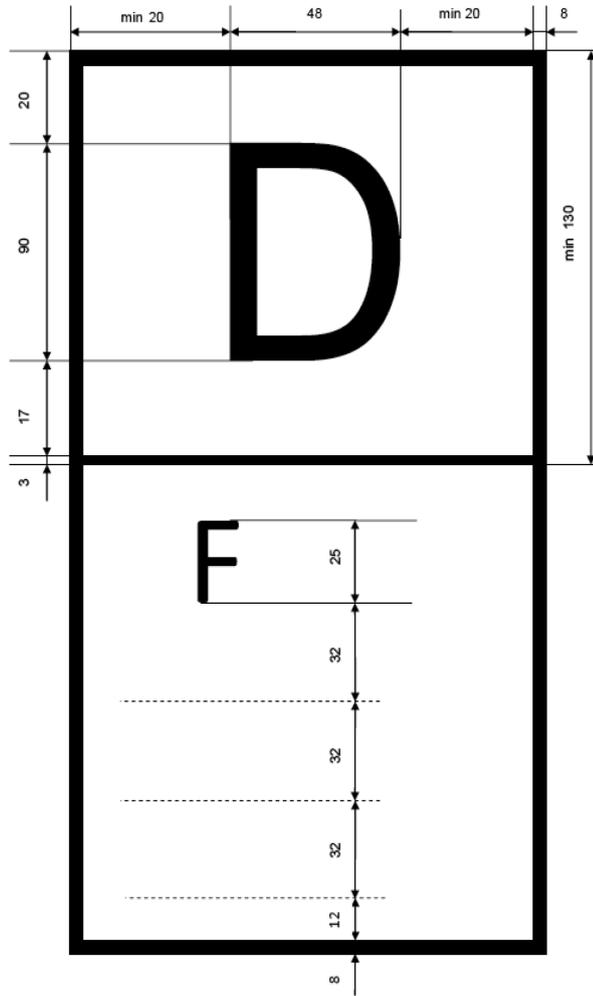
- it complies with all relevant TSIs which are in force at the moment of placing in service and has been authorised to be placed in service according to Article 22(1) of Directive 2008/57/EC,
- it is provided with an authorisation valid in all Member States in accordance with Article 23(1) of Directive 2008/57/EC, or, as an alternative, it has received individual authorisations by all Member States.

“PPV/PPW”: Vehicle which complies with PPV/PPW or PGW agreement (inside OSJD States)

(original: PPV/PPW:ППВ (Правила пользования вагонами в международном сообщении; PGW: Правила Пользования Грузовыми Вагонами)

Notes:

- (a) Vehicles marked TEN correspond to coding 0 to 3 of the first digit in the vehicle number specified in Annex P.6.
- (b) Vehicles which are not authorised for operation in all Member States need a marking indicating the Member States where they have been authorised. The list of authorising MS should be marked according to one of the following drawings, where D stands for the MS who has granted the first authorisation (in the given example, Germany) and F stands for the second authorising MS (in the given example, France). The MS are codified in accordance with Annex P.4. This may cover vehicles which are TSI compliant or which are not. These vehicles correspond to coding 4 or 8 of the first digit in the vehicle number specified in Annex P.6.



INTEROPERABILITY CODES USED FOR WAGONS (DIGITS 1-2)

	2nd digit		0	1	2	3	4	5	6	7	8	9	2nd digit	
	1st digit	Track Gauge	fixed or variable	fixed	variable	fixed	variable	fixed	variable	fixed	variable	fixed or variable	Track Gauge	1st digit
TEN ^(a) and/or COTIF ^(b) and/or PPV/PPW	0	with axles	Not to be used	TEN ^(a) and/or COTIF wagons		not to be used ^(d)						PPV/PPW wagons (variable gauge)	with axles	0
	1	with bogies											with bogies	1
TEN ^(a) and/or COTIF ^(b) and/or PPV/PPW	2	with axles		TEN ^(a) and/or COTIF wagons						PPV/PPW wagons (fixed gauge)	with axles	2		
	3	with bogies									with bogies	3		
Other wagons	4	with axles ^(c)	maintenance related wagons	Other wagons						Wagons with special numbering for technical characteristics not placed in service inside EU	with axles	4		
	8	with bogies ^(c)									with bogies	8		
		Traffic	Domestic traffic or international traffic by special agreement											
	1st digit	2nd digit	0	1	2	3	4	5	6	7	8	9	2nd digit	1st digit

^(a) Wagons permitted to carry the marking TEN, see Annex P.5.

^(b) Including wagons, which according to existing regulations carry the digits defined in the present table. COTIF: vehicle compliant with COTIF regulation in force at the moment of placing in service.

^(c) Fixed or variable gauge.

^(d) Excepted for wagons in category I (temperature-controlled wagons), not to be used for new vehicles placed in service.

INTERNATIONAL TRAFFIC ABILITY CODES USED FOR HAULED PASSENGER VEHICLES (DIGITS 1-2)

2nd digit 1st digit	Domestic traffic	TEN ^(a) and/or COTIF ^(b) and/or PPV/PPW				Domestic traffic or international traffic by special agreement	TEN ^(a) and/or COTIF ^(b)	PPV/PPW		
	0	1	2	3	4	5	6	7	8	9
5	Vehicles for domestic traffic	Fixed-gauge non air-conditioned vehicles (including car-carrying wagons)	Gauge-adjustable (1435/1520) non air-conditioned vehicles	Not to be used	Gauge-adjustable (1435/1668) non air-conditioned vehicles	Historical vehicles	Not to be used ^(c)	Fixed-gauge vehicles	Gauge-adjustable (1435/1520) vehicles with change of bogies	Gauge-adjustable (1435/1520) vehicles with gauge-adjustable axles
6	Service vehicles	Fixed-gauge air-conditioned vehicles	Gauge-adjustable (1435/1520) air-conditioned vehicles	Service vehicles	Gauge-adjustable (1435/1668) air-conditioned vehicles	Car-carrying wagons	Not to be used ^(c)			
7	Air-conditioned and pressure-tight vehicles	Not to be used	Not to be used	Pressure-tight fixed-gauge air-conditioned vehicles	Not to be used	Other vehicles	Not to be used	Not to be used	Not to be used	Not to be used

^(a) Compliance with the applicable TSIs, see Annex P.5.

^(b) Including vehicles, which according to existing regulations carry the digits defined in the present table. COTIF: vehicle compliant with COTIF regulation in force at the moment of placing in service.

^(c) Excepted for coaches with fixed gauge (56) and adjustable gauge (66) already in service, not to be used for new vehicles.

ANNEX P.8

TYPES OF TRACTIVE ROLLING STOCK AND UNITS IN A TRAINSET IN FIXED OR PRE-DEFINED FORMATION (DIGITS 1-2)

The first digit is "9".

If the second digit describes the type of tractive stock, following coding is mandatory:

Code	General vehicle type
0	Miscellaneous
1	Electric locomotive
2	Diesel locomotive
3	Electric multiple-unit set (high speed) [power car or trailer]
4	Electric multiple-unit set (except high speed) [power car or trailer]
5	Diesel multiple-unit set [power car or trailer]
6	Specialised trailer
7	Electric shunting engine
8	Diesel shunting engine
9	Special vehicle

ANNEX P.9

STANDARD NUMERICAL MARKING OF WAGONS (DIGITS 5 TO 8)

This Annex indicates the numerical marking associated to the main technical characteristics of the wagon and it is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

ANNEX P.10

CODES FOR THE TECHNICAL CHARACTERISTICS OF THE HAULED PASSENGER STOCK (DIGITS 5-6)

Annex P.10 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

ANNEX P.11

CODES FOR THE TECHNICAL CHARACTERISTICS OF THE SPECIAL VEHICLES (DIGIT 6 TO 8)

Annex P.11 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

*ANNEX P.12***LETTER MARKING FOR WAGONS EXCLUDING ARTICULATED AND MULTIPLE WAGONS**

Annex P.12 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.

*ANNEX P.13***LETTER MARKING FOR HAULED PASSENGER STOCK**

Annex P.13 is published on the ERA website (www.era.europa.eu).

An application for a new code is filed with the registering entity (as referred to in Decision 2007/756/EC) and sent to the ERA. A new code can be used only after publication by the ERA.'

(6) Annex P14 is repealed.

COMMISSION DECISION
of 22 October 2010
amending Decision 2008/866/EC as regards its period of application

(notified under document C(2010) 7183)

(Text with EEA relevance)

(2010/641/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽¹⁾, and in particular Article 53(1)(b)(i) thereof,

Whereas:

- (1) Commission Decision 2008/866/EC of 12 November 2008 on emergency measures suspending imports from Peru of certain bivalve molluscs intended for human consumption⁽²⁾ was adopted as a result of contamination with the hepatitis A virus (HAV) of certain bivalve molluscs imported from Peru which were identified as being at the origin of an outbreak of hepatitis A in humans. That Decision initially applied until 31 March 2009 but this period of application was extended until 30 November 2010 by Commission Decision 2009/862/EC of 30 November 2009 amending Decision 2008/866/EC as regards its period of application⁽³⁾.
- (2) The Peruvian authorities have provided certain information concerning the corrective measures put in place to improve control of the production of bivalve molluscs intended for export to the Union.
- (3) A Commission inspection was carried out in September 2009 in order to evaluate the control systems in place governing the production of bivalve molluscs and fishery products intended for export to the Union. The inspection concluded that the Peruvian authorities were putting in place the corrective measures described in the information which they provided after the outbreak of hepatitis A. However, these measures were not fully implemented at the time of the inspection.

- (4) The Peruvian authorities recently informed the Commission that they have concluded the implementation of the corrective measures. However, in order to protect the health of consumers it is necessary to maintain the protective measures provided for in Decision 2008/866/EC until the Commission verifies that the Peruvian authorities have completed the implementation of the corrective measures and concludes that bivalve molluscs produced in Peru and intended for export to the Union meet the conditions established by the Union law.
- (5) It is therefore appropriate to extend the application of Decision 2008/866/EC until 30 November 2011, without prejudice to the power of the Commission to modify, repeal or extend those measures in the light of any new information related to the evolution of the situation in Peru and of the outcome of inspections by its services.
- (6) Decision 2008/866/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

In Article 5 of Decision 2008/866/EC, the date '30 November 2010' is replaced by the date '30 November 2011'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 October 2010.

For the Commission
John DALLI
Member of the Commission

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 307, 18.11.2008, p. 9.

⁽³⁾ OJ L 314, 1.12.2009, p. 90.

COMMISSION DECISION
of 25 October 2010
authorising a method for grading pig carcasses in Greece

(notified under document C(2010) 7230)

(Only the Greek text is authentic)

(2010/642/EU)

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⁾, and in particular Article 43(m), in conjunction with Article 4 thereof,

Whereas:

(1) Point B.IV, paragraph 1, of Annex V to Regulation (EC) No 1234/2007 provides that, for the classification of pig carcasses, the lean-meat content has to be assessed by means grading methods authorised by the Commission, which methods may only be statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass. The authorisation of grading methods is subject to compliance with a maximum tolerance for statistical error in assessment. This tolerance is defined in Article 23(3) of Commission Regulation (EC) No 1249/2008 of 10 December 2008 laying down detailed rules on the implementation of the Community scales for the classification of beef, pig and sheep carcasses and the reporting of prices thereof⁽²⁾.

(2) Greece has asked the Commission to authorise one method for grading dehided pig carcasses. This Member State has presented a detailed description of the uniform manner of dehiding carcasses in part one of the protocol provided for in Article 23(4) of Regulation (EC) No 1249/2008 and the results of its dissection trial in part two of that protocol. Both protocols were presented to the other Member States in the Management Committee for the Common Organisation of the Agricultural Markets in 2008, 2009 and 2010.

(3) Examination of this request has revealed that the conditions for authorising this grading method are fulfilled. This grading method should therefore be authorised in Greece.

(4) In accordance with the second paragraph of point B.III of Annex V to Regulation (EC) No 1234/2007 Member

States may be authorised to provide for a presentation of pig carcasses different from the standard presentation defined in the first paragraph of that point, inter alia, where normal commercial practice in their territory differs from that standard presentation.

(5) Greece has specified to the Commission that, in some slaughterhouses in Greece, commercial practice requires also the removal of the skin from the pig carcasses, in addition to the removal of the tongue, bristles, hooves, genital organs, flare fat, kidneys and diaphragm as required by that first paragraph. This presentation that differs from the standard presentation should therefore be authorised in Greece.

(6) No modification of the apparatus or grading method may be authorised except by means of a new Commission Decision adopted in the light of experience gained. For this reason, the present authorisation may be revoked.

(7) The measures provided for in this Decision are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS DECISION:

Article 1

The use of the following method is hereby authorised for grading dehided pig carcasses pursuant to point B.IV, paragraph 1, of Annex V to Regulation (EC) No 1234/2007 in Greece: the apparatus termed 'Hennessy Grading Probe (HGP 4)' and the assessment method related thereto, details of which are given in the Annex.

Article 2

Notwithstanding the standard presentation laid down in the first paragraph of point B.III of Annex V to Regulation (EC) No 1234/2007, pig carcasses in Greece may be dehided in a uniform manner before being weighed and graded. In order to establish quotations for pig carcasses on a comparable basis, the recorded hot carcass weight shall be adjusted according to the following formula:

hot carcass weight = 1,05232 × weight of the dehided carcass

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 337, 16.12.2008, p. 3.

Article 3

Modifications of the apparatus or the assessment method shall not be authorised.

Article 4

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 25 October 2010.

For the Commission

Dacian CIOLOŞ

Member of the Commission

ANNEX

METHOD FOR GRADING PIG CARCASSES IN GREECE

1. Grading of dehided pig carcasses shall be carried out by means of the apparatus termed 'Hennessy Grading Probe (HGP 4)'.
2. The apparatus shall be equipped with a probe of 5,95 millimetres diameter (and of 6,3 millimetres at the blade on top of the probe) containing a photodiode (Siemens LED of the type LYU 260-EO) and photodetector of the type Silonex SLCD-61N1 and having an operating distance of between 0 and 120 millimetres. The results of the measurements shall be converted into estimated lean meat content by means of the HGP 4 itself or a computer linked to it.
3. The lean meat content of the carcass shall be calculated according to the following formula:

$$\hat{Y} = 62,400 - 0,495X_1 - 0,559X_2 + 0,129X_3$$

where:

\hat{Y} = the estimated percentage of lean meat in the carcass,

X_1 = the thickness of back-fat (without rind) in millimetres, measured at 8 centimetres off the midline of the carcass at the level of the last rib,

X_2 = the thickness of back-fat (without rind) in millimetres, measured at 6 centimetres off the midline of the carcass between the third and fourth last ribs

X_3 = the thickness of the dorsal muscle in millimetres, measured at the same time and in the same place as X_2 .

This formula shall be valid for carcasses weighing between 60 and 120 kilograms.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 2/2010 OF THE EUROPEAN UNION/SWITZERLAND STATISTICAL COMMITTEE

of 1 October 2010

**amending Annex A to the Agreement between the European Community and the Swiss
Confederation on cooperation in the field of statistics**

(2010/643/EU)

THE EUROPEAN UNION/SWITZERLAND STATISTICAL COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on cooperation in the field of statistics ⁽¹⁾, and in particular Article 4(4) thereof,

Whereas:

- (1) The Agreement between the European Community and the Swiss Confederation entered into force on 1 January 2007 and contains Annex A concerning legal acts in the field of statistics.

- (2) New legal acts in the field of statistics have been adopted and should be added to the Annex A. Consequently, Annex A should be revised,

HAS DECIDED AS FOLLOWS:

Article 1

Annex A to the Agreement is replaced by the Annex to this Decision.

Article 2

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

Done at Sofia, 1 October 2010.

For the Joint Committee

The Head of the EU delegation
Walter RADERMACHER

The Head of the Swiss Delegation
Jürg MARTI

⁽¹⁾ OJ L 90, 28.3.2006, p. 2.

ANNEX

‘ANNEX A

LEGAL ACTS IN THE FIELD OF STATISTICS REFERRED TO IN ARTICLE 2**SECTORAL ADAPTATION**

1. The term “Member State(s)” contained in the acts referred to in this Annex shall be understood to include Switzerland, in addition to its meaning in the relevant Community acts.
2. References to the “Nomenclature of the Economic Activities in the European Communities (NACE Rev. 1)” shall, except where otherwise provided, be read as references to “Nomenclature of Economic Activities in the European Communities (NACE Rev. 2)”, as defined by Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains ⁽¹⁾. The referred code numbers shall be read as the corresponding converted code numbers in NACE Rev. 2.
3. Provisions laying down by whom the costs for carrying out surveys and the like shall be borne shall not apply for the purposes of this Agreement.

ACTS REFERRED TO

BUSINESS STATISTICS

- 32008 R 0295: Regulation (EC) No 295/2008 of the European Parliament and of the Council of 11 March 2008 concerning structural business statistics (recast) (OJ L 97, 9.4.2008, p. 13), as amended by:
 - 32009 R 0251: Commission Regulation (EC) No 251/2009 of 11 March 2009 (OJ L 86, 31.3.2009, p. 170);
 - 32009 R 0250: Commission Regulation (EC) No 250/2009 of 11 March 2009 (OJ L 86, 31.3.2009, p. 1).
- The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:
- (a) Switzerland shall not be bound by the regional breakdown of the data as required by this Regulation;
 - (b) Switzerland is exempted from providing data at the 4-digit level of the NACE REV. 2;
 - (c) Switzerland is exempted from providing data required by this Regulation for kind of activity units;
 - (d) For Annex IX variables: 11910, 11930, 16910, 16911, 16930 and 16931, Switzerland shall supply data having as reference year 2011;
 - (e) In Annex VII Switzerland will be exempted of providing data “Geographical Breakdown” for the Series 7E.
- 31998 R 2700: Commission Regulation (EC) No 2700/98 of 17 December 1998 concerning the definitions of characteristics for structural business statistics (OJ L 344, 18.12.1998, p. 49), as amended by:
 - 32002 R 1614: Commission Regulation (EC) No 1614/2002 of 6 September 2002 (OJ L 244, 12.9.2002, p. 7);
 - 32003 R 1670: Commission Regulation (EC) No 1670/2003 of 1 September 2003 (OJ L 244, 29.9.2003, p. 74).
 - 31998 R 2701: Commission Regulation (EC) No 2701/98 of 17 December 1998 concerning the series of data to be produced for structural business statistics (OJ L 344, 18.12.1998, p. 81), as amended by:
 - 32002 R 1614: Commission Regulation (EC) No 1614/2002 of 6 September 2002 (OJ L 244, 12.9.2002, p. 7);
 - 32003 R 1669: Commission Regulation (EC) No 1669/2003 of 1 September 2003 (OJ L 244, 29.9.2003, p. 57).

⁽¹⁾ OJ L 393, 30.12.2006, p. 1.

- 31998 R 2702: Commission Regulation (EC) No 2702/98 of 17 December 1998 concerning the technical format for the transmission of structural business statistics (OJ L 344, 18.12.1998, p. 102), as amended by:
 - 32002 R 1614: Commission Regulation (EC) No 1614/2002 of 6 September 2002 (OJ L 244, 12.9.2002, p. 7);
 - 32003 R 1668: Commission Regulation (EC) No 1668/2003 of 1 September 2003 (OJ L 244, 29.9.2003, p. 32);
 - 32006 R 1792: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1).
- 31999 R 1618: Commission Regulation (EC) No 1618/1999 of 23 July 1999 concerning the criteria for the evaluation of quality of structural business statistics (OJ L 192, 24.7.1999, p. 11).
- 31999 R 1225: Commission Regulation (EC) No 1225/1999 of 27 May 1999 concerning the definitions of characteristics for insurance services statistics (OJ L 154, 19.6.1999, p. 1).
- 31999 R 1227: Commission Regulation (EC) No 1227/1999 of 28 May 1999 concerning the technical format for the transmission of insurance services statistics (OJ L 154, 19.6.1999, p. 75), as amended by:
 - 12003 T 003: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33);
 - 32006 R 1792: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1).
- 31999 R 1228: Commission Regulation (EC) No 1228/1999 of 28 May 1999 concerning the series of data to be produced for insurance services statistics (OJ L 154, 19.6.1999, p. 91), as amended by:
 - 12003 T 003: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33);
 - 32006 R 1792: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1).
- 32003 R 1668: Commission Regulation (EC) No 1668/2003 of 1 September 2003 implementing Council Regulation (EC, Euratom) No 58/97 with regard to the technical format for the transmission of the structural business statistics and amending Commission Regulation (EC) No 2702/98 concerning the technical format for the transmission of structural business statistics (OJ L 244, 29.9.2003, p. 32), as amended by:
 - 32006 R 1792: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1).
- 32003 R 1669: Commission Regulation (EC) No 1669/2003 of 1 September 2003 implementing Council Regulation (EC, Euratom) No 58/97 with regard to the series of data to be produced for structural business statistics and amending Commission Regulation (EC) No 2701/98 concerning the series of data to be produced for structural business statistics (OJ L 244, 29.9.2003, p. 57).
- 32003 R 1670: Commission Regulation (EC) No 1670/2003 of 1 September 2003 implementing Council Regulation (EC, Euratom) No 58/97 with regard to the definitions of characteristics for structural business statistics and amending Regulation (EC) No 2700/98 concerning the definitions of characteristics for structural business statistics (OJ L 244, 29.9.2003, p. 74).
- 31998 R 1165: Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short-term statistics (OJ L 162, 5.6.1998, p. 1), as amended by:
 - 32005 R 1158: Regulation (EC) No 1158/2005 of the European Parliament and of the Council of 6 July 2005 (OJ L 191, 22.7.2005, p. 1);
 - 32006 R 1503: Commission Regulation (EC) No 1503/2006 of 28 September 2006 (OJ L 281, 12.10.2006, p. 15);
 - 32008 R 1178: Commission Regulation (EC) No 1178/2008 of 28 November 2008 (OJ L 319, 29.11.2008, p. 16).

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

Switzerland is exempted from providing data at the 4-digit level of the NACE REV. 1.

- 32009 R 0329: Commission Regulation (EC) No 329/2009 of 22 April 2009 amending Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the updating of the list of variables, the frequency of compilation of the statistics and the levels of breakdown and aggregation to be applied to the variables (OJ L 103, 23.4.2009, p. 3).

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

Switzerland is exempted from providing data for the variables 220 and 230 until 2013.

- 32009 R 0596: Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four (OJ L 188, 18.7.2009, p. 14).

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

Switzerland is exempted from providing data for the variables 220 and 230 until 2013.

- 32001 R 0586: Commission Regulation (EC) No 586/2001 of 26 March 2001 on implementing Council Regulation (EC) No 1165/98 concerning short-term statistics as regards the definition of Main Industrial Groupings (MIGS) (OJ L 86, 27.3.2001, p. 11), as amended by:
 - 32006 R 1503: Commission Regulation (EC) No 1503/2006 of 28 September 2006 (OJ L 281, 12.10.2006, p. 15);
 - 32007 R 0656: Commission Regulation (EC) No 656/2007 of 14 June 2007 (OJ L 155, 15.6.2007, p. 3).
- 32008 R 0177: Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes and repealing Council Regulation (EEC) No 2186/93 (OJ L 61, 5.3.2008, p. 6).
- 31993 R 2186: Council Regulation (EEC) No 2186/93 of 22 July 1993 on Community coordination in drawing up business registers for statistical purposes (OJ L 196, 5.8.1993, p. 1).

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

For Switzerland, entry 1(k) of Annex II to the Regulation shall not apply.

- 32009 R 0192: Commission Regulation (EC) No 192/2009 of 11 March 2009 implementing Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes, as regards the exchange of confidential data between the Commission (Eurostat) and Member States (OJ L 67, 12.3.2009, p. 14).

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

Switzerland is exempted to transmit individual data of turnover for enterprises described in the Annex A Turnover data until end 2013.

- 32009 D 0252: Commission Decision 2009/252/EC of 11 March 2009 concerning derogations from certain provisions of Regulation (EC) No 177/2008 of the European Parliament and of the Council establishing a common framework for business registers for statistical purposes (OJ L 75, 21.3.2009, p. 11).

TRANSPORT AND TOURISM STATISTICS

- 31998 R 1172: Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road (OJ L 163, 6.6.1998, p. 1), as amended by:
 - 31999 R 2691: Commission Regulation (EC) No 2691/1999 of 17 December 1999 (OJ L 326, 18.12.1999, p. 39);
 - 12003 T 003: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33);
 - 32006 R 1791: Council Regulation (EC) No 1791/2006 of 20 November 2006 (OJ L 363, 20.12.2006, p. 1);
 - 32006 R 1893: Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1);

- 32007 R 1304: Commission Regulation (EC) No 1304/2007 of 7 November 2007 (OJ L 290, 8.11.2007, p. 14);
- 32009 R 0399: Regulation (EC) No 399/2009 of the European Parliament and of the Council of 23 April 2009 (OJ L 126, 21.5.2009, p. 9).
- 32001 R 2163: Commission Regulation (EC) No 2163/2001 of 7 November 2001 concerning the technical arrangements for data transmission for statistics on the carriage of goods by road (OJ L 291, 8.11.2001, p. 13), as amended by:
 - 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 (OJ L 216, 21.8.2007, p. 10).
- 32004 R 0642: Commission Regulation (EC) No 642/2004 of 6 April 2004 on precision requirements for data collected in accordance with Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road (OJ L 102, 7.4.2004, p. 26).
- 32007 R 0833: Commission Regulation (EC) No 833/2007 of 16 July 2007 ending the transitional period provided for in Council Regulation (EC) No 1172/98 on statistical returns in respect of the carriage of goods by road (OJ L 185, 17.7.2007, p. 9).
- 32003 R 0006: Commission Regulation (EC) No 6/2003 of 30 December 2002 concerning the dissemination of statistics on the carriage of goods by road (OJ L 1, 4.1.2003, p. 45).
- 31993 D 0704: Council Decision 93/704/EC of 30 November 1993 on the creation of a Community database on road accidents (OJ L 329, 30.12.1993, p. 63).
- 32003 R 0091: Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics (OJ L 14, 21.1.2003, p. 1), as amended by:
 - 32003 R 1192: Commission Regulation (EC) No 1192/2003 of 3 July 2003 (OJ L 167, 4.7.2003, p. 13);
 - 32007 R 1304: Commission Regulation (EC) No 1304/2007 of 7 November 2007 (OJ L 290, 8.11.2007, p. 14).
- 32007 R 0332: Commission Regulation (EC) No 332/2007 of 27 March 2007 on the technical arrangements for the transmission of railway transport statistics (OJ L 88, 29.3.2007, p. 16).
- 32003 R 0437: Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air (OJ L 66, 11.3.2003, p. 1), as amended by:
 - 32003 R 1358: Commission Regulation (EC) No 1358/2003 of 31 July 2003 (OJ L 194, 1.8.2003, p. 9);
 - 32005 R 0546: Commission Regulation (EC) No 546/2005 of 8 April 2005 (OJ L 91, 9.4.2005, p. 5).
- 32003 R 1358: Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto (OJ L 194, 1.8.2003, p. 9), as amended by:
 - 32005 R 0546: Commission Regulation (EC) No 546/2005 of 8 April 2005 (OJ L 91, 9.4.2005, p. 5);
 - 32006 R 1792: Commission Regulation (EC) No 1792/2006 of 23 October 2006 (OJ L 362, 20.12.2006, p. 1);
 - 32007 R 0158: Commission Regulation (EC) No 158/2007 of 16 February 2007 (OJ L 49, 17.2.2007, p. 9).
- 31980 L 1119: Council Directive 80/1119/EEC of 17 November 1980 on statistical returns in respect of carriage of goods by inland waterways (OJ L 339, 15.12.1980, p. 30).
- 31995 L 0057: Council Directive 95/57/EC of 23 November 1995 on the collection of statistical information in the field of tourism (OJ L 291, 6.12.1995, p. 32), as amended by:
 - 120 03 T 003: Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded adopted on 16 April 2003 (OJ L 236, 23.9.2003, p. 33);
- 32004 D 0883: Commission Decision 2004/883/EC of 10 December 2004 (OJ L 373, 21.12.2004, p. 69);

- 32006 L 0110: Council Directive 2006/110/EC of 20 November 2006 (OJ L 363, 20.12.2006, p. 418).
- 31999 D 0035: Commission Decision 1999/35/EC of 9 December 1998 on the procedures for implementing Council Directive 95/57/EC on the collection of statistical information in the field of tourism (OJ L 9, 15.1.1999, p. 23).
- 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 amending certain EC Regulations on specific statistical domains implementing the statistical classification of economic activities NACE Revision 2 (OJ L 216, 21.8.2007, p. 10).

FOREIGN TRADE STATISTICS

- 32009 R 0471: Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95 (OJ L 152, 16.6.2009, p. 23), as implemented by:

- 32010 R 0092: Commission Regulation (EU) No 92/2010 of 2 February 2010 (OJ L 31, 3.2.2010, p. 4);
- 32010 R 0113: Commission Regulation (EU) No 113/2010 of 9 February 2010 (OJ L 37, 10.2.2010, p. 1).

The provisions of the Regulation (EC) No 471/2009 shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Switzerland shall put into effect the measures necessary to comply with this Regulation by 1 January 2012. All references to the centralised clearing system and related provisions are not relevant;
- (b) Article 2 Definition: The statistical territory shall comprise the customs territory excluding customs warehouses and duty-free warehouses.

Switzerland shall not be bound to compile statistics of trade between Switzerland and Liechtenstein.

- (c) Article 4 Data source: The text of Article 4(3) shall be replaced by the following: "Switzerland may use other data sources for the compilation of their national statistics"
- (d) Article 5(1) Statistical data: Statistical data referred to in Article 5(1)(e) shall be collected for the first time by 1 January 2016:
 - The provisions of Article 5(1)(f) and (k) shall not apply,
 - The classification referred to in Article 5(1)(h) shall be made at least down to the first six digits,
 - For Switzerland, the provisions of Article 5(1)(m)(ii) and (iii) shall not apply;

- (e) Article 6 Compilation of external trade statistics: The provisions of Article 6 shall not apply for statistical data for which Switzerland is exempted to collect pursuant to Article 5 of the Regulation thereof;

- (f) Article 7 Data exchange: The provisions of Article 7 shall not apply;

The provisions of Regulation (EU) No 113/2010 shall, for the purposes of this Agreement, be read with the following adaptations:

- (g) The following subparagraph shall be added to Article 4(2):

"For Switzerland the 'customs value' shall be defined within the respective national rules."

- (h) The following subparagraph shall be added to Article 7(2):

"For Switzerland 'country of origin' shall be taken to mean the country in which the goods originated within the meaning of the respective national rules of origin."

- (i) The reference to Regulation (EEC) No 2454/93 in Article 15(4) is not applicable.

- 32006 R 1833: Commission Regulation (EC) No 1833/2006 of 13 December 2006 on the nomenclature of countries and territories for the external trade statistics of the community and statistics of trade between Member States (OJ L 354, 14.12.2006, p. 19).

STATISTICAL PRINCIPLES AND CONFIDENTIALITY

- 31990 R 1588: Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities (OJ L 151, 15.6.1990, p. 1).

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

- (a) The following new point is added to Article 2:

“Staff of the Office of the EFTA Statistical Adviser: staff of the EFTA Secretariat working on the premises of the SOEC”;
- (b) In the second sentence of Article 5(1), the term “SOEC” is replaced by “SOEC and of the Office of the EFTA Statistical Adviser”;
- (c) The following new subparagraph is added to Article 5(2):

“Confidential statistical data transmitted to the SOEC through the Office of the EFTA Statistical Adviser shall be accessible also to the staff of this Office.”;
- (d) In Article 6, the term “SOEC” shall, for these purposes, be read as to include the Office of the EFTA Statistical Adviser.

- 32009 R 0223: 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).

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

Switzerland shall put into effect the measures necessary to comply with this Regulation by 31 December 2012.

- 31997 R 0322: Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics (OJ L 52, 22.2.1997, p. 1).
- 32002 R 0831: Commission Regulation (EC) No 831/2002 of 17 May 2002 implementing Council Regulation (EC) No 322/97 on Community Statistics, concerning access to confidential data for scientific purposes (OJ L 133, 18.5.2002, p. 7), as amended by:
 - 32006 R 1104: Commission Regulation (EC) No 1104/2006 of 18 July 2006 (OJ L 197, 19.7.2006, p. 3);
 - 32008 R 606: Commission Regulation (EC) No 606/2008 of 26 June 2008 (OJ L 166, 27.6.2008, p. 16).
- 32004 D 0452: Commission Decision 2004/452/EC of 29 April 2004 laying down a list of bodies whose researchers may access confidential data for scientific purposes (OJ L 156, 30.4.2004, p. 1), as amended by:
 - 32008 D 0876: Commission Decision 2008/876/EC of 6 November 2008 (OJ L 310, 21.11.2008, p. 28).
- 32008 D 0234: Decision No 234/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Advisory Committee and repealing Council Decision 91/116/EEC (OJ L 73, 15.3.2008, p. 13).
- 32008 D 0235: Decision No 235/2008/EC of the European Parliament and of the Council of 11 March 2008 establishing the European Statistical Governance Advisory Board (OJ L 73, 15.3.2008, p. 17).

Acts of which the Contracting Parties shall take note

The Contracting Parties shall take note of the content of the following act:

- 52005 PC 0217: Commission Recommendation COM(2005) 217 of 25 May 2005 on the independence, integrity and accountability of the national and Community statistical authorities (OJ C 172, 12.7.2005, p. 22).

DEMOGRAPHIC AND SOCIAL STATISTICS

- 32007 R 0862: Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).
- 31998 R 0577: Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of a labour force sample survey in the Community (OJ L 77, 14.3.1998, p. 3), as amended by:
 - 32002 R 1991: Regulation (EC) No 1991/2002 of the European Parliament and of the Council of 8 October 2002 (OJ L 308, 9.11.2002, p. 1);

- 32002 R 2104: Commission Regulation (EC) No 2104/2002 of 28 November 2002 (OJ L 324, 29.11.2002, p. 14);
- 32003 R 2257: Regulation (EC) No 2257/2003 of the European Parliament and of the Council of 25 November 2003 (OJ L 336, 23.12.2003, p. 6);
- 32007 R 1372: Regulation (EC) No 1372/2007 of the European Parliament and of the Council of 23 October 2007 (OJ L 315, 3.12.2007, p. 42).

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

For Switzerland, irrespective of the provisions of Article 2(4), the sampling unit is an individual and the information concerning the other members of the household may include at least the characteristics listed pursuant to Article 4(1).

- 32000 R 1575: Commission Regulation (EC) No 1575/2000 of 19 July 2000 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the codification to be used for data transmission from 2001 onwards (OJ L 181, 20.7.2000, p. 16).
- 32000 R 1897: Commission Regulation (EC) No 1897/2000 of 7 September 2000 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the operational definition of unemployment (OJ L 228, 8.9.2000, p. 18).
- 32002 R 2104: Commission Regulation (EC) No 2104/2002 of 28 November 2002 adapting Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community and Commission Regulation (EC) No 1575/2000 implementing Council Regulation (EC) No 577/98 as far as the list of education and training variables and their codification to be used for data transmission from 2003 onwards are concerned (OJ L 324, 29.11.2002, p. 14) as implemented by:
 - 32003 R 0246: Commission Regulation (EC) No 246/2003 of 10 February 2003 adopting the programme of ad hoc modules, covering the years 2004 to 2006, to the labour force sample survey provided by Council Regulation (EC) No 577/98 (OJ L 34, 11.2.2003, p. 3);
 - 32005 R 0384: Commission Regulation (EC) No 384/2005 of 7 March 2005 adopting the programme of ad hoc modules, covering the years 2007 to 2009, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 (OJ L 61, 8.3.2005, p. 23).

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

Independently of the provisions of Article 1, Switzerland is exempted from carrying out the 2007 ad hoc module.

- 32005 R 0430: Commission Regulation (EC) No 430/2005 of 15 March 2005 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community concerning the codification to be used for data transmission from 2006 onwards and the use of a sub-sample for the collection of data on structural variables (OJ L 71, 17.3.2005, p. 36).
- 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 (OJ L 216, 21.8.2007, p. 10).
- 32007 R 0102: Commission Regulation (EC) No 102/2007 of 2 February 2007 adopting the specifications of the 2008 ad hoc module on the labour market situation of migrants and their immediate descendants, as provided for by Council Regulation (EC) No 577/98 and amending Regulation (EC) No 430/2005 (OJ L 28, 3.2.2007, p. 3), as amended by:
 - 32008 R 0391: Commission Regulation (EC) No 391/2008 of 30 April 2008 (OJ L 117, 1.5.2008, p. 15).

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

Independently of the provisions of Article 2, Switzerland is exempted from providing the variables mentioned in columns 211/212, and for column 215 of the Annex.

- 32008 R 0207: Commission Regulation (EC) No 207/2008 of 5 March 2008 adopting the specifications of the 2009 ad hoc module on the entry of young people into the labour market provided for by Council Regulation (EC) No 577/98 (OJ L 62, 6.3.2008, p. 4).
- 32008 R 0365: Commission Regulation (EC) No 365/2008 of 23 April 2008 adopting the programme of ad hoc modules, covering the years 2010, 2011 and 2012, for the labour force sample survey provided for by Council Regulation (EC) No 577/98 (OJ L 112, 24.4.2008, p. 22).

- 32008 R 0377: Commission Regulation (EC) No 377/2008 of 25 April 2008 implementing Council Regulation (EC) No 577/98 on the organisation of a labour force sample survey in the Community as regards the codification to be used for data transmission from 2009 onwards, the use of a sub-sample for the collection of data on structural variables and the definition of the reference quarters (OJ L 114, 26.4.2008, p. 57).
- 32009 R 0020: Commission Regulation (EC) No 20/2009 of 13 January 2009 adopting the specifications of the 2010 ad hoc module on reconciliation between work and family life provided for by Council Regulation (EC) No 577/98 (OJ L 9, 14.1.2009, p. 7).
- 31999 R 0530: Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and labour costs (OJ L 63, 12.3.1999, p. 6), as amended by:
 - 31999 R 1726: Commission Regulation (EC) No 1726/1999 of 27 July 1999 (OJ L 203, 3.8.1999, p. 28);
 - 32005 R 1737: Commission Regulation (EC) No 1737/2005 of 21 October 2005 (OJ L 279, 22.10.2005, p. 11);
 - 32006 R 1893: Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1).

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

- (a) For the statistics on the structure and distribution of earnings, Switzerland shall collect the data required in Article 6(2) of this Regulation for the first time in 2010;
- (b) For the statistics on the level and composition of labour costs, Switzerland shall collect the data required in Article 6(1) of this Regulation in 2008 for some variables only and for the first time in 2012 for all variables;
- (c) For the year 2008, Switzerland shall be allowed:
 - to provide the information required in Article 6(1)(a) based on enterprises (instead of local units), at national level, according to NACE Rev. 1.1 at section and section aggregates level and without breakdown by size of the enterprise;
 - to forward the results within a period of 24 months from the end of the reference year (instead of 18 months as stated in Article 9).
- 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 (OJ L 216, 21.8.2007, p. 10).
- 32000 R 1916: Commission Regulation (EC) No 1916/2000 of 8 September 2000 on implementing Council Regulation (EC) No 530/1999 concerning structural statistics on earnings and on labour costs as regards the definition and transmission of information on structure of earnings (OJ L 229, 9.9.2000, p. 3), as amended by:
 - 32005 R 1738: Commission Regulation (EC) No 1738/2005 of 21 October 2005 (OJ L 279, 22.10.2005, p. 32);
 - 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 (OJ L 216, 21.8.2007, p. 10).
- 32006 R 0698: Commission Regulation (EC) No 698/2006 of 5 May 2006 implementing Council Regulation (EC) No 530/1999 as regards quality evaluation of structural statistics on labour costs and earnings (OJ L 121, 6.5.2006, p. 30).
- 32003 R 0450: Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index (OJ L 69, 13.3.2003, p. 1), as implemented by:
 - 32006 R 1893: Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1).
- 32003 R 1216: Commission Regulation (EC) No 1216/2003 of 7 July 2003 implementing Regulation (EC) No 450/2003 of the European Parliament and of the Council concerning the labour cost index (OJ L 169, 8.7.2003, p. 37).
- 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 amending certain EC Regulations on specific statistical domains implementing the statistical classification of economic activities NACE Revision 2 (OJ L 216, 21.8.2007, p. 10).
- 32008 R 0453: Regulation (EC) No 453/2008 of the European Parliament and of the Council of 23 April 2008 on quarterly statistics on Community job vacancies (OJ L 145, 4.6.2008, p. 234).

- 32008 R 1062: Commission Regulation (EC) No 1062/2008 of 28 October 2008 implementing Regulation (EC) No 453/2008 of the European Parliament and of the Council on quarterly statistics on Community job vacancies, as regards seasonal adjustment procedures and quality reports (OJ L 285, 29.10.2008, p. 3).
- 32009 R 0019: Commission Regulation (EC) No 19/2009 of 13 January 2009 implementing Regulation (EC) No 453/2008 of the European Parliament and of the Council on quarterly statistics on Community job vacancies, as regards the definition of a job vacancy, the reference dates for data collection, data transmission specifications and feasibility studies (OJ L 9, 14.1.2009, p. 3).
- 32003 R 1177: Regulation (EC) No 1177/2003 of the European Parliament and of the Council of 16 June 2003 concerning Community statistics on income and living conditions (EU-SILC) (OJ L 165, 3.7.2003, p. 1), as amended by:
 - 32005 R 1553: Regulation (EC) No 1553/2005 of the European Parliament and of the Council of 7 September 2005 (OJ L 255, 30.9.2005, p. 6).
- 32003 R 1980: Commission Regulation (EC) No 1980/2003 of 21 October 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards definitions and updated definitions (OJ L 298, 17.11.2003, p. 1), as amended by:
 - 32006 R 0676: Commission Regulation (EC) No 676/2006 of 2 May 2006 (OJ L 118, 3.5.2006, p. 3).
- 32003 R 1981: Commission Regulation (EC) No 1981/2003 of 21 October 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the fieldwork aspects and the imputation procedures (OJ L 298, 17.11.2003, p. 23).
- 32003 R 1982: Commission Regulation (EC) No 1982/2003 of 21 October 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the sampling and tracing rules (OJ L 298, 17.11.2003, p. 29).
- 32003 R 1983: Commission Regulation (EC) No 1983/2003 of 7 November 2003 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the list of target primary variables (OJ L 298, 17.11.2003, p. 34), as amended by:
 - 32007 R 0973: Commission Regulation (EC) No 973/2007 of 20 August 2007 (OJ L 216, 21.8.2007, p. 10).
- 32004 R 0028: Commission Regulation (EC) No 28/2004 of 5 January 2004 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the detailed content of intermediate and final quality reports (OJ L 5, 9.1.2004, p. 42).
- 32006 R 0315: Commission Regulation (EC) No 315/2006 of 22 February 2006 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the list of target secondary variables relating to housing conditions (OJ L 52, 23.2.2006, p. 16).
- 32007 R 0215: Commission Regulation (EC) No 215/2007 of 28 February 2007 on implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the list of target secondary variables relating to over-indebtedness and financial exclusion (OJ L 62, 1.3.2007, p. 8).

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

Switzerland will be exempted of to deliver data until end 2010.

- 32008 R 0362: Council Regulation (EC) No 362/2008 of 14 April 2008 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the 2009 list of target secondary variables on material deprivation (OJ L 112, 24.4.2008, p. 1).
- 32009 R 0646: Commission Regulation (EC) No 646/2009 of 23 July 2009 implementing Regulation (EC) No 1177/2003 of the European Parliament and of the Council concerning Community statistics on income and living conditions (EU-SILC) as regards the 2010 list of target secondary variables on intra-household sharing of resources (OJ L 192, 24.7.2009, p. 3).

ECONOMIC STATISTICS

- 31995 R 2494: Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonised indices of consumer prices (OJ L 257, 27.10.1995, p. 1).

For Switzerland the Regulation applies to the harmonisation of consumer price indices for international comparisons.

It is not relevant as regards the explicit purposes of calculating harmonised CPI's in the context of the Economic and Monetary Union.

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

- (a) Article 2(c), as well as references to MUICP in Article 8(1) and Article 11, are not applicable;
 - (b) Article 5(1)(a) is not applicable;
 - (c) Article 5(2) is not applicable;
 - (d) The consultation of the EMI as specified in Article 5(3) is not applicable.
- 32009 R 0330: Commission Regulation (EC) No 330/2009 of 22 April 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of seasonal products in the Harmonised Indices of Consumer Prices (HICP) (OJ L 103, 23.4.2009, p. 6).
 - 31996 R 1749: Commission Regulation (EC) No 1749/96 of 9 September 1996 on initial implementing measures for Council Regulation (EC) No 2494/95 concerning harmonised indices of consumer prices (OJ L 229, 10.9.1996, p. 3), as amended by:
 - 31998 R 1687: Council Regulation (EC) No 1687/98 of 20 July 1998 (OJ L 214, 31.7.1998, p. 12);
 - 31998 R 1688: Council Regulation (EC) No 1688/98 of 20 July 1998 (OJ L 214, 31.7.1998, p. 23);
 - 32007 R 1334: Commission Regulation (EC) No 1334/2007 of 14 November 2007 (OJ L 296, 15.11.2007, p. 22).
 - 31996 R 2214: Commission Regulation (EC) No 2214/96 of 20 November 1996 concerning harmonised indices of consumer prices: transmission and dissemination of sub-indices of the HICP (OJ L 296, 21.11.1996, p. 8), as amended by:
 - 31999 R 1617: Commission Regulation (EC) No 1617/1999 of 23 July 1999 (OJ L 192, 24.7.1999, p. 9);
 - 31999 R 1749: Commission Regulation (EC) No 1749/1999 of 23 July 1999 (OJ L 214, 13.8.1999, p. 1), as corrected by OJ L 267, 15.10.1999, p. 59;
 - 32001 R 1920: Commission Regulation (EC) No 1920/2001 of 28 September 2001 (OJ L 261, 29.9.2001, p. 46), as corrected by OJ L 295, 13.11.2001, p. 34;
 - 32005 R 1708: Commission Regulation (EC) No 1708/2005 of 19 October 2005 (OJ L 274, 20.10.2005, p. 9).
 - 31997 R 2454: Commission Regulation (EC) No 2454/97 of 10 December 1997 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the quality of HICP weightings (OJ L 340, 11.12.1997, p. 24).
 - 31998 R 2646: Commission Regulation (EC) No 2646/98 of 9 December 1998 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of tariffs in the Harmonised Index of Consumer Prices (OJ L 335, 10.12.1998, p. 30).
 - 31999 R 1617: Commission Regulation (EC) No 1617/1999 of 23 July 1999 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of insurance in the Harmonised Index of Consumer Prices and modifying Commission Regulation (EC) No 2214/96 (OJ L 192, 24.7.1999, p. 9).
 - 31999 R 2166: Council Regulation (EC) No 2166/1999 of 8 October 1999 laying down detailed rules for the implementation of Regulation (EC) No 2494/95 as regards minimum standards for the treatment of products in the health, education and social protection sectors in the Harmonised Index of Consumer Prices (OJ L 266, 14.10.1999, p. 1).

- 32000 R 2601: Commission Regulation (EC) No 2601/2000 of 17 November 2000 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards the timing of entering purchaser prices into the Harmonised Index of Consumer Prices (OJ L 300, 29.11.2000, p. 14).
- 32000 R 2602: Commission Regulation (EC) No 2602/2000 of 17 November 2000 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of price reductions in the Harmonised Index of Consumer Prices (OJ L 300, 29.11.2000, p. 16), as amended by:
 - 32001 R 1921: Commission Regulation (EC) No 1921/2001 of 28 September 2001 (OJ L 261, 29.9.2001, p. 49), as corrected by OJ L 295, 13.11.2001, p. 34.
- 32001 R 1920: Commission Regulation (EC) No 1920/2001 of 28 September 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for the treatment of service charges proportional to transaction values in the harmonised index of consumer prices and amending Regulation (EC) No 2214/96 (OJ L 261, 29.9.2001, p. 46), as corrected by OJ L 295, 13.11.2001, p. 34.
- 32001 R 1921: Commission Regulation (EC) No 1921/2001 of 28 September 2001 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards minimum standards for revisions of the harmonised index of consumer prices and amending Regulation (EC) No 2602/2000 (OJ L 261, 29.9.2001, p. 49), as corrected by OJ L 295, 13.11.2001, p. 34.
- 32005 R 1708: Commission Regulation (EC) No 1708/2005 of 19 October 2005 laying down detailed rules for the implementation of Council Regulation (EC) No 2494/95 as regards the common index reference period for the harmonised index of consumer prices, and amending Regulation (EC) No 2214/96 (OJ L 274, 20.10.2005, p. 9).
- 32006 R 0701: Council Regulation (EC) No 701/2006 of 25 April 2006 laying down detailed rules for the implementation of Regulation (EC) No 2494/95 as regards the temporal coverage of price collection in the harmonised index of consumer prices (OJ L 122, 9.5.2006, p. 3).
- 32007 R 1445: Regulation (EC) No 1445/2007 of the European Parliament and of the Council of 11 December 2007 establishing common rules for the provision of basic information on Purchasing Power Parities and for their calculation and dissemination (OJ L 336, 20.12.2007, p. 1).
- 31996 R 2223: 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), as amended by:
 - 31998 R 0448: Council Regulation (EC) No 448/98 of 16 February 1998 (OJ L 58, 27.2.1998, p. 1);
 - 32000 R 1500: Commission Regulation (EC) No 1500/2000 of 10 July 2000 (OJ L 172, 12.7.2000, p. 3);
 - 32000 R 2516: Regulation (EC) No 2516/2000 of the European Parliament and of the Council of 7 November 2000 (OJ L 290, 17.11.2000, p. 1);
 - 32001 R 0995: Commission Regulation (EC) No 995/2001 of 22 May 2001 (OJ L 139, 23.5.2001, p. 3);
 - 32001 R 2558: Regulation (EC) No 2558/2001 of the European Parliament and of the Council of 3 December 2001 (OJ L 344, 28.12.2001, p. 1);
 - 32002 R 0113: Commission Regulation (EC) No 113/2002 of 23 January 2002 (OJ L 21, 24.1.2002, p. 3);
 - 32002 R 1889: Commission Regulation (EC) No 1889/2002 of 23 October 2002 (OJ L 286, 24.10.2002, p. 1);
 - 32003 R 1267: Regulation (EC) No 1267/2003 of the European Parliament and of the Council of 16 June 2003 (OJ L 180, 18.7.2003, p. 1);
 - 32009 R 0400: Regulation (EC) No 400/2009 of the European Parliament and of the Council of 23 April 2009 (OJ L 126, 21.5.2009, p. 11).

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

- (a) Switzerland shall be permitted to compile data by institutional units when the provisions of this Regulation refer to industry;
- (b) Switzerland shall not be bound by the regional breakdown of the data as required by this Regulation;

- (c) Switzerland shall not be bound by EU/third countries breakdown of exports and imports of services as required by this Regulation;
- (d) In Annex B, Derogations concerning the tables to be supplied in the framework of the questionnaire "ESA-95" by country, the following shall be added after point 15 (Iceland):

"16. SWITZERLAND

16.1. Derogations for tables

Table No	Table	Derogation	Until
1	Main aggregates, annual and quarterly	Transmission for 1990 onwards	
2	Main aggregates of the general government	Transmission delay: t + 8 months Periodicity: annual Transmission for 1990 onwards	Unlimited Unlimited
3	Tables by industry	Transmission for 1990 onwards	
4	Exports and imports by EU/third countries	Transmission for 1998 onwards	
5	Household final consumption expenditure by purpose	Transmission for 1990 onwards	
6	Financial accounts by institutional sectors	Transmission for 1998 onwards	2006
7	Balance sheets for financial assets and liabilities	Transmission for 1998 onwards	2006
8	Non-financial accounts by institutional sectors	Transmission delay: t + 18 months Transmission for 1990 onwards	Unlimited
9	Detailed tax and social contributions receipts by sector	Transmission delay: t + 18 months Transmission for 1998 onwards	Unlimited
10	Tables by industry and region, NUTS II, A17	No regional breakdown	
11	General government expenditure by function	Transmission for 2005 onwards No backward calculations	2007
12	Tables by industry and by region, NUTS III, A3	No regional breakdown	
13	Household accounts by region, NUTS II	No regional breakdown	
14-22	In accordance with derogation (a) of this Regulation, Switzerland shall be exempted from providing data for tables 14 to 22."		

— 31997 D 0178: Commission Decision 97/178/EC, Euratom of 10 February 1997 on the definition of a methodology for the transition between the European System of National and Regional Accounts in the Community (ESA 95) and the European System of Integrated Economic Accounts (ESA second edition) (OJ L 75, 15.3.1997, p. 44).

— 31998 D 0715: Commission Decision 98/715/EC of 30 November 1998 clarifying Annex A to Council Regulation (EC) No 2223/96 on the European system of national and regional accounts in the Community as concerns the principles for measuring prices and volumes (OJ L 340, 16.12.1998, p. 33).

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

Article 3 (classification of methods by product) shall not apply to Switzerland.

- 32002 R 1889: Commission Regulation (EC) No 1889/2002 of 23 October 2002 on the implementation of Council Regulation (EC) No 448/98 completing and amending Regulation (EC) No 2223/96 with respect to the allocation of financial intermediation services indirectly measured (FISIM) within the European System of national and regional Accounts (ESA) (OJ L 286, 24.10.2002, p. 11).
- 32003 R 1287: Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation) (OJ L 181, 19.7.2003, p. 1).
- 32005 R 0116: Commission Regulation (EC, Euratom) No 116/2005 of 26 January 2005 on the treatment of repayments of VAT to non-taxable persons and to taxable persons for their exempt activities, for the purposes of Council Regulation (EC, Euratom) No 1287/2003 on the harmonisation of gross national income at market prices (OJ L 24, 27.1.2005, p. 6).
- 32005 R 1722: Commission Regulation (EC) No 1722/2005 of 20 October 2005 on the principles for estimating dwelling services for the purpose of Council Regulation (EC, Euratom) No 1287/2003 on the harmonisation of gross national income at market prices (OJ L 276, 21.10.2005, p. 5).
- 31999 D 0622: Commission Decision 1999/622/EC, Euratom of 8 September 1999 on the treatment of repayments of VAT to non-taxable units and to taxable units for their exempt activities, for the purpose of implementing Council Directive 89/130/EEC, Euratom on the harmonisation of the compilation of gross national product at market prices (OJ L 245, 17.9.1999, p. 51).
- 32006 R 0601: Commission Regulation (EC) No 601/2006 of 18 April 2006 implementing Regulation (EC) No 184/2005 of the European Parliament and of the Council as regards the format and the procedure for the transmission of data (OJ L 106, 19.4.2006, p. 7).

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

Switzerland will be exempted to implement the procedures regarding the format and procedures for the transmission of data until end 2013.

- 32000 R 0264: 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).

The provisions in the tables 25.1 and 25.2 of the Regulation shall, for the purpose of this Agreement, be read with the following adaptations:

- Switzerland is exempted from the breakdown of the social benefits D.60 in D.62 and D.631M,
 - Switzerland is exempted from the breakdown of the social contributions D.61 in D.611 and D.612,
 - Switzerland is exempted from the breakdown of the capital transfers D.9 in D.91 and D.9N,
 - The first data shall be transferred in the year 2012 + t6 (end of June) for the 1st quarter of 2012 and retroactively as from 1st quarter of 1999.
- 32002 R 1221: 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).

The provisions in the tables 25.1 and 25.2 of the Regulation shall, for the purpose of this Agreement, be read with the following adaptations:

- Switzerland is exempted from the breakdown of the social benefits D.60 in D.62 and D.631M,
 - Switzerland is exempted from the breakdown of the social contributions D.61 in D.611 and D.612,
 - Switzerland is exempted from the breakdown of the capital transfers D.9 in D.91 and D.9N,
 - The first data shall be transferred in the year 2012 + t6 (end of June) for the 1st quarter of 2012 and retroactively as from the 1st quarter of 1999.
- 32005 R 0184: Regulation (EC) No 184/2005 of the European Parliament and of the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment (OJ L 35, 8.2.2005, p. 23), as amended by:
 - 32006 R 0602: Commission Regulation (EC) No 602/2006 of 18 April 2006 (OJ L 106, 19.4.2006, p. 10);
 - 32009 R 0707: Commission Regulation (EC) No 707/2009 of 5 August 2009 (OJ L 204, 6.8.2009, p. 3).

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

Switzerland is exempted from providing data for:

- Table 1 (Euro Indicators): Complete table,
- Table 2 (quarterly balance of payments): Portfolio investment breakdown by country,
- Table 3 (international trade in services): Services altogether geographical breakdown Level 3 and Government services sub-divisions,
- Table 4 (direct investment flows T + 21) and Table 5 (direct investment stocks T + 21): NOGA branch of economic activity 3-digit code level.

Switzerland is exempted to transmit data until end 2014 for:

- Table 2 (quarterly balance of payments): Balance of payments other than portfolio investment,
- Table 3 (international trade in services): Services altogether geographical breakdown Level 2,
- Table 4 (direct investment flows T + 9): Direct investment abroad total: geographical Breakdown level 3 and Direct investment in the reporting economy total: geographical Breakdown level 3,
- Table 4 (direct investment flows T + 21): Direct investment abroad total: geographical Breakdown level 3 and Direct investment in the reporting economy total: geographical Breakdown level 3 and NOGA branch of economic activity, 2-digit code level,
- Table 5 (direct investment stocks T + 21): Direct investment abroad total assets: Geographical breakdown level 3 and Direct investment in the reporting economy, total liabilities Geographical breakdown level 3 and NOGA branch of economic activity, 2-digit code level.

NOMENCLATURES

- 31990 R 3037: Council Regulation (EEC) No 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community (OJ L 293, 24.10.1990, p. 1), as amended by:
 - 31993 R 0761: Commission Regulation (EEC) No 761/93 of 24 March 1993 (OJ L 83, 3.4.1993, p. 1);
 - 32002 R 0029: Commission Regulation (EC) No 29/2002 of 19 December 2001 (OJ L 6, 10.1.2002, p. 3);
 - 32006 R 1893: Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1).
- 31993 R 0696: Council Regulation (EEC) No 696/93 of 15 March 1993 on the statistical units for the observation and analysis of the production system in the Community (OJ L 76, 30.3.1993, p. 1), as amended by:
 - 1 94 N: Act concerning the conditions of accession of the Kingdom of Norway, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29.8.1994, p. 21 as adjusted by OJ L 1, 1.1.1995, p. 1).
- 32003 R 1053: Commission Regulation (EC) No 1053/2003 of 19 June 2003 amending Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards rapid tests (OJ L 152, 20.6.2003, p. 8).
- 32003 R 1059: Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1), as amended by:
 - 32008 R 0011: Commission Regulation (EC) No 11/2008 of 8 January 2008 (OJ L 5, 9.1.2008, p. 13);
 - 32008 R 0176: Regulation (EC) No 176/2008 of the European Parliament and of the Council of 20 February 2008 (OJ L 61, 5.3.2008, p. 1).
- 32008 R 0451: Regulation (EC) No 451/2008 of the European Parliament and of the Council of 23 April 2008 establishing a new statistical classification of products by activity (CPA) and repealing Council Regulation (EEC) No 3696/93 (OJ L 145, 4.6.2008, p. 65).
- 32006 R 1893: Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

AGRICULTURAL STATISTICS

- 31996 L 0016: Council Directive 96/16/EC of 19 March 1996 on statistical surveys of milk and milk products (OJ L 78, 28.3.1996, p. 27), as amended by:
 - 32003 L 0107: Directive 2003/107/EC of the European Parliament and of the Council of 5 December 2003 (OJ L 7, 13.1.2004, p. 40).

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

Switzerland shall not be bound by the regional breakdown of the data as required by this Directive.

- 31997 D 0080: Commission Decision 97/80/EC of 18 December 1996 laying down provisions for the implementation of Council Directive 96/16/EC on statistical surveys of milk and milk products (OJ L 24, 25.1.1997, p. 26), as amended by:
 - 31998 D 0582: Council Decision 98/582/EC of 6 October 1998 (OJ L 281, 17.10.1998, p. 36).

- 32005 D 0288: Commission Decision 2005/288/EC of 18 March 2005 amending Decision 97/80/EC on provisions for the implementation of Council Directive 96/16/EC on statistical surveys of milk and milk products (OJ L 88, 7.4.2005, p. 10).

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

Switzerland shall not be bound by the regional breakdown as required in Annex I, table 1: Annual production of cow milk.

- 32008 R 1166: Regulation (EC) No 1166/2008 of the European Parliament and of the Council of 19 November 2008 on farm structure surveys and the survey on agricultural production methods and repealing Council Regulation (EEC) No 571/88 (OJ L 321, 1.12.2008, p. 14).

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

For Switzerland, entry VII of Annex III to the Regulation (that includes 12 characteristics of support for rural development) shall not apply.

- 32008 R 1242: Commission Regulation (EC) No 1242/2008 of 8 December 2008 establishing a Community typology for agricultural holdings (OJ L 335, 13.12.2008, p. 3).
- 32000 D 0115: Commission Decision 2000/115/EC of 24 November 1999 relating to the definitions of the characteristics, the list of agricultural products, the exceptions to the definitions and the regions and districts regarding the surveys on the structure of agricultural holdings (OJ L 38, 12.2.2000, p. 1), as amended by:
 - 32002 R 1444: Commission Regulation (EC) No 1444/2002 of 24 July 2002 (OJ L 216, 12.8.2002, p. 1);
 - 32004 R 2139: Commission Regulation (EC) No 2139/2004 of 8 December 2004 (OJ L 369, 16.12.2004, p. 26);
 - 32006 R 0204: Commission Regulation (EC) No 204/2006 of 6 February 2006 (OJ L 34, 7.2.2006, p. 3).
- 32008 D 0690: Commission Decision 2008/690/EC of 4 August 2008 amending Directive 2001/109/EC of the European Parliament and of the Council and Decision 2002/38/EC, as regards the statistical surveys carried out by the Member States on plantations of certain species of fruit trees (OJ L 225, 23.8.2008, p. 14).
- 32009 R 0543: Regulation (EC) No 543/2009 of the European Parliament and of the Council of 18 June 2009 concerning crop statistics and repealing Council Regulations (EEC) No 837/90 and (EEC) No 959/93 (OJ L 167, 29.6.2009, p. 1).
- 32004 R 0138: Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community (OJ L 33, 5.2.2004, p. 1), as amended by:
 - 32005 R 0306: Commission Regulation (EC) No 306/2005 of 24 February 2005 (OJ L 52, 25.2.2005, p. 9);
 - 32006 R 0909: Commission Regulation (EC) No 909/2006 of 20 June 2006 (OJ L 168, 21.6.2006, p. 14);
 - 32008 R 0212: Commission Regulation (EC) No 212/2008 of 7 March 2008 (OJ L 65, 8.3.2008, p. 5).
- 32008 R 1165: Regulation (EC) No 1165/2008 of the European Parliament and of the Council of 19 November 2008 concerning livestock and meat statistics and repealing Council Directives 93/23/EEC, 93/24/EEC and 93/25/EEC (OJ L 321, 1.12.2008, p. 1).

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

- (a) Switzerland shall not be bound by the following detailed categories of livestock statistics as required by Annex II to the Regulation:
- Switzerland is exempted from the statistics of animals for slaughter as required by Annex II, categories of livestock statistics, bovine animals aged over 1 year but under 2 years, female (heifers; animals that have not yet calved).
 - Switzerland is exempted from the statistics of other as required by Annex II, categories of livestock statistics, bovine animals aged over 1 year but under 2 years, female (heifers; animals that have not yet calved).
 - Switzerland is exempted from the statistics of animals for slaughter as required by Annex II, categories of livestock statistics, bovine animals aged over 2 years and over, female, heifers.
 - Switzerland is exempted from the statistics of other as required by Annex II, categories of livestock statistics, bovine animals aged over 2 years and over, female, heifers.
 - Switzerland is exempted from the statistics of pigs with a live weight of 50 kg or more but less than 80 kg as required by Annex II, categories of livestock statistics, fattening pigs, including cull boars and cull sows.
 - Switzerland is exempted from the statistics of pigs with a live weight of 80 kg or more but less than 110 kg as required by Annex II, categories of livestock statistics, fattening pigs, including cull boars and cull sows.
 - Switzerland is exempted from the statistics of pigs with a live weight of 110 kg or more as required by Annex II, categories of livestock statistics, fattening pigs, including cull boars and cull sows.
 - Switzerland is exempted from the statistics of sows covered for the first time as required by Annex II, categories of livestock statistics, breeding pigs with a live weight of 50 kg and over, covered sows.
 - Switzerland is exempted from the statistics of gilts not yet covered as required by Annex II, categories of livestock statistics, breeding pigs with a live weight of 50 kg and over, other sows.
- (b) Switzerland is exempted from the statistics of young cattle as required by Annex IV, categories of slaughtering statistics, bovine animals.
- (c) Switzerland is exempted from the statistics of lambs and others as required by Annex IV, categories of slaughtering statistics, sheep.
- (d) Switzerland is exempted from the statistics of goats as required by Annex IV, categories of slaughtering statistics.
- (e) Switzerland is exempted from the statistics of ducks and others as required by Annex IV, categories of slaughtering statistics, poultry.

FISHERY STATISTICS

- 31991 R 1382: Council Regulation (EEC) No 1382/91 of 21 May 1991 on the submission of data on the landings of fishery products in Member States (OJ L 133, 28.5.1991, p. 1), as amended by:
 - 31993 R 2104: Council Regulation (EEC) No 2104/93 of 22 July 1993 (OJ L 191, 31.7.1993, p. 1).
- 31991 R 3880: Council Regulation (EEC) No 3880/91 of 17 December 1991 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 365, 31.12.1991, p. 1), as amended by:
 - 32001 R 1637: Commission Regulation (EC) No 1637/2001 of 23 July 2001 (OJ L 222, 17.8.2001, p. 20).
- 31993 R 2018: Council Regulation (EEC) No 2018/93 of 30 June 1993 on the submission of catch and activity statistics by Member States fishing in the Northwest Atlantic (OJ L 186, 28.7.1993, p. 1), as amended by:

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- 32001 R 1636: Commission Regulation (EC) No 1636/2001 of 23 July 2001 (OJ L 222, 17.8.2001, p. 1).
 - 31995 R 2597: Council Regulation (EC) No 2597/95 of 23 October 1995 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 270, 13.11.1995, p. 1), as amended by:
 - 32001 R 1638: Commission Regulation (EC) No 1638/2001 of 24 July 2001 (OJ L 222, 17.8.2001, p. 29).
 - 31996 R 0788: Council Regulation (EC) No 788/96 of 22 April 1996 on the submission by Member States of statistics on aquaculture production (OJ L 108, 1.5.1996, p. 1).

ENERGY STATISTICS

- 31990 L 0377: Council Directive 90/377/EEC of 29 June 1990 concerning a Community procedure to improve the transparency of gas and electricity prices charged to industrial end-users (OJ L 185, 17.7.1990, p. 16).

ENVIRONMENTAL STATISTICS

- 32006 R 1893: Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 (OJ L 393, 30.12.2006, p. 1).
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