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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 72/2010

of 26 January 2010

laying down procedures for conducting Commission inspections in the field of aviation security

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 300/2008 of 11 March 2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 ⁽¹⁾, and in particular Article 15 thereof,

Whereas:

(1) In order to monitor the application by Member States of Regulation (EC) No 300/2008 the Commission should conduct inspections. The organisation of inspections under the supervision of the Commission is needed to verify the effectiveness of national quality control programmes.

(2) The Commission and Member States should work cooperatively together during the preparation and conduct of Commission inspections.

(3) The Commission should have the possibility of including qualified national auditors made available by Member States in its inspection teams.

(4) Commission inspections and their reporting should be carried out according to a set procedure, including a standard methodology.

(5) Member States should ensure the swift rectification of deficiencies identified during Commission inspections.

(6) The Commission should be able to conduct follow-up inspections to verify the rectification of deficiencies.

(7) There should be a process for dealing with deficiencies deemed so serious as to have a significant impact on the overall level of aviation security in the Community.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee instituted by Article 19(2) of Regulation (EC) No 300/2008,

HAS ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER AND DEFINITIONS

Article 1

Subject matter

This Regulation lays down procedures for conducting Commission inspections to monitor the application by Member States of Regulation (EC) No 300/2008. Commission inspections shall cover appropriate authorities of Member States and selected airports, operators and entities applying aviation security standards. The inspections shall be conducted in a transparent, effective, harmonised and consistent manner.

Article 2

Definitions

For the purpose of this Regulation the following definitions shall apply:

1. 'appropriate authority' means the national authority designated by a Member State pursuant to Article 9 of Regulation (EC) No 300/2008;

⁽¹⁾ OJ L 97, 9.4.2008, p. 72.

2. 'Commission inspection' means an examination by Commission inspectors of existing quality controls and civil aviation security measures, procedures and structures to determine levels of compliance with Regulation (EC) No 300/2008;
3. 'Commission inspector' means an appropriately qualified person employed by the Commission or a person employed by the Member State to conduct compliance monitoring activities at national level on behalf of the appropriate authority and selected to take part in Commission inspections;
4. 'Committee' means the Committee instituted by Article 19(1) of Regulation (EC) No 300/2008;
5. 'deficiency' means failure to comply with the requirements laid down in Regulation (EC) No 300/2008;
6. 'national auditor' means a person employed by the Member State to conduct compliance monitoring activities at national level on behalf of the appropriate authority;
7. 'test' means a trial of aviation security measures, where intent to commit an act of unlawful interference is simulated for the purpose of testing the effectiveness of the implementation of existing security measures;
8. 'compensatory measure' means a temporary measure or range of measures aimed at limiting to the maximum extent practicable the impact of a deficiency identified during the conduct of an inspection before full correction can take place.

CHAPTER II

GENERAL REQUIREMENTS

Article 3

Cooperation of Member States

1. Without prejudice to Commission responsibilities, Member States shall cooperate with the Commission in the accomplishment of its inspection tasks. This cooperation shall be effective during the preparatory, monitoring and reporting phases.
2. Member States shall take all necessary steps to ensure that notification of an inspection is kept confidential in order to ensure that the inspection process is not compromised.

Article 4

Exercise of Commission powers

1. Each Member State shall ensure that Commission inspectors are able to exercise their authority to inspect the

civil aviation security activities of the appropriate authority under Regulation (EC) No 300/2008 and of any airport, operator and entity subject to that Regulation.

2. Each Member State shall ensure that, upon request, Commission inspectors have access to any relevant documentation necessary to assess compliance with the common standards.

3. Wherever Commission inspectors encounter difficulties in the execution of their duties, the Member States concerned shall by any means within their legal powers assist the Commission to accomplish its task in full.

Article 5

Qualification criteria for Commission inspectors

In order to qualify for Commission inspections, Commission inspectors shall have relevant theoretical and practical experience and shall have successfully completed training:

This training shall:

- (a) be delivered by the Commission services;
- (b) be initial and recurrent;
- (c) ensure a standard of performance adequate for the purposes of establishing whether security measures are implemented in accordance with Regulation (EC) No 300/2008.

Initial training shall include an examination.

Article 6

Participation of national auditors in Commission inspections

1. Member States shall make available to the Commission national auditors able to participate in Commission inspections as well as in related preparatory and reporting phases.
2. Member States shall provide the Commission with details of at least one and not more than five national auditors who may be called upon to participate in Commission inspections.
3. A list of all national auditors nominated by Member States and fulfilling the criteria set out in Article 5 shall be annually communicated to the Committee.

4. A national auditor shall not participate in Commission inspections in the Member State where he is employed.

5. Requests for national auditors to participate in Commission inspections shall be communicated to the appropriate authority in good time, normally at least two months before the inspection is due to take place.

6. Expenses arising from the participation of national auditors in Commission inspection shall, in compliance with Community rules, be met by the Commission.

CHAPTER III

PROCEDURES FOR THE CONDUCT OF COMMISSION INSPECTIONS

Article 7

Notification of inspections

1. The Commission shall give at least two months' notice of an inspection to the appropriate authority in whose territory it is to be conducted.

2. A pre-inspection questionnaire for completion by the appropriate authority shall, where appropriate, be communicated at the same time as the notice of the inspection, along with a request for any relevant documentation. The completed questionnaire and any requested documentation shall be submitted to the Commission at least two weeks before the inspection is scheduled to begin.

3. Where the Commission has information suggesting the existence at an airport of deficiencies which may have a significant impact on the overall level of aviation security in the Community, the appropriate authority of the Member State concerned shall be consulted and the period of prior notice of an inspection may then be reduced to two weeks. In this case, paragraphs 1 and 2 of this Article shall not apply.

Article 8

Preparation of inspections

1. Commission inspectors shall undertake preparatory activities in order to ensure efficiency, accuracy and consistency of inspections.

2. The appropriate authority shall be provided with the names of the Commission inspectors mandated to conduct an inspection, along with other details as appropriate.

3. For each inspection the appropriate authority shall designate a coordinator who shall make the practical arrangements associated with the inspection activity to be undertaken. Member States shall provide the name and contact details of the coordinator to the Commission within three weeks of receipt of the inspection notification.

Article 9

Conduct of inspections

1. Commission inspectors shall conduct inspections in an efficient and effective manner, with due regard for their own and others' safety and security. Commission inspectors whose behaviour during an inspection fails to meet these standards may be excluded from further Commission inspections.

2. A standard methodology shall be used to monitor compliance with the civil aviation security requirements laid down in Regulation (EC) No 300/2008.

The conduct of inspections shall be based on a systematic gathering of information using one or more of the following techniques:

(a) observations;

(b) verifications;

(c) interviews;

(d) examination of documents; and

(e) tests.

3. Commission inspectors shall be accompanied by a representative of the appropriate authority when carrying out inspection activities. The conduct of the escort shall not prejudice the efficiency or effectiveness of the inspection activities.

4. Commission inspectors shall carry an identity card authorising inspections on behalf of the Commission and an airport identification card allowing access to all areas required for the inspection. The format of the airport identification card shall not prejudice the efficiency or effectiveness of the inspection activities.

5. Tests shall only be performed after advance notification to and in close coordination with the appropriate authority.

6. Member States shall ensure that Commission inspectors are authorised to carry items to be used for testing purposes, including those that are, or have the appearance of, prohibited articles, in any area to which access is required during the course of an inspection and when in transit to or from an inspection, in accordance with any agreed protocols.

7. The appropriate authority shall be informed as soon as practicable of any serious deficiencies identified during a Commission inspection. In addition and without prejudice to Article 10, Commission inspectors shall, wherever practicable, provide an informal oral summary of their findings on the spot at the conclusion of the inspection.

Article 10

Inspection report

1. Within six weeks of completion of an inspection, an inspection report shall be communicated by the Commission to the appropriate authority.

The appropriate authority shall promptly convey the relevant findings to the inspected airport, operators or entities.

2. The report shall set out the findings of the inspectors including any deficiencies identified. The report may contain recommendations for remedial action.

3. When assessing the implementation of Regulation (EC) No 300/2008, the following classifications shall apply:

- (a) fully compliant;
- (b) compliant, but improvement desirable;
- (c) not compliant;
- (d) not compliant, with serious deficiencies;
- (e) not applicable;
- (f) not confirmed.

Article 11

Answer of the appropriate authority

1. Within three months of the date of dispatch of an inspection report, the appropriate authority shall submit in writing to the Commission an answer to the report which:

- (a) addresses the findings and recommendations;

- (b) provides an action plan, specifying actions and deadlines, to remedy any identified deficiencies.

2. In case of a follow-up inspection, the answer of the appropriate authority shall be submitted within six weeks of the date of dispatch of the inspection report.

3. Where the inspection report identifies no deficiencies, no answer shall be required.

Article 12

Rectification of deficiencies

1. The rectification of deficiencies identified during inspections shall be implemented promptly. Where the rectification cannot take place promptly, compensatory measures shall be implemented.

2. The appropriate authority shall confirm the rectification of the deficiencies to the Commission in writing. Such confirmation shall be based on compliance monitoring activities performed by the appropriate authority.

3. The appropriate authority shall be informed when an inspection report is deemed to require no further action.

Article 13

Follow-up inspections

1. Following receipt of the appropriate authority's answer and any further clarification required, the Commission may conduct a follow-up inspection.

2. An appropriate authority shall be given at least two weeks' notice of a follow-up inspection to be conducted on its territory.

3. The main focus of follow-up inspections shall be the areas where deficiencies were identified during the initial Commission inspection.

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Article 14

Information to the Committee

The Committee shall be regularly informed about the implementation of the Commission inspection programme and the results of its assessments.

*Article 15***Notification of serious deficiencies to appropriate authorities**

1. An appropriate authority shall be promptly informed if an inspection at an airport on its territory discloses a serious deficiency which is deemed to have a significant impact on the overall level of aviation security in the Community. This information shall also be communicated promptly to the appropriate authorities of all other Member States.

2. Appropriate authorities shall also be promptly informed when the Commission has credible information about rectification action, including compensatory measures, confirming

that deficiencies notified under this Article no longer have a significant impact on the overall level of aviation security in the Community.

*Article 16***Entry into force**

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

It shall apply as from the date specified in the implementing rules adopted in accordance with the procedure referred to in Article 4(3) of Regulation (EC) No 300/2008, but not later than 29 April 2010.

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

Done at Brussels, 26 January 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 73/2010**of 26 January 2010****laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the interoperability Regulation) ⁽¹⁾ and in particular Article 3(5) thereof,

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) ⁽²⁾, and in particular Article 8(1) thereof,

Whereas:

- data and aeronautical information are not always met within the EATMN, in particular the accuracy and integrity requirements.
- (6) A significant amount of paper-based, manual activity still takes place within the aeronautical data chain, which leads to significant opportunities for the introduction of errors and the degradation of data quality. Measures should therefore be adopted to improve the situation.
- (7) Eurocontrol has been mandated in accordance with Article 8(1) of Regulation (EC) No 549/2004 to develop requirements supplementing and strengthening Annex 15 to the Chicago Convention in order to achieve aeronautical information of sufficient quality. This Regulation is based on the resulting mandate report of 16 October 2007.
- (1) Aeronautical data and aeronautical information of appropriate quality are required to ensure safety and support new concepts of operation within the European air traffic management network (hereinafter EATMN).
- (2) The International Civil Aviation Organisation (hereinafter ICAO) has defined aeronautical data and aeronautical information quality requirements in terms of accuracy, resolution and integrity that should be met and maintained within the EATMN when processing aeronautical data and aeronautical information.
- (3) Those ICAO requirements are considered to provide a sufficient baseline for current data quality requirements but there are known deficiencies that should be addressed, notably to support future applications.
- (4) Annex 15 to the Convention on International Civil Aviation (hereinafter the Chicago Convention) should provide the main baseline for the data quality requirements. References to provisions of Annex 15 to the Chicago Convention should not automatically imply a reference to Annex 4 to the Chicago Convention or other Annexes to the Chicago Convention.
- (5) Examination of the current situation has demonstrated that the quality requirements relating to aeronautical
- (8) In accordance with the requirements of Regulation (EC) No 552/2004, aeronautical information should be provided progressively in an electronic form, based on a commonly agreed and standardised data set. Those requirements should eventually be applicable to all aeronautical data and aeronautical information within the scope of this Regulation.
- (9) This Regulation should not cover military operations and training as referred to in Article 1(2) of Regulation (EC) No 549/2004.
- (10) Military organisations providing aeronautical information for use in general air traffic operations are an essential part of the aeronautical data process and Member States should ensure that the quality of such data is sufficient to meet its intended use.
- (11) The timely provision and publication of new or amended aeronautical data and aeronautical information in accordance with the amendments and update cycle requirements of ICAO and Member States are considered essential to support the achievement of data quality.
- (12) Member States should exercise effective management and control over all aeronautical data and aeronautical information origination activities to ensure that data is provided with sufficient quality to meet its intended use.

⁽¹⁾ OJ L 96, 31.3.2004, p. 26.

⁽²⁾ OJ L 96, 31.3.2004, p. 1.

- (13) The constituents and procedures that are used by originators of data need to be interoperable with the systems, constituents and procedures used by aeronautical information service providers in order to enable safe, seamless and efficient operation of the EATMN.
- (14) With a view to maintaining or enhancing existing safety levels of operations, Member States should be required to ensure that the parties concerned carry out a safety assessment including hazard identification, risk assessment and mitigation processes. Harmonised implementation of these processes to the systems covered by this Regulation requires the identification of specific safety requirements for all interoperability and performance requirements.
- (15) In accordance with Article 3(3)(d) of Regulation (EC) No 552/2004, implementing rules for interoperability should describe the specific conformity assessment procedures to be used to assess the conformity or suitability for use of constituents as well as the verification of systems.
- (16) This Regulation has an impact on a wide range of parties. It should therefore take into account the individual capabilities and levels of involvement within the data chain of the parties, to ensure that provisions are applied progressively to achieve required data quality.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Single Sky Committee,
- (a) the integrated aeronautical information package as defined in Article 3(7) made available by Member States, with the exception of aeronautical information circulars;
- (b) electronic obstacle data, or elements thereof, where made available by Member States;
- (c) electronic terrain data, or elements thereof, where made available by Member States;
- (d) aerodrome mapping data, where made available by Member States.
2. This Regulation shall apply to the following parties:
- (a) air navigation service providers;
- (b) operators of those aerodromes and heliports, for which instrument flight rules (IFR) or Special-visual flight rules (VFR) procedures have been published in national aeronautical information publications;
- (c) public or private entities providing, for the purposes of this Regulation:
- (i) services for the origination and provision of survey data;
- (ii) procedure design services;
- (iii) electronic terrain data;
- (iv) electronic obstacle data.

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the requirements on the quality of aeronautical data and aeronautical information in terms of accuracy, resolution and integrity.

Article 2

Scope

1. This Regulation shall apply to European air traffic management network (EATMN) systems, their constituents and associated procedures involved in the origination, production, storage, handling, processing, transfer and distribution of aeronautical data and aeronautical information.

It shall apply to the following aeronautical data and aeronautical information:

3. This Regulation shall apply up to the moment when the aeronautical data and/or aeronautical information are made available by the aeronautical information service provider to the next intended user.

In the case of distribution by physical means, this Regulation shall apply up to the moment when the aeronautical data and/or aeronautical information has been made available to the organisation responsible for providing the physical distribution service.

In the case of automatic distribution through the use of a direct electronic connection between the aeronautical information service provider and the entity receiving the aeronautical data and/or aeronautical information, this Regulation shall apply:

- (a) up to the moment when the next intended user accesses and extracts aeronautical data and/or aeronautical information held by the aeronautical information service provider; or
- (b) up to the moment when the aeronautical data and/or aeronautical information is delivered by the aeronautical information service provider, into the next intended user's system.

*Article 3***Definitions**

For the purpose of this Regulation, the definitions in Article 2 of Regulation (EC) No 549/2004 shall apply. The following definitions shall also apply:

1. 'aeronautical data' means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing;
2. 'aeronautical information' means information resulting from the assembly, analysis and formatting of aeronautical data;
3. 'data quality' means a degree or level of confidence that the data provided meets the requirements of the data user in terms of accuracy, resolution and integrity;
4. 'accuracy' means a degree of conformance between the estimated or measured value and the true value;
5. 'resolution' means a number of units or digits to which a measured or calculated value is expressed and used;
6. 'integrity' means a degree of assurance that a data item and its value have not been lost or altered since the data origination or authorised amendment;
7. 'integrated aeronautical information package' (hereinafter IAIP) means a package which consists of the following elements:
 - (a) aeronautical information publications (hereinafter AIP), including amendments;
 - (b) supplements to the AIP;
 - (c) the NOTAM, as defined in point 17 and pre-flight information bulletins;
 - (d) aeronautical information circulars; and
 - (e) checklists and lists of valid NOTAMs;
8. 'obstacle data' means data concerning all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that are located on an area intended for the surface movement of aircraft or that extend above a defined surface intended to protect aircraft in flight;
9. 'terrain data' means data about the surface of the earth containing naturally occurring features such as mountains, hills, ridges, valleys, bodies of water, permanent ice and snow, and excluding obstacles;
10. 'aerodrome mapping data' means information that represents standardised aerodrome features for a defined area, including geospatial data and metadata;
11. 'survey data' means geospatial data that is determined by measurement or survey;
12. 'procedure design' means the combination of aeronautical data with specific flight instructions to define instrument arrival and/or departure procedures that ensure adequate standards of flight safety;
13. 'aeronautical information service provider' means the organisation responsible for the provision of an aeronautical information service, certified in accordance with Commission Regulation (EC) No 2096/2005 ⁽¹⁾;
14. 'next intended user' means the entity that receives the aeronautical information from the aeronautical information service provider;
15. 'direct electronic connection' means a digital connection between computer systems such that data may be transferred between them without manual interaction;
16. 'data item' means a single attribute of a complete data set, which is allocated a value that defines its current status;
17. 'NOTAM' means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;
18. 'digital NOTAM' means a data set that contains the information included in a NOTAM in a structured format which can be fully interpreted by an automated computer system without human interpretation;
19. 'data originator' means an entity responsible for data origination;
20. 'data origination' means the creation of a new data item with its associated value, the modification of the value of an existing data item or the deletion of an existing data item;
21. 'period of validity' means the period between the date and time on which aeronautical information is published and the date and time on which the information ceases to be effective;
22. 'data validation' means the process of ensuring that data meets the requirements for the specified application or intended use;

⁽¹⁾ OJ L 335, 21.12.2005, p. 13.

23. 'data verification' means the evaluation of the output of an aeronautical data process to ensure correctness and consistency with respect to the inputs and applicable data standards, rules and conventions used in that process;

24. 'critical data' means data with an integrity level as defined in Chapter 3, Section 3.2 point 3.2.8(a) of Annex 15 to the Convention on International Civil Aviation (hereinafter the Chicago Convention);

25. 'essential data' means data with an integrity level as defined in Chapter 3, Section 3.2 point 3.2.8(b) of Annex 15 to the Chicago Convention.

CHAPTER II

INTEROPERABILITY AND PERFORMANCE REQUIREMENTS

Article 4

Data set

The parties referred to in Article 2(2) shall provide aeronautical data and aeronautical information in accordance with the data set specifications described in Annex I.

Article 5

Data exchange

1. The parties referred to in Article 2(2) shall ensure that the aeronautical data and aeronautical information referred to in the second subparagraph of Article 2(1) are transferred between themselves by direct electronic connection.

2. Air navigation service providers shall ensure that the aeronautical data and aeronautical information referred to in the second subparagraph of Article 2(1) are transferred between themselves in accordance with the data exchange format requirements laid down in Annex II.

3. Member States may exclude digital NOTAM from the data exchange format referred to in paragraph 2.

4. Aeronautical information service providers shall ensure that all aeronautical data and aeronautical information within the AIPs, AIP amendments and AIP supplements provided by a Member State are made available to the next intended user, as a minimum:

(a) in accordance with the publication requirements identified in the ICAO standards referred to in points 4 and 8 of Annex III;

(b) in a way that allows the content and format of the documents to be directly readable on a computer screen; and

(c) in accordance with the data exchange format requirements laid down in Annex II.

Article 6

Data quality

1. Member States shall ensure that air navigation service providers comply with the data quality requirements laid down in Annex IV, Part A.

2. When providing aeronautical data and/or aeronautical information, the parties referred to in Article 2(2) shall comply with the evidence requirements laid down in Annex IV, Part B.

3. When exchanging aeronautical data and/or aeronautical information between themselves, the parties referred to in Article 2(2), shall establish formal arrangements in accordance with the requirements laid down in Annex IV, Part C.

4. When acting as data originators, the parties referred to in Article 2(2), shall comply with the data origination requirements laid down in Annex IV, Part D.

5. Aeronautical information service providers shall ensure that aeronautical data and aeronautical information provided by data originators not referred to in Article 2(2) are made available to the next intended user with sufficient quality to meet the intended use.

6. When acting as the entity responsible for the official request for a data origination activity, the parties referred to in Article 2(2) shall ensure that:

(a) the data are created, modified or deleted in compliance with their instructions;

(b) without prejudice to Annex IV, Part C, their data origination instructions contain, as a minimum:

(i) an unambiguous description of the data that are to be created, modified or deleted;

(ii) confirmation of the entity to which the data are to be provided;

(iii) the date and time by which the data are to be provided;

(iv) the data origination report format to be used by the data originator.

7. The parties referred to in Article 2(2) shall comply with the data process requirements laid down in Annex IV, Part E.

8. The parties referred to in Article 2(2) shall ensure that error reporting, feedback and rectification mechanisms are established and operated in accordance with the requirements laid down in Annex IV, Part F.

*Article 7***Consistency, timeliness and personnel performance**

1. Where aeronautical data or aeronautical information is duplicated in the AIP of more than one Member State, the aeronautical information service providers responsible for those AIPs shall establish mechanisms to ensure consistency between the duplicated information.
2. Aeronautical information service providers shall ensure that aeronautical data and aeronautical information items published in the AIP of their Member State are annotated to indicate those that do not meet the data quality requirements laid down in this Regulation.
3. Aeronautical information service providers shall ensure that the most current update cycles applicable to AIP amendments and AIP supplements are made publicly available.
4. The parties referred to in Article 2(2) shall ensure that their personnel responsible for tasks in the provision of aeronautical data or aeronautical information are made aware of and apply:
 - (a) the requirements for AIP amendments, AIP supplements and NOTAM laid down in the ICAO standards referred to in points 5, 6 and 7 of Annex III;
 - (b) the update cycles applicable to the issue of AIP amendments and supplements referred to in point (a) of this paragraph for the areas for which they are providing aeronautical data or aeronautical information.
5. Without prejudice to Regulation (EC) No 2096/2005, the parties referred to in Article 2(2) shall ensure that their personnel responsible for tasks in the provision of aeronautical data or aeronautical information are adequately trained, competent and authorised for the job they are required to do.

*Article 8***Tools and software requirements**

The parties referred to in Article 2(2) shall ensure that all tools and software used to support the origination, production, storage, handling, processing and transfer of aeronautical data and/or aeronautical information comply with the requirements laid down in Annex V.

*Article 9***Data protection**

1. The parties referred to in Article 2(2) shall ensure that aeronautical data and aeronautical information are protected in accordance with the requirements laid down in Annex VI.

2. The parties referred to in Article 2(2) shall ensure that traceability is maintained on each data item during its period of validity and for at least 5 years following the end of that period or until 5 years after the end of the period of validity for any data item calculated or derived from it, whichever is later.

CHAPTER III

QUALITY, SAFETY AND SECURITY MANAGEMENT REQUIREMENTS*Article 10***Management requirements**

1. Without prejudice to Regulation (EC) No 2096/2005, the parties referred to in Article 2(2) shall implement and maintain a quality management system covering their aeronautical data and aeronautical information provision activities, in accordance with the requirements laid down in Annex VII, Part A.
2. The parties referred to in Article 2(2) shall ensure that the quality management system referred to in paragraph 1 of this Article defines procedures to meet the safety management objectives laid down in Annex VII, Part B and the security management objectives laid down in Annex VII, Part C.
3. The parties referred to in Article 2(2) shall ensure that any changes to the existing systems referred to in the first subparagraph of Article 2(1) or the introduction of new systems are preceded by a safety assessment, including hazard identification, risk assessment and mitigation, conducted by the parties concerned.
4. During that safety assessment, the requirements referred to in Article 7(3), Annex I, Annex II and points 1 and 2 of Part A of Annex IV shall be considered as safety requirements and shall be taken into consideration, as a minimum.

CHAPTER IV

CONFORMITY ASSESSMENT AND ADDITIONAL REQUIREMENTS*Article 11***Conformity or suitability for use of constituents**

Before issuing EC declarations of conformity or suitability for use as referred to in Article 5 of Regulation (EC) No 552/2004, manufacturers of constituents of the systems referred to in the first subparagraph of Article 2(1) of this Regulation, or their authorised representatives established in the Union, shall assess the conformity or suitability for use of those constituents in compliance with the requirements laid down in Annex VIII.

*Article 12***Verification of systems**

1. Air navigation service providers which can demonstrate or have demonstrated that they fulfil the conditions laid down in Annex IX shall conduct a verification of the systems referred to in the first subparagraph of Article 2(1) in accordance with the requirements laid down in Annex X, Part A.

2. Air navigation service providers which cannot demonstrate that they fulfil the conditions laid down in Annex IX shall subcontract to a notified body a verification of the systems referred to in the first subparagraph of Article 2(1). That verification shall be conducted in accordance with the requirements laid down in Annex X, Part B.

*Article 13***Additional requirements**

The parties referred to in Article 2(2)(b) and (c) shall:

- (a) ensure the security clearance of their personnel responsible for tasks in the origination, production, storage, handling, processing, transfer and distribution of aeronautical data or aeronautical information, as appropriate;
- (b) ensure that their personnel responsible for tasks in the provision of aeronautical data or aeronautical information are made duly aware of the requirements laid down in this Regulation;
- (c) develop and maintain operations manuals containing the necessary instructions and information to enable their personnel responsible for tasks in the provision of aeronautical data or aeronautical information to apply this Regulation;

(d) ensure that the manuals referred to in point (c) are accessible and kept up to date and that their update and distribution are subject to appropriate quality and documentation configuration management;

(e) ensure that their working methods and operating procedures comply with this Regulation.

CHAPTER V

FINAL PROVISIONS*Article 14***Transitional provisions**

1. Member States which, prior to the entry into force of this Regulation, have notified a relevant difference to ICAO in accordance with Article 38 of the Chicago Convention, may maintain their national provisions on the subjects listed in Annex XI to this Regulation until 30 June 2014 at the latest.

2. Aeronautical data and aeronautical information published before 1 July 2013 and not amended shall be brought in line with this Regulation by 30 June 2017 at the latest.

*Article 15***Entry into force and application**

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

It shall apply from 1 July 2013.

2. By way of derogation from the second subparagraph of paragraph 1, Article 4, Article 5(1), Article 5(2), Article 5(3) and Article 5(4)(c) shall apply from 1 July 2014.

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

Done at Brussels, 26 January 2010.

For the Commission

The President

José Manuel BARROSO

ANNEX I

DATA SET SPECIFICATIONS REFERRED TO IN ARTICLE 4

PART A

IAIP, aerodrome mapping and electronic obstacle data

1. The aeronautical data and aeronautical information referred to in points (a), (b) and (d) of the second subparagraph of Article 2(1) shall be provided according to a common data set specification which shall:

- (a) be documented either:
 - by using the unified modelling language (UML), specified in the document referred to in point 13 of Annex III, in the form of class diagrams and associated definitions for classes, attributes, associations and lists of values, or
 - by using a feature catalogue specified in accordance with the ISO standard referred to in point 25 of Annex III;
- (b) define, as individual data elements, each aeronautical feature for which the information is requested to be published in accordance with the ICAO standards referred to in point 10 of Annex III and the Eurocae document referred to in point 24 of Annex III;
- (c) provide for each attribute the definition of its allowable values in the form of a data type, a range of values or an enumerated list;
- (d) include the definition of a temporal model, UTC based, which can express the complete lifecycle of an aeronautical feature:
 - from the creation date and time to the date and time of permanent withdrawal,
 - including the permanent changes that create new baselines for that feature;
- (e) include the definition of the rules that may constrain the possible values of the feature properties or the temporal variation of these values. This shall include, as a minimum:
 - constraints that impose accuracy, resolution and integrity for positional (horizontal and vertical) data,
 - constraints that impose the timeliness of the data;
- (f) apply a naming convention for features, attributes and associations, which avoids the use of abbreviations;
- (g) base the description of geometrical elements (point, curve, surface) on the ISO standard referred to in point 14 of Annex III;
- (h) base the description of the metadata information on the ISO standard referred to in point 15 of Annex III;
- (i) include the metadata items listed in Annex I, Part C.

2. Regarding the ISO standards, the relevant certificate issued by an appropriately accredited organisation, shall be considered as a sufficient means of compliance. The parties referred to in Article 2(2) shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.

PART B

Electronic terrain data sets

The electronic terrain data referred to in point (c) of the second subparagraph of Article 2(1) shall:

- (a) be provided digitally in accordance with the ICAO standards referred to in points 9 and 12 of Annex III;
- (b) include the metadata items listed in Annex I, Part C.

PART C

Metadata

The metadata for the data set specifications defined in Part A and Part B shall include the following items, as a minimum:

- (a) the data originator of the data;
 - (b) amendments made to the data;
 - (c) the persons or organisations that have interacted with the data and when;
 - (d) details of any validation and verification of the data that has been performed;
 - (e) effective start date and time of the data;
 - (f) for geospatial data:
 - the earth reference model used,
 - the coordinate system used;
 - (g) for numerical data:
 - the statistical accuracy of the measurement or calculation technique used,
 - the resolution,
 - the confidence level as required by the ICAO standards referred to in points 1 and 12 of Annex III and in other relevant ICAO standards;
 - (h) details of any functions applied if data has been subject to conversion/transformation;
 - (i) details of any limitations on the use of the data.
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ANNEX II

AERONAUTICAL DATA EXCHANGE FORMAT REQUIREMENTS REFERRED TO IN ARTICLE 5

PART A

IAIP, aerodrome mapping and electronic obstacle data

1. The aeronautical data and aeronautical information referred to in points (a), (b) and (d) of the second subparagraph of Article 2(1) shall be formatted in accordance with a common specification, which shall:
 - use the extensible mark-up language (XML) specification as defined in the ISO standard referred to in Annex III point 17 for data encoding,
 - be expressed in the form of an XML schema; in addition, a schematron as defined in the ISO standard referred to in point 19 of Annex III may be used for expressing business rules,
 - enable the exchange of data for both individual features and feature collections,
 - enable the exchange of baseline information as a result of permanent changes,
 - be structured in accordance with the features, attributes and associations of the data set definition described in Annex I, Part A; the mapping rules shall be documented,
 - implement strictly the enumerated lists of values and range of values defined for each attribute in the data set,
 - comply with the geography mark-up language (GML) specification, as defined in the reference referred to in point 18 of Annex III, for the encoding of geographical information.
2. Regarding the ISO standards, the relevant certificate issued by an appropriately accredited organisation, shall be considered as a sufficient means of compliance. The parties referred to in Article 2(2) shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.

PART B

Electronic terrain data

1. The electronic terrain data referred to in point (c) of the second subparagraph of Article 2(1) shall be provided in a common format compliant with the ISO standards referred to in points 14 to 18 of Annex III.
 2. Regarding the ISO standards, the relevant certificate issued by an appropriately accredited organisation, shall be considered as a sufficient means of compliance. The parties referred to in Article 2(2) shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.
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ANNEX III

PROVISIONS REFERRED TO IN ARTICLES AND ANNEXES

1. Chapter 3, Section 3.2 (Quality system) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
2. Chapter 3, Section 3.7.1 (Horizontal reference system) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
3. Chapter 3, Section 3.7.2 (Vertical reference system) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
4. Chapter 4 (Aeronautical Information Publications (AIP)) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
5. Chapter 4, Section 4.3 (Specifications for AIP Amendments) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
6. Chapter 4, Section 4.4 (Specifications for AIP Supplements) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
7. Chapter 5 (NOTAM) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
8. Chapter 6, Section 6.2 (Provision of information in paper copy form) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
9. Chapter 10, Section 10.2 (Coverage and terrain and obstacle data numerical requirements) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
10. Appendix 1 (Contents of Aeronautical Information Publication (AIP)) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
11. Appendix 7 (Aeronautical data quality requirements) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
12. Appendix 8 (Terrain and obstacle data requirements) of Annex 15 to the Chicago Convention — Aeronautical Information Services (Twelfth Edition — July 2004, incorporating Amendment No 34).
13. Object Management Group Unified Modelling Language (UML) Specification Version 2.1.1.
14. International Organisation for Standardisation, ISO 19107:2003 — Geographic information — Spatial schema (Edition 1 — 8.5.2003).
15. International Organisation for Standardisation, ISO 19115:2003 — Geographic information — Metadata (Edition 1 — 8.5.2003 [Corrigendum Cor 1:2006 5.7.2006]).
16. International Organisation for Standardisation, ISO 19139:2007 — Geographic information — Metadata — XML schema implementation (Edition 1 — 17.4.2007).

17. International Organisation for Standardisation, ISO 19118:2005 — Geographic information — Encoding (Edition 1 — 17.3.2006 ISO/CD 19118 Edition 2 — 9.7.2007 [At committee stage]).
 18. International Organisation for Standardisation, ISO 19136:2007 — Geographic information — Geography Mark-up Language (GML) (Edition 1 — 23.8.2007).
 19. International Organisation for Standardisation, ISO/IEC 19757-3:2006 — Information technology — Document Schema Definition Languages (DSDL) — Part 3: Rule-based validation — Schematron (Edition 1 — 24.5.2006).
 20. ICAO Doc 9674-AN/946 — World Geodetic System — 1984 Manual (Second Edition — 2002).
 21. Chapter 7, Section 7.3.2 (Cyclic redundancy check (CRC) algorithm) of ICAO Doc 9674-AN/946 — World Geodetic System — 1984 (WGS-84) Manual (Second Edition — 2002).
 22. International Organisation for Standardisation, ISO/IEC 17799:2005 — Information technology — Security techniques — Code of practice for information security management (Edition 2 — 10.6.2005).
 23. International Organisation for Standardisation, ISO 28000:2007: — Specification for security management systems for the supply chain (Edition 1 — 21.9.2007 under revision, to be replaced by Edition 2 target date 31.1.2008 [At enquiry stage]).
 24. Eurocae ED-99A, User Requirements for Aerodrome Mapping Information (October 2005).
 25. International Organisation for Standardisation, ISO 19110:2005 — Geographic information — Methodology for feature cataloguing (Edition 1).
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ANNEX IV

DATA QUALITY REQUIREMENTS REFERRED TO IN ARTICLES 6 AND 7

PART A

Data quality requirements

1. Data quality requirements for each data item within the scope of aeronautical data and aeronautical information referred to in the second subparagraph of Article 2(1) shall be as defined by the ICAO standards referred to in Annex III point 11 and other relevant ICAO standards without prejudice to point 2 of this Annex.
2. Data quality requirements for a data item within the scope of aeronautical data and aeronautical information referred to in the second subparagraph of Article 2(1) shall be established based on a safety assessment of the intended uses of the data item where:
 - (a) a data item is not defined by the ICAO data quality standards referred to in point 11 of Annex III and other relevant ICAO standards; or
 - (b) the data quality requirements for a data item are not met by the ICAO data quality standards referred to in point 11 of Annex III and other relevant ICAO standards.
3. The data quality requirements for the data items referred to in point 2 shall be developed in accordance with a standardised process describing the methodology for the derivation and validation of these requirements prior to publication, taking due account of the potential impact on relevant ICAO provisions.
4. Where a data item has more than one intended use, only the most stringent data quality requirements, arising from the safety assessment referred to in point 2, shall be applied to it.
5. Data quality requirements shall be defined to cover the following for each data item within the scope of aeronautical data and aeronautical information referred to in the second subparagraph of Article 2(1):
 - (a) the accuracy and resolution of the data;
 - (b) the integrity level of the data;
 - (c) the ability to determine the origin of the data;
 - (d) the level of assurance that data is made available to the next intended user prior to its effective start date/time and not deleted before its effective end date/time.
6. All of the data items needed to support each application data set and/or a valid subset of the data set shall be defined.

PART B

Evidence requirements

Arguments and evidence shall be generated to show that:

- (a) accuracy and resolution requirements are complied with at data origination and maintained through to publication to the next intended user, including, whenever the resolution of a data item is reduced or changed, or the data is translated into a different coordinate system or unit of measurement;
- (b) the origin and change history for each data item is recorded and available for audit;
- (c) the aeronautical data or aeronautical information is complete or any missing items are declared;
- (d) all data origination, production, storage, handling, processing, transfer or distribution processes used for each data item are defined and adequate for the assigned level of integrity of the data item;
- (e) data validation and verification processes are adequate for the assigned integrity level of the data item;
- (f) manual or semi-automated data processes are performed by trained and qualified staff, with clearly defined roles and responsibilities that are recorded in the organisation's quality system;
- (g) all tools and/or software used to support or implement the processes are validated as fit for purpose in accordance with Annex V;
- (h) an effective error reporting, measurement and corrective action process is in operation in accordance with Part F.

PART C

Formal arrangements

Formal arrangements shall include the following minimum content:

- (a) the scope of aeronautical data or aeronautical information to be provided;
- (b) the accuracy, resolution and integrity requirements for each data item supplied;
- (c) the required methods for demonstrating that the data provided conforms with the specified requirements;
- (d) the nature of action to be taken in the event of discovery of a data error or inconsistency in any data provided;
- (e) the following minimum criteria for notification of data changes:
 - criteria for determining the timeliness of data provision based on the operational or safety significance of the change,
 - any prior notice of expected changes,
 - the means to be adopted for notification;
- (f) the party responsible for documenting data changes;
- (g) the means to resolve any potential ambiguities caused where different formats are used to exchange aeronautical data or aeronautical information;
- (h) any limitations on the use of data;
- (i) requirements for the production of quality reports by data providers to facilitate verification of data quality by the data users;
- (j) metadata requirements;
- (k) contingency requirements concerning the continuity of data provision.

PART D

Data origination

1. The surveying of radio navigation aids and the origination of calculated or derived data whose coordinates are published in the AIP shall be carried out in accordance with appropriate standards and at least in accordance with the relevant ICAO provisions referred to in point 20 of Annex III.
2. All surveyed data shall be referenced to WGS-84 as specified in the ICAO provisions referred to in point 2 of Annex III.
3. A geoid model, sufficient to meet the ICAO provisions referred to in point 3 of Annex III and the aeronautical data and aeronautical information quality requirements laid down in Annex IV, shall be used in order that all vertical data (surveyed, calculated or derived) may be expressed relative to mean sea level via the Earth Gravitational Model 1996. A 'geoid' means the equipotential surface in the gravity field of the Earth, which coincides with the undisturbed mean sea level extended continuously through the continents.
4. Surveyed, calculated and derived data shall be maintained throughout the lifetime of each data item.
5. Survey data categorised as critical or essential data shall be subject to a full initial survey, and thereafter shall be monitored for changes on a yearly basis, as a minimum. Where changes are detected, re-survey of the relevant data shall be undertaken.
6. The following electronic survey data capture and storage techniques shall be employed:
 - (a) reference point coordinates shall be loaded to the surveying equipment by digital data transfer;
 - (b) the measurements in the field shall be stored digitally;
 - (c) raw data shall be digitally transferred and loaded into the processing software.
7. All survey data categorised as critical data shall be subject to sufficient additional measurement to identify survey errors not detectable by single measurement.
8. Aeronautical data and aeronautical information shall be validated and verified prior to use in deriving or calculating other data.

PART E

Data process requirements

1. Where processes or parts of processes used in the origination, production, storage, handling, processing, transfer and distribution of aeronautical data and aeronautical information are subject to automation they shall be:
 - (a) automated to a level commensurate with the context of the data process;
 - (b) automated to optimise the allocation and interaction of human and machine to achieve a high degree of safety and quality benefits of the process;
 - (c) designed to avoid the introduction of data errors;
 - (d) designed to detect errors in received/input data.
2. Where aeronautical data and aeronautical information is entered manually, it shall be subject to independent verification to identify any errors that may have been introduced.

PART F

Error reporting and rectification requirements

The error reporting, measurement and corrective action mechanisms shall ensure that:

- (a) problems identified during aeronautical data and aeronautical information origination, production, storage, handling and processing, or those identified by users after publication, are recorded and reported to the aeronautical information service provider;
 - (b) all problems reported with the aeronautical data and aeronautical information are analysed by the aeronautical information service provider and the necessary corrective actions are determined;
 - (c) all errors, inconsistencies and anomalies detected in critical and essential aeronautical data and aeronautical information are urgently resolved;
 - (d) affected data users are warned of errors by the aeronautical information service provider by the most effective means, taking into account the integrity level of the aeronautical data and aeronautical information and using the notification criteria agreed in the formal arrangements in accordance with Annex IV, Part C point (d);
 - (e) error feedback from data users and other aeronautical data and aeronautical information providers is facilitated and encouraged;
 - (f) error rates for aeronautical data and aeronautical information are recorded on each occasion that aeronautical data and aeronautical information is transferred between the parties referred to in Article 2(2);
 - (g) error rates for those errors detected prior to transfer and those reported after transfer can be identified separately.
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ANNEX V

TOOLS AND SOFTWARE REQUIREMENTS REFERRED TO IN ARTICLE 8

1. Tools used to support or automate aeronautical data and aeronautical information processes shall meet the requirements of points 2 and 3, where the tool:
 - has the potential to create errors in critical or essential data items,
 - is the sole means of detecting errors in critical or essential data items,
 - is the sole means of detecting discrepancies between multiple versions of manually entered data.
 2. For the tools referred to in point 1, performance, functionality and integrity level requirements shall be defined to ensure that the tool performs its function within the data process without adversely impacting the quality of aeronautical data or aeronautical information.
 3. The tools referred to in point 1 shall be validated and verified against the requirements referred to in point 2.
 4. The tools referred to in point 1, which are implemented fully or partially in software, shall satisfy the following additional requirements:
 - the software requirements shall correctly state what is required by the software in order to satisfy the tool requirements,
 - all software requirements shall be traceable to the tool requirements referred to in point 2,
 - the validation and verification of software, as defined in points 5 and 6 respectively, shall be applied to a known executable version of the software in its target operating environment.
 5. The validation of software means the process of ensuring that software meets the requirements for the specified application or intended use of the aeronautical data or aeronautical information.
 6. The verification of software means the evaluation of the output of an aeronautical data and/or aeronautical information software development process to ensure correctness and consistency with respect to the inputs and applicable software standards, rules and conventions used in that process.
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ANNEX VI

DATA PROTECTION REQUIREMENTS REFERRED TO IN ARTICLE 9

1. All data transferred in an electronic format shall be protected against loss or alteration of data by the application of the CRC32Q algorithm as referred to in point 21 of Annex III. The cyclic redundancy check (hereinafter CRC) value shall be applied before the final verification of the data prior to storage or transfer.
 2. Where the physical size of data exceeds that which may be protected at the required level of integrity by a single CRC, multiple CRC values shall be used.
 3. Aeronautical data and aeronautical information shall be given an appropriate level of security protection during storage and when exchanged between the parties referred to in Article 2(2), to ensure that the data cannot be accidentally changed or subjected to unauthorised access and/or alteration at any stage.
 4. The storage and transfer of aeronautical data and aeronautical information shall be protected by a suitable authentication process such that recipients are able to confirm that the data or information has been transmitted by an authorised source.
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ANNEX VII

QUALITY, SAFETY AND SECURITY MANAGEMENT REQUIREMENTS REFERRED TO IN ARTICLE 10

PART A

Quality management system

1. A quality management system supporting the origination, production, storage, handling, processing, transfer and distribution of aeronautical data and aeronautical information shall:
 - define the quality policy in such a way as to meet the needs of different users as closely as possible,
 - set up a quality assurance programme that contains procedures designed to verify that all operations are being conducted in accordance with applicable requirements, standards and procedures, including the relevant requirements of this Regulation,
 - provide evidence of the functioning of the quality system by means of manuals and monitoring documents,
 - appoint management representatives to monitor compliance with, and adequacy of, procedures to ensure safe and efficient operational practices,
 - perform reviews of the quality system in place and take remedial actions, as appropriate.
2. An EN ISO 9001 certificate, issued by an appropriately accredited organisation, shall be considered as a sufficient means of compliance to the requirements of point 1. The parties referred to in Article 2(2) shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.

PART B

Safety management objectives

1. The safety management objectives shall be:
 - to minimise the contribution to the risk of an aircraft accident arising from data errors as far as reasonably practicable,
 - to promote awareness of safety around the organisation by sharing lessons arising from safety activities and by involving all staff to propose solutions to identified safety issues and improvements to assist the effectiveness and efficiency of the processes,
 - to ensure that a function is identified within the organisation being responsible for development and maintenance of the safety management objectives,
 - to ensure that records are kept and monitoring is carried out to provide safety assurance of their activities,
 - to ensure improvements are recommended, where needed, to provide assurance of the safety of activities.
2. The achievement of the safety management objectives shall be afforded the highest priority over commercial, operational, environmental or social pressures.

PART C

Security management objectives

1. The security management objectives shall be:
 - to ensure the security of aeronautical data aeronautical information received, produced or otherwise employed so that it is protected from interference and access to it is restricted only to those authorised,
 - to ensure that the security management measures of an organisation meet appropriate national or international requirements for critical infrastructure and business continuity, and international standards for security management, including the ISO standards referred to in points 22 and 23 of Annex III.
 2. Regarding the ISO standards, the relevant certificate issued by an appropriately accredited organisation, shall be considered as a sufficient means of compliance. The parties referred to in Article 2(2) shall accept the disclosure of the documentation related to the certification to the national supervisory authority upon the latter's request.
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ANNEX VIII

Requirements for the assessment of the conformity or suitability for use of constituents referred to in Article 11

1. The verification activities shall demonstrate the conformity of constituents with the interoperability, performance, quality and safety requirements of this Regulation, or their suitability for use whilst these constituents are in operation in the test environment.
 2. The manufacturer, or its authorised representative established in the Union, shall manage the conformity assessment activities and shall in particular:
 - determine the appropriate test environment,
 - verify that the test plan describes the constituents in the test environment,
 - verify that the test plan provides full coverage of applicable requirements,
 - ensure the consistency and quality of the technical documentation and the test plan,
 - plan the test organisation, staff, installation and configuration of test platform,
 - perform the inspections and tests as specified in the test plan,
 - write the report presenting the results of inspections and tests.
 3. The manufacturer, or its authorised representative established in the Union, shall ensure that the constituents involved in the origination, production, storage, handling, processing, transfer and distribution of aeronautical data and aeronautical information integrated in the test environment meet the interoperability, performance, quality and safety requirements of this Regulation.
 4. Upon satisfying completion of verification of conformity or suitability for use, the manufacturer, or its authorised representative established in the Union, shall under its responsibility draw up the EC declaration of conformity or suitability for use, specifying notably the requirements of this Regulation met by the constituent and its associated conditions of use in accordance with point 3 of Annex III to Regulation (EC) No 552/2004.
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ANNEX IX

CONDITIONS REFERRED TO IN ARTICLE 12

1. The air navigation service provider must have in place reporting methods within the organisation that ensure and demonstrate impartiality and independence of judgement in relation to the verification activities.
 2. The air navigation service provider must ensure that the personnel involved in verification processes carry out the checks with the greatest possible professional integrity and the greatest possible technical competence, and are free of any pressure and incentive, in particular of a financial type, which could affect their judgment or the results of their checks, in particular from persons or groups of persons affected by the results of the checks.
 3. The air navigation service provider must ensure that the personnel involved in verification processes, have access to the equipment that enables them to properly perform the required checks.
 4. The air navigation service provider must ensure that the personnel involved in verification processes, have sound technical and vocational training, satisfactory knowledge of the requirements of the verifications they have to carry out, adequate experience of such operations, and the ability required to draw up the declarations, records and reports to demonstrate that the verifications have been carried out.
 5. The air navigation service provider must ensure that the personnel involved in verification processes, are able to perform their checks with impartiality. Their remuneration shall not depend on the number of checks carried out, or on the results of such checks.
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ANNEX X

PART A

Requirements for the verification of systems referred to in Article 12(1)

1. The verification of systems identified in the first subparagraph of Article 2(1) shall demonstrate the conformity of these systems with the interoperability, performance and safety requirements of this Regulation in an assessment environment that reflects the operational context of these systems.
2. The verification of systems identified in the first subparagraph of Article 2(1) shall be conducted in accordance with appropriate and recognised testing practices.
3. Test tools used for the verification of systems identified in the first subparagraph of Article 2(1) shall have appropriate functionalities.
4. The verification of systems identified in the first subparagraph of Article 2(1) shall produce the elements of the technical file required by point 3 of Annex IV to Regulation (EC) No 552/2004 including the following elements:
 - description of the implementation,
 - the report of inspections and tests achieved before putting the system into service.
5. The air navigation service provider shall manage the verification activities and shall in particular:
 - determine the appropriate simulated operational and technical environment reflecting the operational environment,
 - verify that the test plan describes the integration of systems identified in the first subparagraph of Article 2(1) in an operational and technical assessment environment,
 - verify that the test plan provides full coverage of the applicable interoperability, performance and safety requirements of this Regulation,
 - ensure the consistency and quality of the technical documentation and the test plan,
 - plan the test organisation, staff, installation and configuration of the test platform,
 - perform the inspections and tests as specified in the test plan,
 - write the report presenting the results of inspections and tests.
6. The air navigation service provider shall ensure that the systems identified in the first subparagraph of Article 2(1) under its responsibility meet the interoperability, performance and safety requirements of this Regulation.
7. Upon satisfying completion of verification of conformity, air navigation service providers shall draw up the EC declaration of verification of system and submit it to the national supervisory authority together with the technical file as required by Article 6 of Regulation (EC) No 552/2004.

PART B

Requirements for the verification of systems referred to in Article 12(2)

1. The verification of systems identified in the first subparagraph of Article 2(1) shall demonstrate the conformity of these systems with the interoperability, performance and safety requirements of this Regulation in an assessment environment that reflects the operational context of these systems.

2. The verification of systems identified in the first subparagraph of Article 2(1) shall be conducted in accordance with appropriate and recognised testing practices.
 3. Test tools used for the verification of systems identified in the first subparagraph of Article 2(1) shall have appropriate functionalities.
 4. The verification of systems identified in the first subparagraph of Article 2(1) shall produce the elements of the technical file required by point 3 of Annex IV to Regulation (EC) No 552/2004 including the following elements:
 - description of the implementation,
 - the report of inspections and tests achieved before putting the system into service.
 5. The air navigation service provider shall determine the appropriate operational and technical assessment environment reflecting the operational environment and shall have verification activities performed by a notified body.
 6. The notified body shall manage the verification activities and shall in particular:
 - verify that the test plan describes the integration of systems identified in the first subparagraph of Article 2(1) in an operational and technical assessment environment,
 - verify that the test plan provides full coverage of the applicable interoperability, performance and safety requirements of this Regulation,
 - ensure the consistency and quality of the technical documentation and the test plan,
 - plan the test organisation, staff, installation and configuration of the test platform,
 - perform the inspections and tests as specified in the test plan,
 - write the report presenting the results of inspections and tests.
 7. The notified body shall ensure that the systems identified in the first subparagraph of Article 2(1) operated in an operational assessment environment meet the interoperability, performance and safety requirements of this Regulation.
 8. Upon satisfying completion of verification tasks, the notified body shall draw up a certificate of conformity in relation to the tasks it carried out.
 9. Then the air navigation service provider shall draw up the EC declaration of verification of system and submit it to the national supervisory authority together with the technical file as required by Article 6 of Regulation (EC) No 552/2004.
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ANNEX XI

ICAO DIFFERENCES REFERRED TO IN ARTICLE 14

Chapter 3, Section 3.2.10 (Cyclic redundancy check) of Annex 15 to the Chicago Convention — Aeronautical Information Services.

COMMISSION REGULATION (EU) No 74/2010**of 26 January 2010****amending Regulations (EC) No 2336/2003, (EC) No 341/2007, (EC) No 1580/2007 and (EC) No 376/2008 as regards the conditions for and the form of notifications to be made to the Commission**

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 192(2) in conjunction with Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽²⁾ lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send communications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.
- (2) Pursuant to Regulation (EC) No 792/2009 the obligation to use the information systems in accordance with that Regulation has to be provided for in the Regulations establishing a specific notification obligation.
- (3) The Commission has developed an information system that allows to manage documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy.
- (4) It is considered that some notification obligations can now be fulfilled via that system in accordance with

Regulation (EC) No 792/2009, in particular those provided for in Commission Regulations (EC) No 2336/2003 of 30 December 2003 introducing certain detailed rules for applying Council Regulation (EC) No 670/2003 laying down specific measures concerning the market in ethyl alcohol of agricultural origin ⁽³⁾, (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries ⁽⁴⁾, (EC) No 1580/2007 of 21 December 2007 laying down implementing rules of Council Regulations (EC) No 2200/96, (EC) No 2201/96 and (EC) No 1182/2007 in the fruit and vegetable sector ⁽⁵⁾ and (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁶⁾.

- (5) In Regulations (EC) No 2336/2003 and (EC) No 1580/2007 it is appropriate to require that the notifications should include nil returns. Furthermore, for reasons of clarity, it should be provided that in notifications on replacement licences in accordance with Regulation (EC) No 376/2008 a reference to the serial number of the replaced licence is also to be given. For an efficient dissemination by the Commission to the Member States of the information received on replacement licences it should be required that this information is notified to the Commission immediately after the issue of the licence. Also for reasons of clarity, the requested information in notifications on cases of force majeure needs to be detailed.
- (6) Regulations (EC) No 2336/2003, (EC) No 341/2007, (EC) No 1580/2007 and (EC) No 376/2008 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2336/2003 is amended as follows:

- ⁽³⁾ OJ L 346, 31.12.2003, p. 19.
- ⁽⁴⁾ OJ L 90, 30.3.2007, p. 12.
- ⁽⁵⁾ OJ L 350, 31.12.2007, p. 1.
- ⁽⁶⁾ OJ L 114, 26.4.2008, p. 3.

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 228, 1.9.2009, p. 3.

1. In the first paragraph of Article 3, points (a) to (f) are replaced by the following:

‘(a) quarterly imports from third countries broken down by Combined Nomenclature code and by origin, identified using the codes in the nomenclature of countries and territories for the external trade statistics of the Community laid down by Commission Regulation (EC) No 1779/2002 (*), subject to the third paragraph of Article 9 of this Regulation;

(b) quarterly exports to third countries, including any exports of alcohol of non-agricultural origin, subject to the third paragraph of Article 9 of this Regulation;

(c) quarterly production, broken down by the product from which the alcohol is produced;

(d) the volume disposed of during the previous quarter, broken down by sectors of use;

(e) stocks held by alcohol producers in their country at the end of each year;

(f) estimated production for the year under way, twice a year, before 28 February and 31 August respectively;

(*) OJ L 269, 5.10.2002, p. 6.’

2. Article 4 is amended as follows:

(a) In the first paragraph, points (b) and (c) are replaced by the following:

‘(b) quarterly imports from third countries;

(c) quarterly exports to third countries;’

(b) The third paragraph is replaced by the following:

‘The figures notified shall be expressed in hectolitres of pure alcohol.’

3. Article 9 is replaced by the following:

‘Article 9

The notifications to the Commission referred to in Articles 3, 4 and 7 of this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

All notifications shall include nil returns.

The notifications referred to in points (a) and (b) of the first paragraph of Article 3 shall only be made at the request of

the Commission, addressed to the Member States via the information system in place.

(*) OJ L 228, 1.9.2009, p. 3.’

4. Annexes II to VIII are deleted.

Article 2

In Article 14 of Regulation (EC) No 341/2007, the third paragraph is replaced by the following:

‘The notifications to the Commission under this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3.’

Article 3

Article 134 of Regulation (EC) No 1580/2007 is amended as follows:

1. Paragraph 2 is replaced by the following:

‘2. Regulation (EC) No 376/2008 shall apply to import licences issued pursuant to this Article.’

2. Paragraph 7 is replaced by the following:

‘7. Member States shall notify the Commission, no later than 12 noon (Brussels time) each Wednesday of the quantities of apples for which import licences have been issued, including nil returns, during the previous week, broken down by third country of origin.

The notifications to the Commission under this paragraph shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3.’

Article 4

Regulation (EC) No 376/2008 is amended as follows:

1. Article 37 is replaced by the following:

‘Article 37

When replacement licences, certificates or extracts are issued, Member States shall immediately notify the Commission of:

(a) the serial number of replacement licences, certificates or extracts issued and the serial number of replaced licences, certificates or extracts in accordance with Articles 35 and 36;

(b) the nature and quantity of the goods concerned and the rate of any export refund or export levy fixed in advance.

The Commission shall inform the other Member States thereof.'

2. In Article 40, paragraph 6 is replaced by the following:

'6. The Member States shall notify the Commission of the case of force majeure they have recognised, providing the following information: the nature of the product concerned with its CN code, the operation (import or export), the quantities involved and, according to the case, the cancellation of the licence or the extension of the period of validity of the licence with the indication of the term of validity.

The Commission shall inform the other Member States thereof.'

3. The following Article 48a is inserted at the end of Chapter IV:

'Article 48a

The notifications to the Commission referred to in Article 14(5), Article 29(2), (3) and (4), Article 37, Article 40(6) and Article 47(3) of this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 (*).

(*) OJ L 228, 1.9.2009, p. 3.'

Article 5

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

It shall apply from 1 February 2010.

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

Done at Brussels, 26 January 2010.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 75/2010**of 26 January 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 27 January 2010.

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

Done at Brussels, 26 January 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	JO	73,2
	MA	73,3
	TN	116,4
	TR	108,9
	ZZ	93,0
0707 00 05	MA	78,1
	TR	128,9
	ZZ	103,5
0709 90 70	MA	136,3
	TR	129,5
	ZZ	132,9
0805 10 20	EG	48,5
	IL	54,1
	MA	53,5
	TN	53,5
	TR	54,8
	ZZ	52,9
0805 20 10	IL	191,1
	MA	75,7
	ZZ	133,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	CN	54,7
	EG	69,7
	IL	72,0
	JM	106,6
	MA	91,0
	PK	46,5
	TR	87,4
	ZZ	75,4
0805 50 10	EG	71,2
	IL	88,7
	TR	70,1
	ZZ	76,7
0808 10 80	CA	75,7
	CL	60,5
	CN	72,0
	MK	24,7
	US	121,9
	ZZ	71,0
0808 20 50	CN	72,3
	US	115,4
	ZZ	93,9

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

COMMISSION REGULATION (EU) No 76/2010**of 26 January 2010****amending the representative prices and additional import duties for certain products in the sugar sector fixed by Regulation (EC) No 877/2009 for the 2009/10 marketing year**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

for the 2009/10 marketing year are fixed by Commission Regulation (EC) No 877/2009 ⁽³⁾. These prices and duties have been last amended by Commission Regulation (EU) No 69/2010 ⁽⁴⁾.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties applicable to imports of the products referred to in Article 36 of Regulation (EC) No 951/2006, as fixed by Regulation (EC) No 877/2009 for the 2009/10, marketing year, are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 January 2010.

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

Done at Brussels, 26 January 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 178, 1.7.2006, p. 24.

⁽³⁾ OJ L 253, 25.9.2009, p. 3.

⁽⁴⁾ OJ L 19, 23.1.2010, p. 3.

ANNEX

Amended representative prices and additional import duties applicable to white sugar, raw sugar and products covered by CN code 1702 90 95 from 27 January 2010

(EUR)

CN code	Representative price per 100 kg net of the product concerned	Additional duty per 100 kg net of the product concerned
1701 11 10 ⁽¹⁾	49,07	0,00
1701 11 90 ⁽¹⁾	49,07	0,18
1701 12 10 ⁽¹⁾	49,07	0,00
1701 12 90 ⁽¹⁾	49,07	0,00
1701 91 00 ⁽²⁾	53,94	1,29
1701 99 10 ⁽²⁾	53,94	0,00
1701 99 90 ⁽²⁾	53,94	0,00
1702 90 95 ⁽³⁾	0,54	0,20

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

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

COUNCIL DECISION

of 26 November 2009

concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities

(2010/48/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 13 and 95 in conjunction with the second sentence of the first paragraph of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Whereas:

(1) In May 2004, the Council authorised the Commission to conduct negotiations on behalf of the European Community concerning the United Nations Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (hereinafter referred to as the UN Convention).

(2) The UN Convention was adopted by the United Nations General Assembly on 13 December 2006 and entered into force on 3 May 2008.

(3) The UN Convention was signed on behalf of the Community on 30 March 2007 subject to its possible conclusion at a later date.

(4) The UN Convention constitutes a relevant and effective pillar for promoting and protecting the rights of persons with disabilities within the European Union, to which both the Community and its Member States attach the greatest importance.

(5) The UN Convention should be thus approved, on behalf of the Community, as soon as possible.

(6) Such approval should, however, be accompanied by a reservation, to be entered by the European Community, with regard to Article 27(1) of the UN Convention, in order to state that the Community concludes the UN Convention without prejudice to the Community law-based right, as provided under Article 3(4) of Council Directive 2000/78/EC ⁽²⁾, of its Member States not to apply to armed forces the principle of equal treatment on the grounds of disability.

(7) Both the Community and its Member States have competence in the fields covered by the UN Convention. The Community and the Member States should therefore become Contracting Parties to it, so that together they can fulfil the obligations laid down by the UN Convention and exercise the rights invested in them, in situations of mixed competence in a coherent manner.

(8) The Community should, when depositing the instrument of formal confirmation, also deposit a declaration under Article 44.1 of the Convention specifying the matters governed by the Convention in respect of which competence has been transferred to it by its Member States,

HAS DECIDED AS FOLLOWS:

Article 1

1. The UN Convention on the Rights of Persons with Disabilities is hereby approved on behalf of the Community, subject to a reservation in respect of Article 27.1 thereof.

2. The text of the UN Convention is set out in Annex I to this Decision.

The text of the reservation is contained in Annex III to this Decision.

⁽¹⁾ Opinion delivered on 27 April 2009, not yet published in the Official Journal.

⁽²⁾ OJ L 303, 2.12.2000, p. 16.

Article 2

1. The President of the Council is hereby authorised to designate the person(s) empowered to deposit, on behalf of the European Community, the instrument of formal confirmation of the Convention with the Secretary-General of the United Nations, in accordance with Articles 41 and 43 of the UN Convention.

2. When depositing the instrument of formal confirmation, the designated person(s) shall, in accordance with Articles 44.1 of the Convention, deposit the Declaration of Competence, set out in Annex II to this Decision, as well as the Reservation, set out in Annex III to this Decision.

Article 3

With respect to matters falling within the Community's competence and without prejudice to the respective competences of the Member States, the Commission shall be a focal point for matters relating to the implementation of the UN Convention in accordance with Article 33.1 of the UN Convention. The details of the function of focal point in this regard shall be laid down in a Code of Conduct before the deposition of the instrument of formal confirmation on behalf of the Community.

Article 4

1. With respect to matters falling within the Community's exclusive competence, the Commission shall represent the Community at meetings of the bodies created by the UN Convention, in particular the Conference of Parties referred to in Article 40 thereof, and shall act on its behalf as concerns questions falling within the remit of those bodies.

2. With respect to matters falling within the shared competences of the Community and the Member States, the Commission and the Member States shall determine in advance the appropriate arrangements for representation of the Community's position at meetings of the bodies created by the UN Convention. The details of this representation shall be laid down in a Code of Conduct to be agreed before the deposition of the instrument of formal confirmation on behalf of the Community.

3. At the meetings referred to in paragraphs 1 and 2 the Commission and the Member States, when necessary in prior consultation with other institutions of the Community concerned, shall closely cooperate, in particular as far as the questions of monitoring, reporting and voting arrangements are concerned. The arrangements for ensuring close cooperation shall also be addressed in the Code of Conduct referred to in paragraph 2.

Article 5

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 26 November 2009.

For the Council
The President
J. BJÖRKLUND

ANNEX I

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**Preamble**

THE STATES PARTIES TO THE PRESENT CONVENTION,

- (a) Recalling the principles proclaimed in the Charter of the United Nations which recognise the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,
- (b) Recognising that the United Nations, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, has proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,
- (c) Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,
- (d) Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- (e) Recognising that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,
- (f) Recognising the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalisation of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalise opportunities for persons with disabilities,
- (g) Emphasising the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development,
- (h) Recognising also that discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person,
- (i) Recognising further the diversity of persons with disabilities,
- (j) Recognising the need to promote and protect the human rights of all persons with disabilities, including those who require more intensive support,
- (k) Concerned that, despite these various instruments and undertakings, persons with disabilities continue to face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,
- (l) Recognising the importance of international cooperation for improving the living conditions of persons with disabilities in every country, particularly in developing countries,
- (m) Recognising the valued existing and potential contributions made by persons with disabilities to the overall well-being and diversity of their communities, and that the promotion of the full enjoyment by persons with disabilities of their human rights and fundamental freedoms and of full participation by persons with disabilities will result in their enhanced sense of belonging and in significant advances in the human, social and economic development of society and the eradication of poverty,
- (n) Recognising the importance for persons with disabilities of their individual autonomy and independence, including the freedom to make their own choices,
- (o) Considering that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,
- (p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

- (q) Recognising that women and girls with disabilities are often at greater risk, both within and outside the home, of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,
- (r) Recognising that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child,
- (s) Emphasising the need to incorporate a gender perspective in all efforts to promote the full enjoyment of human rights and fundamental freedoms by persons with disabilities,
- (t) Highlighting the fact that the majority of persons with disabilities live in conditions of poverty, and in this regard recognising the critical need to address the negative impact of poverty on persons with disabilities,
- (u) Bearing in mind that conditions of peace and security based on full respect for the purposes and principles contained in the Charter of the United Nations and observance of applicable human rights instruments are indispensable for the full protection of persons with disabilities, in particular during armed conflicts and foreign occupation,
- (v) Recognising the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,
- (w) Realising that the individual, having duties to other individuals and to the community to which he or she belongs, is under a responsibility to strive for the promotion and observance of the rights recognised in the International Bill of Human Rights,
- (x) Convinced that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,
- (y) Convinced that a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, in both developing and developed countries,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Article 2

Definitions

For the purposes of the present Convention:

'Communication' includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;

'Language' includes spoken and signed languages and other forms of non-spoken languages;

'Discrimination on the basis of disability' means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;

'Reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

'Universal design' means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design. 'Universal design' shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

Article 3

General principles

The principles of the present Convention shall be:

- (a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- (b) non-discrimination;
- (c) full and effective participation and inclusion in society;
- (d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- (e) equality of opportunity;
- (f) accessibility;
- (g) equality between men and women;
- (h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Article 4

General obligations

1. States Parties undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

- (a) to adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention;
- (b) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
- (c) to take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- (d) to refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- (e) to take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise;
- (f) to undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in Article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
- (g) to undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) to provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

(i) to promote the training of professionals and staff working with persons with disabilities in the rights recognised in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realisation of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.

4. Nothing in the present Convention shall affect any provisions which are more conducive to the realisation of the rights of persons with disabilities and which may be contained in the law of a State Party or international law in force for that State. There shall be no restriction upon or derogation from any of the human rights and fundamental freedoms recognised or existing in any State Party to the present Convention pursuant to law, conventions, regulation or custom on the pretext that the present Convention does not recognise such rights or freedoms or that it recognises them to a lesser extent.

5. The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.

Article 5

Equality and non-discrimination

1. States Parties recognise that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.

3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.

4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Article 6

Women with disabilities

1. States Parties recognise that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right.

*Article 8***Awareness-raising**

1. States Parties undertake to adopt immediate, effective and appropriate measures:
 - (a) to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
 - (b) to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
 - (c) to promote awareness of the capabilities and contributions of persons with disabilities.
2. Measures to this end include:
 - (a) initiating and maintaining effective public awareness campaigns designed:
 - (i) to nurture receptiveness to the rights of persons with disabilities;
 - (ii) to promote positive perceptions and greater social awareness towards persons with disabilities;
 - (iii) to promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;
 - (b) fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
 - (c) encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
 - (d) promoting awareness-training programmes regarding persons with disabilities and the rights of persons with disabilities.

*Article 9***Accessibility**

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:
 - (a) buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
 - (b) information, communications and other services, including electronic services and emergency services.
2. States Parties shall also take appropriate measures:
 - (a) to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
 - (b) to ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
 - (c) to provide training for stakeholders on accessibility issues facing persons with disabilities;
 - (d) to provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
 - (e) to provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

- (f) to promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) to promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

Article 10

Right to life

States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.

Article 11

Situations of risk and humanitarian emergencies

States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

Article 12

Equal recognition before the law

1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.
2. States Parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.
3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.
4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.
5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

Article 13

Access to justice

1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.
2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

Article 14

Liberty and security of person

1. States Parties shall ensure that persons with disabilities, on an equal basis with others:
 - (a) enjoy the right to liberty and security of person;

(b) are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of the present Convention, including by provision of reasonable accommodation.

Article 15

Freedom from torture or cruel, inhuman or degrading treatment or punishment

1. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his or her free consent to medical or scientific experimentation.

2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.

Article 16

Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognise and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 17

Protecting the integrity of the person

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

Article 18

Liberty of movement and nationality

1. States Parties shall recognise the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:

- (a) have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
- (b) are not deprived, on the basis of disability, of their ability to obtain, possess and utilise documentation of their nationality or other documentation of identification, or to utilise relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
- (c) are free to leave any country, including their own;
- (d) are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 19

Living independently and being included in the community

States Parties to the present Convention recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- (a) persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- (b) persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- (c) community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 20

Personal mobility

States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

- (a) facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
- (b) facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
- (c) providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
- (d) encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 21

Freedom of expression and opinion, and access to information

States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in Article 2 of the present Convention, including by:

- (a) providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost;
- (b) accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions;
- (c) urging private entities that provide services to the general public, including through the Internet, to provide information and services in accessible and usable formats for persons with disabilities;
- (d) encouraging the mass media, including providers of information through the Internet, to make their services accessible to persons with disabilities;
- (e) recognising and promoting the use of sign languages.

*Article 22***Respect for privacy**

1. No person with disabilities, regardless of place of residence or living arrangements, shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation. Persons with disabilities have the right to the protection of the law against such interference or attacks.
2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.

*Article 23***Respect for home and the family**

1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others, so as to ensure that:
 - (a) the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognised;
 - (b) the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognised, and the means necessary to enable them to exercise these rights are provided;
 - (c) persons with disabilities, including children, retain their fertility on an equal basis with others.
2. States Parties shall ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount. States Parties shall render appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities.
3. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realising these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.
4. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.
5. States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

*Article 24***Education**

1. States Parties recognise the right of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:
 - (a) the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - (b) the development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - (c) enabling persons with disabilities to participate effectively in a free society.

2. In realising this right, States Parties shall ensure that:
 - (a) persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
 - (b) persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - (c) reasonable accommodation of the individual's requirements is provided;
 - (d) persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - (e) effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion.
3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:
 - (a) facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - (b) facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - (c) ensuring that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximise academic and social development.
4. In order to help ensure the realisation of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.
5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

Article 25

Health

States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties shall:

- (a) provide persons with disabilities with the same range, quality and standard of free or affordable healthcare and programmes as provided to other persons, including in the area of sexual and reproductive health and population-based public health programmes;
- (b) provide those health services needed by persons with disabilities specifically because of their disabilities, including early identification and intervention as appropriate, and services designed to minimise and prevent further disabilities, including among children and older persons;
- (c) provide these health services as close as possible to people's own communities, including in rural areas;
- (d) require health professionals to provide care of the same quality to persons with disabilities as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private healthcare;

- (e) prohibit discrimination against persons with disabilities in the provision of health insurance, and life insurance where such insurance is permitted by national law, which shall be provided in a fair and reasonable manner;
- (f) prevent discriminatory denial of healthcare or health services or food and fluids on the basis of disability.

Article 26

Habilitation and rehabilitation

1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organise, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services, in such a way that these services and programmes:

- (a) begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
- (b) support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.

2. States Parties shall promote the development of initial and continuing training for professionals and staff working in habilitation and rehabilitation services.

3. States Parties shall promote the availability, knowledge and use of assistive devices and technologies, designed for persons with disabilities, as they relate to habilitation and rehabilitation.

Article 27

Work and employment

1. States Parties recognise the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realisation of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- (a) prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- (b) protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
- (c) ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
- (d) enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
- (e) promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- (f) promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;
- (g) employ persons with disabilities in the public sector;
- (h) promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;
- (i) ensure that reasonable accommodation is provided to persons with disabilities in the workplace;
- (j) promote the acquisition by persons with disabilities of work experience in the open labour market;
- (k) promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.

2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 28

Adequate standard of living and social protection

1. States Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realisation of this right without discrimination on the basis of disability.
2. States Parties recognise the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realisation of this right, including measures:
- (a) to ensure equal access by persons with disabilities to clean water services, and to ensure access to appropriate and affordable services, devices and other assistance for disability-related needs;
 - (b) to ensure access by persons with disabilities, in particular women and girls with disabilities and older persons with disabilities, to social protection programmes and poverty reduction programmes;
 - (c) to ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;
 - (d) to ensure access by persons with disabilities to public housing programmes;
 - (e) to ensure equal access by persons with disabilities to retirement benefits and programmes.

Article 29

Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

- (a) to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
 - (i) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
 - (ii) protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
 - (iii) guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) to promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
 - (i) participation in non-governmental organisations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
 - (ii) forming and joining organisations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

*Article 30***Participation in cultural life, recreation, leisure and sport**

1. States Parties recognise the right of persons with disabilities to take part on an equal basis with others in cultural life, and shall take all appropriate measures to ensure that persons with disabilities:
 - (a) enjoy access to cultural materials in accessible formats;
 - (b) enjoy access to television programmes, films, theatre and other cultural activities, in accessible formats;
 - (c) enjoy access to places for cultural performances or services, such as theatres, museums, cinemas, libraries and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.
2. States Parties shall take appropriate measures to enable persons with disabilities to have the opportunity to develop and utilise their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society.
3. States Parties shall take all appropriate steps, in accordance with international law, to ensure that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials.
4. Persons with disabilities shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture.
5. With a view to enabling persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities, States Parties shall take appropriate measures:
 - (a) to encourage and promote the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
 - (b) to ensure that persons with disabilities have an opportunity to organise, develop and participate in disability-specific sporting and recreational activities and, to this end, encourage the provision, on an equal basis with others, of appropriate instruction, training and resources;
 - (c) to ensure that persons with disabilities have access to sporting, recreational and tourism venues;
 - (d) to ensure that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;
 - (e) to ensure that persons with disabilities have access to services from those involved in the organisation of recreational, tourism, leisure and sporting activities.

*Article 31***Statistics and data collection**

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:
 - (a) comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - (b) comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

*Article 32***International cooperation**

1. States Parties recognise the importance of international cooperation and its promotion, in support of national efforts for the realisation of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organisations and civil society, in particular organisations of persons with disabilities. Such measures could include, inter alia:

- (a) ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- (b) facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- (c) facilitating cooperation in research and access to scientific and technical knowledge;
- (d) providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.

2. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present Convention.

*Article 33***National implementation and monitoring**

1. States Parties, in accordance with their system of organisation, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.

2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process.

*Article 34***Committee on the Rights of Persons with Disabilities**

1. There shall be established a Committee on the Rights of Persons with Disabilities (hereafter referred to as the Committee), which shall carry out the functions hereinafter provided.

2. The Committee shall consist, at the time of entry into force of the present Convention, of 12 experts. After an additional sixty ratifications or accessions to the Convention, the membership of the Committee shall increase by six members, attaining a maximum number of 18 members.

3. The members of the Committee shall serve in their personal capacity and shall be of high moral standing and recognised competence and experience in the field covered by the present Convention. When nominating their candidates, States Parties are invited to give due consideration to the provision set out in Article 4, paragraph 3, of the present Convention.

4. The members of the Committee shall be elected by States Parties, consideration being given to equitable geographical distribution, representation of the different forms of civilisation and of the principal legal systems, balanced gender representation and participation of experts with disabilities.

5. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Conference of States Parties. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The initial election shall be held no later than six months after the date of entry into force of the present Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit the nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the State Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

7. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election once. However, the term of six of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these six members shall be chosen by lot by the chairperson of the meeting referred to in paragraph 5 of this article.

8. The election of the six additional members of the Committee shall be held on the occasion of regular elections, in accordance with the relevant provisions of this article.

9. If a member of the Committee dies or resigns or declares that for any other cause she or he can no longer perform her or his duties, the State Party which nominated the member shall appoint another expert possessing the qualifications and meeting the requirements set out in the relevant provisions of this article, to serve for the remainder of the term.

10. The Committee shall establish its own rules of procedure.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention, and shall convene its initial meeting.

12. With the approval of the General Assembly of the United Nations, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide, having regard to the importance of the Committee's responsibilities.

13. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.

2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.

3. The Committee shall decide any guidelines applicable to the content of the reports.

4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in Article 4, paragraph 3, of the present Convention.

5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Article 36

Consideration of reports

1. Each report shall be considered by the Committee, which shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned. The State Party may respond with any information it chooses to the Committee. The Committee may request further information from States Parties relevant to the implementation of the present Convention.

2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.

3. The Secretary-General of the United Nations shall make available the reports to all States Parties.
4. States Parties shall make their reports widely available to the public in their own countries and facilitate access to the suggestions and general recommendations relating to these reports.
5. The Committee shall transmit, as it may consider appropriate, to the specialised agencies, funds and programmes of the United Nations, and other competent bodies, reports from States Parties in order to address a request or indication of a need for technical advice or assistance contained therein, along with the Committee's observations and recommendations, if any, on these requests or indications.

Article 37

Cooperation between States Parties and the Committee

1. Each State Party shall cooperate with the Committee and assist its members in the fulfilment of their mandate.
2. In its relationship with States Parties, the Committee shall give due consideration to ways and means of enhancing national capacities for the implementation of the present Convention, including through international cooperation.

Article 38

Relationship of the Committee with other bodies

In order to foster the effective implementation of the present Convention and to encourage international cooperation in the field covered by the present Convention:

- (a) the specialised agencies and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialised agencies and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite specialised agencies and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;
- (b) the Committee, as it discharges its mandate, shall consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

Article 40

Conference of States Parties

1. The States Parties shall meet regularly in a Conference of States Parties in order to consider any matter with regard to the implementation of the present Convention.
2. No later than six months after the entry into force of the present Convention, the Conference of States Parties shall be convened by the Secretary-General of the United Nations. The subsequent meetings shall be convened by the Secretary-General biennially or upon the decision of the Conference of States Parties.

Article 41

Depositary

The Secretary-General of the United Nations shall be the depositary of the present Convention.

Article 42

Signature

The present Convention shall be open for signature by all States and by regional integration organisations at United Nations Headquarters in New York as of 30 March 2007.

*Article 43***Consent to be bound**

The present Convention shall be subject to ratification by signatory States and to formal confirmation by signatory regional integration organisations. It shall be open for accession by any State or regional integration organisation which has not signed the Convention.

*Article 44***Regional integration organisations**

1. 'Regional integration organisation' shall mean an organisation constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by the present Convention. Such organisations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by the present Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence.

2. References to 'States Parties' in the present Convention shall apply to such organisations within the limits of their competence.

3. For the purposes of Article 45, paragraph 1, and Article 47, paragraphs 2 and 3, of the present Convention, any instrument deposited by a regional integration organisation shall not be counted.

4. Regional integration organisations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to the present Convention. Such an organisation shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

*Article 45***Entry into force**

1. The present Convention shall enter into force on the thirtieth day after the deposit of the 20th instrument of ratification or accession.

2. For each State or regional integration organisation ratifying, formally confirming or acceding to the present Convention after the deposit of the 20th such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.

*Article 46***Reservations**

1. Reservations incompatible with the object and purpose of the present Convention shall not be permitted.

2. Reservations may be withdrawn at any time.

*Article 47***Amendments**

1. Any State Party may propose an amendment to the present Convention and submit it to the Secretary-General of the United Nations. The Secretary-General shall communicate any proposed amendments to States Parties, with a request to be notified whether they favour a conference of States Parties for the purpose of considering and deciding upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of two thirds of the States Parties present and voting shall be submitted by the Secretary-General to the General Assembly of the United Nations for approval and thereafter to all States Parties for acceptance.

2. An amendment adopted and approved in accordance with paragraph 1 of this article shall enter into force on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day following the deposit of its own instrument of acceptance. An amendment shall be binding only on those States Parties which have accepted it.

3. If so decided by the Conference of States Parties by consensus, an amendment adopted and approved in accordance with paragraph 1 of this article which relates exclusively to Articles 34, 38, 39 and 40 shall enter into force for all States Parties on the thirtieth day after the number of instruments of acceptance deposited reaches two thirds of the number of States Parties at the date of adoption of the amendment.

Article 48

Denunciation

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General.

Article 49

Accessible format

The text of the present Convention shall be made available in accessible formats.

Article 50

Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of the present Convention shall be equally authentic.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorised thereto by their respective governments, have signed the present Convention.

ANNEX II

DECLARATION CONCERNING THE COMPETENCE OF THE EUROPEAN COMMUNITY WITH REGARD TO MATTERS GOVERNED BY THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

(Declaration made pursuant to Article 44(1) of the Convention)

Article 44(1) of the United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as the Convention) provides that a regional integration organisation in its instrument of formal confirmation or accession is to declare the extent of its competence with respect to matters governed by the Convention.

The current members of the European Community are the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

The European Community notes that for the purpose of the Convention, the term 'State Parties' applies to regional integration organisations within the limits of their competence.

The United Nations Convention on the Rights of Persons with Disabilities shall apply, with regard to the competence of the European Community, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, in particular Article 299 thereof.

Pursuant to Article 299, this Declaration is not applicable to the territories of the Member States in which the said Treaty does not apply and is without prejudice to such act or positions as may be adopted under the Convention by Member States concerned on behalf and in the interests of those territories.

In accordance with Article 44(1) of the Convention, this Declaration indicates the competences transferred to the Community by the Member States under the Treaty establishing the European Community, in the areas covered by the Convention.

The scope and the exercise of Community competence are, by their nature, subject to continuous development and the Community will complete or amend this Declaration, if necessary, in accordance with Article 44(1) of the Convention.

In some matters the European Community has exclusive competence and in other matters competence is shared between the European Community and the Member States. The Member States remain competent for all matters in respect of which no competence has been transferred to the European Community.

At present:

1. The Community has exclusive competence as regards the compatibility of State aid with the common market and the Common Custom Tariff.

To the extent that provisions of Community law are affected by the provision of the Convention, the European Community has an exclusive competence to accept such obligations with respect to its own public administration. In this regard, the Community declares that it has power to deal with regulating the recruitment, conditions of service, remuneration, training etc. of non-elected officials under the Staff Regulations and the implementing rules to those Regulations ⁽¹⁾.

2. The Community shares competence with Member States as regards action to combat discrimination on the ground of disability, free movement of goods, persons, services and capital agriculture, transport by rail, road, sea and air transport, taxation, internal market, equal pay for male and female workers, trans-European network policy and statistics.

⁽¹⁾ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities (OJ L 56, 4.3.1968, p. 1).

The European Community has exclusive competence to enter into this Convention in respect of those matters only to the extent that provisions of the Convention or legal instruments adopted in implementation thereof affect common rules previously established by the European Community. When Community rules exist but are not affected, in particular in cases of Community provisions establishing only minimum standards, the Member States have competence, without prejudice to the competence of the European Community to act in this field. Otherwise competence rests with the Member States. A list of relevant acts adopted by the European Community appears in the Appendix hereto. The extent of the European Community's competence ensuing from these acts must be assessed by reference to the precise provisions of each measure, and in particular, the extent to which these provisions establish common rules.

3. The following EC policies may also be relevant to the UN Convention: Member States and the Community shall work towards developing a coordinated strategy for employment. The Community shall contribute to the development of quality of education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action. The Community shall implement a vocational training policy which shall support and supplement the action of the Member States. In order to promote its overall harmonious development, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion. The Community conducts a development cooperation policy and economic, financial and technical cooperation with third countries without prejudice to the respective competences of the Member States.
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Appendix

COMMUNITY ACTS WHICH REFER TO MATTERS GOVERNED BY THE CONVENTION

The Community acts listed below illustrate the extent of the area of competence of the Community in accordance with the Treaty establishing the European Community. In particular the European Community has exclusive competence in relation to some matters and in some other matters competence is shared between the Community and the Member States. The extent of the Community's competence ensuing from these acts must be assessed by reference to the precise provisions of each measure, and in particular, the extent to which these provisions establish common rules that are affected by the provisions of the Convention.

— regarding accessibility

Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10)

Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver's seat, amending Directives 70/156/EEC and 97/27/EC (OJ L 42, 13.2.2002, p. 1)

Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.9.1996, p. 6), as amended by Directive 2004/50/EC of the European Parliament and of the Council (OJ L 164, 30.4.2004, p. 114)

Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system (OJ L 110, 20.4.2001, p. 1), as amended by Directive 2004/50/EC of the European Parliament and of the Council (OJ L 164, 30.4.2004, p. 114)

Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1)

Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships (OJ L 123, 17.5.2003, p. 18)

Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1)

Commission Decision 2008/164/EC of 21 December 2007 concerning the technical specification of interoperability relating to 'persons with reduced mobility' in the trans-European conventional and high-speed rail system (OJ L 64, 7.3.2008, p. 72)

Directive 95/16/EC of the European Parliament and of the Council of 29 June 1995 on the approximation of the laws of the Member States relating to lifts (OJ L 213, 7.9.1995, p. 1), as amended by Directive 2006/42/EC of the European Parliament and of the Council on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24)

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33)

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive) (OJ L 108, 24.4.2002, p. 51)

Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of services (OJ L 15, 21.1.1998, p. 14), as amended by Directive 2002/39/EC of the European Parliament and of the Council of 10 June 2002 amending Directive 97/67/EC with regard to the further opening to competition of Community postal services (OJ L 176, 5.7.2002, p. 21), and as amended by Directive 2008/6/EC of the European Parliament and of the Council of 20 February 2008 amending Directive 97/67/EC with regard to the full accomplishment of the internal market of Community postal services (OJ L 52, 27.2.2008, p. 3)

Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999 (OJ L 210, 31.7.2006, p. 25)

Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors (OJ L 134, 30.4.2004, p. 1)

Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (OJ L 134, 30.4.2004, p. 114)

Council Directive 92/13/EEC of 25 February 1992 coordinating the laws, regulations and administrative provisions relating to the application of Community rules on the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ L 76, 23.3.1992, p. 14), as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (OJ L 335, 20.12.2007, p. 31)

Council Directive 89/665/EEC of 21 December 1989 on the coordination of the laws, regulations and administrative provisions relating to the application of review procedures to the award of public supply and public works contracts (OJ L 395, 30.12.1989, p. 33), as amended by Directive 2007/66/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directives 89/665/EEC and 92/13/EEC with regard to improving the effectiveness of review procedures concerning the award of public contracts (OJ L 335, 20.12.2007, p. 31)

— in the field of independent living and social inclusion, work and employment

Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16)

Commission Regulation (EC) No 800/2008 of 6 August 2008 declaring certain categories of aid compatible with the common market in application of Articles 87 and 88 of the Treaty (General Block Exemption Regulation) (OJ L 214, 9.8.2008, p. 3)

Commission Regulation (EEC) No 2289/83 of 29 July 1983 laying down provisions for the implementation of Articles 70 to 78 of Council Regulation (EEC) No 918/83 establishing a Community system of duty-free arrangements (OJ L 220, 11.8.1983, p. 15)

Council Directive 83/181/EEC of 28 March 1983 determining the scope of Article 14(1)(d) of Directive 77/388/EEC as regards exemption from value added tax on the final importation of certain goods (OJ L 105, 23.4.1983, p. 38)

Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (OJ L 204, 26.7.2006, p. 23)

Council Regulation (EEC) No 918/83 of 28 March 1983 setting up a Community system of reliefs from customs duty (OJ L 105, 23.4.1983, p. 1)

Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1), as amended by Council Directive 2009/47/EC of 5 May 2009 amending Directive 2006/112/EC as regards reduced rates of value added tax (OJ L 116, 9.5.2009, p. 18)

Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1)

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ L 283, 31.10.2003, p. 51)

— in the field of personal mobility

Council Directive 91/439/EEC of 29 July 1991 on driving licences (OJ L 237, 24.8.1991, p. 1)

Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18)

Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4)

Regulation (EC) No 261/2004 of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (OJ L 46, 17.2.2004, p. 1)

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air, Text with EEA relevance (OJ L 204, 26.7.2006, p. 1)

Regulation (EC) No 1899/2006 of the European Parliament and of the Council of 12 December 2006 amending Council Regulation (EEC) No 3922/91 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (OJ L 377, 27.12.2006, p. 1)

Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14)

Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (OJ L 315, 3.12.2007, p. 1)

Commission Regulation (EC) No 8/2008 of 11 December 2007 amending Council Regulation (EEC) No 3922/91 as regards common technical requirements and administrative procedures applicable to commercial transportation by aeroplane (OJ L 10, 12.1.2008, p. 1)

— regarding access to information

Directive 2001/83/EC of the European Parliament and of the Council of 6 November 2001 on the Community code relating to medical products for human use (OJ L 311, 28.11.2001, p. 67), as amended by Directive 2004/27/EC of the European Parliament and of the Council (OJ L 136, 30.4.2004, p. 34)

Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (OJ L 332, 18.12.2007, p. 27)

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce) (OJ L 178, 17.7.2000, p. 1)

Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10)

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council (Unfair Commercial Practices Directive) (OJ L 149, 11.6.2005, p. 22)

— regarding statistics and data collection

Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and the free movement of such data (OJ L 281, 23.11.1995, p. 31)

Council Regulation (EC) No 577/98 of 9 March 1998 on the organisation of the Labour Force Sample Survey in the Community (OJ L 77, 14.3.1998, p. 3) with related implementing Regulations

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); text with EEA relevance (OJ L 165, 3.7.2003, p. 1) with related implementing regulations

Regulation (EC) No 458/2007 of the European Parliament and of the Council of 25 April 2007 on the European system of integrated social protection statistics (ESSPROS) (OJ L 113, 30.4.2007, p. 3) with related implementing regulations

Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70)

— in the field of international cooperation

Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27.12.2006, p. 41)

Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide (OJ L 386, 29.12.2006, p. 1)

Commission Regulation (EC) No 718/2007 of 12 June 2007 implementing Council Regulation (EC) No 1085/2006 establishing an Instrument for Pre-accession Assistance (IPA) (OJ L 170, 29.6.2007, p. 1)

*ANNEX III***RESERVATION BY THE EUROPEAN COMMUNITY TO ARTICLE 27(1) OF THE UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES**

The European Community states that pursuant to Community law (notably Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation), the Member States may, if appropriate, enter their own reservations to Article 27(1) of the Disabilities Convention to the extent that Article 3(4) of the said Council Directive provides them with the right to exclude non-discrimination on the grounds of disability with respect to employment in the armed forces from the scope of the Directive. Therefore, the Community states that it concludes the Convention without prejudice to the above right, conferred on its Member States by virtue of Community law.

COMMISSION DECISION

of 30 November 2009

determining the first regions for the start of operations of the Visa Information System (VIS)*(notified under document C(2009) 8542)***(Only the Bulgarian, Czech, Dutch, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)**

(2010/49/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) ⁽¹⁾, and in particular Article 48(4) thereof,

Whereas:

- (1) Article 48 of Regulation (EC) No 767/2008 provides for a progressive implementation of the VIS operations. Accordingly, it is necessary to determine the first regions where the data to be processed in the VIS, including photographs and fingerprint data, shall be collected and transmitted to the VIS for all visa applications in the region concerned, during the first phases of the progressive implementation.
- (2) Article 48(4) of Regulation (EC) No 767/2008 provides for the determination of these regions based on the following criteria: the risk of illegal immigration, threats to the internal security of the Member States and the feasibility of collecting biometrics from all locations in this region.
- (3) The Commission has made an assessment for the different regions as defined in 2005 by the Member States' experts for the progressive implementation of the VIS, and taking into account, notably for the first criterion, elements such as the average visa refusal and entry refusal rates for each of the regions concerned, and, for the third criterion, the fact that consular presence or representation should be increased in certain regions in order to efficiently implement the VIS in these regions.

- (4) According to this assessment, the first region where the collection and transmission of visa data to the VIS should start for all visa applications should be North Africa.

- (5) The second region where the collection and transmission of visa data to the VIS should start for all visa applications should be the Near East, with the exception of the occupied Palestinian territory due to the serious technical difficulties that might be encountered in the equipping of the consular posts or offices concerned. At a later stage a decision should be adopted concerning the start of operations of the VIS in this territory.

- (6) The third region where the collection and transmission of visa data to the VIS should start for all visa applications should be the Gulf Region.

- (7) To avoid a gap when fighting illegal immigration and protecting internal security, the Schengen border crossing points should be designated as a separate region for the roll-out in order to cover the visa applications lodged at the external borders. Member States should endeavour to start collecting and transmitting the data to the VIS at the external border crossing points as soon as possible in order to avoid that the roll-out in the regions is circumvented by third country nationals of these regions, lodging their applications at the external borders.

- (8) The starting date of the operations in each of these regions is to be determined by the Commission pursuant to Article 48(1) and (3) of Regulation (EC) No 767/2008.

- (9) For the determination of the further regions, subsequent decisions should be taken at a later stage on the basis of an additional and up-dated assessment of these other regions in accordance with the relevant criteria and the experience with the implementation in the first regions defined by this Decision.

⁽¹⁾ OJ L 218, 13.8.2008, p. 60.

- (10) In accordance with Article 2 of the Protocol on the position of Denmark, annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark did not take part in the adoption of Regulation (EC) No 767/2008 and is not bound by it nor subject to its application. However, given that Regulation (EC) No 767/2008 builds upon the Schengen *acquis* under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark, in accordance with Article 5 of the Protocol, notified by letter of 13 October 2008 the transposition of this *acquis* in its national law. It is therefore bound under international law to implement this Decision.
- (11) This Decision constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis*⁽¹⁾. The United Kingdom is therefore not bound by it or subject to its application. This Decision should therefore not be addressed to the United Kingdom.
- (12) This Decision constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis*⁽²⁾. Ireland is therefore not bound by it or subject to its application. This Decision should therefore not be addressed to Ireland.
- (13) As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*⁽³⁾, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of that Agreement⁽⁴⁾.
- (14) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁽⁵⁾, which fall within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of the Council Decisions 2008/146/EC⁽⁶⁾ and 2008/149/JHA⁽⁷⁾.
- (15) As regards Liechtenstein, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the association of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 3 of the Council Decisions 2008/261/EC⁽⁸⁾ and 2008/262/EC⁽⁹⁾.
- (16) As regards Cyprus, this Decision constitutes provisions building on the Schengen *acquis* or otherwise related to it within the meaning of Article 3(2) of the 2003 Act of Accession.
- (17) As regards Bulgaria and Romania, this Decision constitutes provisions building on the Schengen *acquis* or otherwise related to it within the meaning of Article 4(2) of the 2005 Act of Accession.
- (18) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 51(1) of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II)⁽¹⁰⁾.

HAS ADOPTED THIS DECISION:

Article 1

The regions where the collection and transmission of data to the Visa Information System (VIS) shall start according to Article 48(1)(c) and (3) of Regulation (EC) No 767/2008 are the following:

⁽¹⁾ OJ L 131, 1.6.2000, p. 43.

⁽²⁾ OJ L 64, 7.3.2002, p. 20.

⁽³⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁵⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁶⁾ OJ L 53, 27.2.2008, p. 1.

⁽⁷⁾ OJ L 53, 27.2.2008, p. 50.

⁽⁸⁾ OJ L 83, 26.3.2008, p. 3.

⁽⁹⁾ OJ L 83, 26.3.2008, p. 5.

⁽¹⁰⁾ OJ L 381, 28.12.2006, p. 4.

— The first region:

Algeria,

Egypt,

Libya,

Mauritania,

Morocco,

Tunisia.

— The second region:

Israel,

Jordan,

the Lebanon,

Syria.

— The third region:

Afghanistan,

Bahrain,

Iran,

Iraq,

Kuwait,

Oman,

Qatar,

Saudi Arabia,

United Arab Emirates,

Yemen.

Article 2

External border crossing points, as defined by Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) ⁽¹⁾, constitute a separate region. For visa applications lodged at the external borders, the collection and transmission of the data to the VIS shall start according to Article 48(3) of Regulation (EC) No 767/2008.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 30 November 2009.

For the Commission

Jacques BARROT

Vice-President

⁽¹⁾ OJ L 105, 13.4.2006, p. 1.

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