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⁽¹⁾ Text with EEA relevance

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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1018

of 29 June 2015

laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 ⁽¹⁾, and in particular Article 4(5) thereof,

Whereas:

- (1) Regulation (EU) No 376/2014 requires occurrence reporting systems to be established at organisation, Member State and Union levels, in view for all relevant civil aviation safety information to be reported, collected, stored, protected, exchanged, disseminated, analysed and followed-up. In addition, it provides for rules limiting the use of information collected to the enhancement of aviation safety and appropriately protecting the reporter and other persons mentioned in occurrence reports in view of ensuring a continued availability of safety information. Regulation (EU) No 376/2014 applies to all aircraft defined and covered by that Regulation, including manned aircraft and Remotely Piloted Aircraft Systems.
- (2) According to the first subparagraph of Article 4(5) of Regulation (EU) No 376/2014, the Commission is required to adopt a list classifying occurrences to be referred to when reporting occurrences, under mandatory reporting systems set out in that Regulation, and which fall within the categories of Article 4(1) of that Regulation. A second list should contain, in accordance with the second subparagraph of Article 4(5) of Regulation (EU) No 376/2014, a classification of occurrences applicable to aircraft other than complex motor-powered aircraft. This second list should where appropriate, be adapted to the specificities of that aviation sector.
- (3) The division in categories of occurrences to be reported provided for in Regulation (EU) No 376/2014 was established in order to allow the identification, by the persons designated by that Regulation, of the occurrences to be reported by each of them. In line with that objective, the lists of occurrences should be divided following the categories to which reporters should refer, according to their respective situation, in accordance with Regulation (EU) No 376/2014.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008 of the European Parliament and of the Council ⁽²⁾.

⁽¹⁾ OJ L 122, 24.4.2014, p. 18.

⁽²⁾ Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The detailed classification of the occurrences to be referred to when reporting, through mandatory reporting systems, occurrences pursuant to Article 4(1) of Regulation (EU) No 376/2014 is set out in Annexes I to V to this Regulation.

Article 2

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

It shall apply from 15 November 2015.

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

Done at Brussels, 29 June 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

OCCURRENCES RELATED TO THE OPERATION OF THE AIRCRAFT

Remark: This Annex is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

1. AIR OPERATIONS**1.1. Flight preparation**

- (1) Use of incorrect data or erroneous entries into equipment used for navigation or performance calculations which has or could have endangered the aircraft, its occupants or any other person.
- (2) Carriage or attempted carriage of dangerous goods in contravention of applicable legislations including incorrect labelling, packaging and handling of dangerous goods.

1.2. Aircraft preparation

- (1) Incorrect fuel type or contaminated fuel.
- (2) Missing, incorrect or inadequate De-icing/Anti-icing treatment.

1.3. Take-off and landing

- (1) Taxiway or runway excursion.
- (2) Actual or potential taxiway or runway incursion.
- (3) Final Approach and Take-off Area (FATO) incursion.
- (4) Any rejected take-off.
- (5) Inability to achieve required or expected performance during take-off, go-around or landing.
- (6) Actual or attempted take-off, approach or landing with incorrect configuration setting.
- (7) Tail, blade/wingtip or nacelle strike during take-off or landing.
- (8) Approach continued against air operator stabilised approach criteria.
- (9) Continuation of an instrument approach below published minimums with inadequate visual references.
- (10) Precautionary or forced landing.
- (11) Short and long landing.
- (12) Hard landing.

1.4. Any phase of flight

- (1) Loss of control.
- (2) Aircraft upset, exceeding normal pitch attitude, bank angle or airspeed inappropriate for the conditions.
- (3) Level bust.
- (4) Activation of any flight envelope protection, including stall warning, stick shaker, stick pusher and automatic protections.
- (5) Unintentional deviation from intended or assigned track of the lowest of twice the required navigation performance or 10 nautical miles.
- (6) Exceedance of aircraft flight manual limitation.

- (7) Operation with incorrect altimeter setting.
- (8) Jet blast or rotor and prop wash occurrences which have or could have endangered the aircraft, its occupants or any other person.
- (9) Misinterpretation of automation mode or of any flight deck information provided to the flight crew which has or could have endangered the aircraft, its occupants or any other person.

1.5. Other types of occurrences

- (1) Unintentional release of cargo or other externally carried equipment.
- (2) Loss of situational awareness (including environmental, mode and system awareness, spatial disorientation, and time horizon).
- (3) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

2. TECHNICAL OCCURRENCES

2.1. Structure and systems

- (1) Loss of any part of the aircraft structure in flight.
- (2) Loss of a system.
- (3) Loss of redundancy of a system.
- (4) Leakage of any fluid which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or which has or could have endangered the aircraft, its occupants or any other person.
- (5) Fuel system malfunctions or defects, which had an effect on fuel supply and/or distribution.
- (6) Malfunction or defect of any indication system when this results in misleading indications to the crew.
- (7) Abnormal functioning of flight controls such as asymmetric or stuck/jammed flight controls (for example: lift (flaps/slats), drag (spoilers), attitude control (ailerons, elevators, rudder) devices).

2.2. Propulsion (including engines, propellers and rotor systems) and auxiliary power units (APUs)

- (1) Failure or significant malfunction of any part or controlling of a propeller, rotor or powerplant.
- (2) Damage to or failure of main/tail rotor or transmission and/or equivalent systems.
- (3) Flameout, in-flight shutdown of any engine or APU when required (for example: ETOPS (Extended range Twin engine aircraft Operations), MEL (Minimum Equipment List)).
- (4) Engine operating limitation exceedance, including overspeed or inability to control the speed of any high-speed rotating component (for example: APU, air starter, air cycle machine, air turbine motor, propeller or rotor).
- (5) Failure or malfunction of any part of an engine, powerplant, APU or transmission resulting in any one or more of the following:
 - (a) thrust-reversing system failing to operate as commanded;
 - (b) inability to control power, thrust or rpm (revolutions per minute);
 - (c) non-containment of components/debris.

3. INTERACTION WITH AIR NAVIGATION SERVICES (ANS) AND AIR TRAFFIC MANAGEMENT (ATM)

- (1) Unsafe ATC (Air Traffic Control) clearance.
- (2) Prolonged loss of communication with ATS (Air Traffic Service) or ATM Unit.
- (3) Conflicting instructions from different ATS Units potentially leading to a loss of separation.

- (4) Misinterpretation of radio-communication which has or could have endangered the aircraft, its occupants or any other person.
- (5) Intentional deviation from ATC instruction which has or could have endangered the aircraft, its occupants or any other person.

4. EMERGENCIES AND OTHER CRITICAL SITUATIONS

- (1) Any event leading to the declaration of an emergency ('Mayday' or 'PAN call').
- (2) Any burning, melting, smoke, fumes, arcing, overheating, fire or explosion.
- (3) Contaminated air in the cockpit or in the passenger compartment which has or could have endangered the aircraft, its occupants or any other person.
- (4) Failure to apply the correct non-normal or emergency procedure by the flight or cabin crew to deal with an emergency.
- (5) Use of any emergency equipment or non-normal procedure affecting in-flight or landing performance.
- (6) Failure of any emergency or rescue system or equipment which has or could have endangered the aircraft, its occupants or any other person.
- (7) Uncontrollable cabin pressure.
- (8) Critically low fuel quantity or fuel quantity at destination below required final reserve fuel.
- (9) Any use of crew oxygen system by the crew.
- (10) Incapacitation of any member of the flight or cabin crew that results in the reduction below the minimum certified crew complement.
- (11) Crew fatigue impacting or potentially impacting their ability to perform safely their flight duties.

5. EXTERNAL ENVIRONMENT AND METEOROLOGY

- (1) A collision or a near collision on the ground or in the air, with another aircraft, terrain or obstacle ⁽¹⁾.
- (2) ACAS RA (Airborne Collision Avoidance System, Resolution Advisory).
- (3) Activation of genuine ground collision system such as GPWS (Ground Proximity Warning System)/TAWS (Terrain Awareness and Warning System) 'warning'.
- (4) Wildlife strike including bird strike.
- (5) Foreign object damage/debris (FOD).
- (6) Unexpected encounter of poor runway surface conditions.
- (7) Wake-turbulence encounters.
- (8) Interference with the aircraft by firearms, fireworks, flying kites, laser illumination, high powered lights, lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (9) A lightning strike which resulted in damage to the aircraft or loss or malfunction of any aircraft system.
- (10) A hail encounter which resulted in damage to the aircraft or loss or malfunction of any aircraft system.
- (11) Severe turbulence encounter or any encounter resulting in injury to occupants or deemed to require a 'turbulence check' of the aircraft.
- (12) A significant wind shear or thunderstorm encounter which has or could have endangered the aircraft, its occupants or any other person.

⁽¹⁾ Obstacle includes vehicle.

(13) Icing encounter resulting in handling difficulties, damage to the aircraft or loss or malfunction of any aircraft system.

(14) Volcanic ash encounter.

6. SECURITY

(1) Bomb threat or hijack.

(2) Difficulty in controlling intoxicated, violent or unruly passengers.

(3) Discovery of a stowaway.

ANNEX II

OCCURRENCES RELATED TO TECHNICAL CONDITIONS, MAINTENANCE AND REPAIR OF THE AIRCRAFT

1. MANUFACTURING

Products, parts or appliances released from the production organisation with deviations from applicable design data that could lead to a potential unsafe condition as identified with the holder of the type-certificate or design approval.

2. DESIGN

Any failure, malfunction, defect or other occurrence related to a product, part, or appliance which has resulted in or may result in an unsafe condition.

Remark: This list is applicable to occurrences occurring on a product, part, or appliance covered by the type-certificate, restricted type-certificate, supplemental type-certificate, ETSO authorisation, major repair design approval or any other relevant approval deemed to have been issued under Commission Regulation (EU) No 748/2012 ⁽¹⁾.

3. MAINTENANCE AND CONTINUING AIRWORTHINESS MANAGEMENT

- (1) Serious structural damage (for example: cracks, permanent deformation, delamination, debonding, burning, excessive wear, or corrosion) found during maintenance of the aircraft or component.
- (2) Serious leakage or contamination of fluids (for example: hydraulic, fuel, oil, gas or other fluids).
- (3) Failure or malfunction of any part of an engine or powerplant and/or transmission resulting in any one or more of the following:
 - (a) non-containment of components/debris;
 - (b) failure of the engine mount structure.
- (4) Damage, failure or defect of propeller, which could lead to in-flight separation of the propeller or any major portion of the propeller and/or malfunctions of the propeller control.
- (5) Damage, failure or defect of main rotor gearbox/attachment, which could lead to in-flight separation of the rotor assembly and/or malfunctions of the rotor control.
- (6) Significant malfunction of a safety-critical system or equipment including emergency system or equipment during maintenance testing or failure to activate these systems after maintenance.
- (7) Incorrect assembly or installation of components of the aircraft found during an inspection or test procedure not intended for that specific purpose.
- (8) Wrong assessment of a serious defect, or serious non-compliance with MEL and Technical logbook procedures.
- (9) Serious damage to Electrical Wiring Interconnection System (EWIS).
- (10) Any defect in a life-controlled critical part causing retirement before completion of its full life.
- (11) The use of products, components or materials, from unknown, suspect origin, or unserviceable critical components.
- (12) Misleading, incorrect or insufficient applicable maintenance data or procedures that could lead to significant maintenance errors, including language issue.
- (13) Incorrect control or application of aircraft maintenance limitations or scheduled maintenance.
- (14) Releasing an aircraft to service from maintenance in case of any non-compliance which endangers the flight safety.

⁽¹⁾ Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations (OJ L 224, 21.8.2012, p. 1).

- (15) Serious damage caused to an aircraft during maintenance activities due to incorrect maintenance or use of inappropriate or unserviceable ground support equipment that requires additional maintenance actions.
 - (16) Identified burning, melting, smoke, arcing, overheating or fire occurrences.
 - (17) Any occurrence where the human performance, including fatigue of personnel, has directly contributed to or could have contributed to an accident or a serious incident.
 - (18) Significant malfunction, reliability issue, or recurrent recording quality issue affecting a flight recorder system (such as a flight data recorder system, a data link recording system or a cockpit voice recorder system) or lack of information needed to ensure the serviceability of a flight recorder system.
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ANNEX III

OCCURRENCES RELATED TO AIR NAVIGATION SERVICES AND FACILITIES

Remark: This Annex is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

1. AIRCRAFT-RELATED OCCURRENCES

- (1) A collision or a near collision on the ground or in the air, between an aircraft and another aircraft, terrain or obstacle ⁽¹⁾, including near-controlled flight into terrain (near CFIT).
- (2) Separation minima infringement ⁽²⁾.
- (3) Inadequate separation ⁽³⁾.
- (4) ACAS RAs.
- (5) Wildlife strike including bird strike.
- (6) Taxiway or runway excursion.
- (7) Actual or potential taxiway or runway incursion.
- (8) Final Approach and Take-off Area (FATO) incursion.
- (9) Aircraft deviation from ATC clearance.
- (10) Aircraft deviation from applicable air traffic management (ATM) regulation:
 - (a) aircraft deviation from applicable published ATM procedures;
 - (b) airspace infringement including unauthorised penetration of airspace;
 - (c) deviation from aircraft ATM-related equipment carriage and operations, as mandated by applicable regulations.
- (11) Call sign confusion related occurrences.

2. DEGRADATION OR TOTAL LOSS OF SERVICES OR FUNCTIONS

- (1) Inability to provide ATM services or to execute ATM functions:
 - (a) inability to provide air traffic services or to execute air traffic services functions;
 - (b) inability to provide airspace management services or to execute airspace management functions;
 - (c) inability to provide air traffic flow management and capacity services or to execute air traffic flow management and capacity functions.
- (2) Missing or significantly incorrect, corrupted, inadequate or misleading information from any support service ⁽⁴⁾, including relating to poor runway surface conditions.
- (3) Failure of communication service.
- (4) Failure of surveillance service.

⁽¹⁾ Obstacle includes vehicle.

⁽²⁾ This refers to a situation in which prescribed separation minima were not maintained between aircraft or between aircraft and airspace to which separation minima is prescribed.

⁽³⁾ In the absence of prescribed separation minima, a situation in which aircraft were perceived to pass too close to each other for pilots to ensure safe separation.

⁽⁴⁾ For example: air traffic service (ATS), automatic terminal information service (ATIS), meteorological services, navigation databases, maps, charts, aeronautical information service (AIS), manuals.

- (5) Failure of data processing and distribution function or service.
- (6) Failure of navigation service.
- (7) Failure of ATM system security which had or could have a direct negative impact on the safe provision of service.
- (8) Significant ATS sector/position overload leading to a potential deterioration in service provision.
- (9) Incorrect receipt or interpretation of significant communications, including lack of understanding of the language used, when this had or could have a direct negative impact on the safe provision of service.
- (10) Prolonged loss of communication with an aircraft or with other ATS unit.

3. OTHER OCCURRENCES

- (1) Declaration of an emergency ('Mayday' or 'PAN' call).
 - (2) Significant external interference with Air Navigation Services (for example radio broadcast stations transmitting in the FM band, interfering with ILS (instrument landing system), VOR (VHF Omni Directional Radio Range) and communication).
 - (3) Interference with an aircraft, an ATS unit or a radio communication transmission including by firearms, fireworks, flying kites, laser illumination, high-powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
 - (4) Fuel dumping.
 - (5) Bomb threat or hijack.
 - (6) Fatigue impacting or potentially impacting the ability to perform safely the air navigation or air traffic duties.
 - (7) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.
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ANNEX IV

OCCURRENCES RELATED TO AERODROMES AND GROUND SERVICES

1. SAFETY MANAGEMENT OF AN AERODROME

Remark: This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

1.1. **Aircraft- and obstacle-related occurrences**

- (1) A collision or near collision, on the ground or in the air, between an aircraft and another aircraft, terrain or obstacle ⁽¹⁾.
- (2) Wildlife strike including bird strike.
- (3) Taxiway or runway excursion.
- (4) Actual or potential taxiway or runway incursion.
- (5) Final Approach and Take-off Area (FATO) incursion or excursion.
- (6) Aircraft or vehicle failure to follow clearance, instruction or restriction while operating on the movement area of an aerodrome (for example: wrong runway, taxiway or restricted part of an aerodrome).
- (7) Foreign object on the aerodrome movement area which has or could have endangered the aircraft, its occupants or any other person.
- (8) Presence of obstacles on the aerodrome or in the vicinity of the aerodrome which are not published in the AIP (Aeronautical Information Publication) or by NOTAM (Notice to Airmen) and/or that are not marked or lighted properly.
- (9) Push-back, power-back or taxi interference by vehicle, equipment or person.
- (10) Passengers or unauthorised person left unsupervised on apron.
- (11) Jet blast, rotor down wash or propeller blast effect.
- (12) Declaration of an emergency ('Mayday' or 'PAN' call).

1.2. **Degradation or total loss of services or functions**

- (1) Loss or failure of communication between:
 - (a) aerodrome, vehicle or other ground personnel and air traffic services unit or apron management service unit;
 - (b) apron management service unit and aircraft, vehicle or air traffic services unit.
- (2) Significant failure, malfunction or defect of aerodrome equipment or system which has or could have endangered the aircraft or its occupants.
- (3) Significant deficiencies in aerodrome lighting, marking or signs.
- (4) Failure of the aerodrome emergency alerting system.
- (5) Rescue and firefighting services not available according to applicable requirements.

⁽¹⁾ Obstacle includes vehicle.

1.3. Other occurrences

- (1) Fire, smoke, explosions in aerodrome facilities, vicinities and equipment which has or could have endangered the aircraft, its occupants or any other person.
- (2) Aerodrome security related occurrences (for example: unlawful entry, sabotage, bomb threat).
- (3) Absence of reporting of a significant change in aerodrome operating conditions which has or could have endangered the aircraft, its occupants or any other person.
- (4) Missing, incorrect or inadequate de-icing/anti-icing treatment.
- (5) Significant spillage during fuelling operations.
- (6) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen, nitrogen, oil and potable water).
- (7) Failure to handle poor runway surface conditions.
- (8) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

2. GROUND HANDLING OF AN AIRCRAFT

Remark: This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

2.1. Aircraft- and aerodrome-related occurrences

- (1) A collision or near collision, on the ground or in the air, between an aircraft and another aircraft, terrain or obstacle ⁽¹⁾.
- (2) Runway or taxiway incursion.
- (3) Runway or taxiway excursion.
- (4) Significant contamination of aircraft structure, systems and equipment arising from the carriage of baggage, mail or cargo.
- (5) Push-back, power-back or taxi interference by vehicle, equipment or person.
- (6) Foreign object on the aerodrome movement area which has or could have endangered the aircraft, its occupants or any other person.
- (7) Passengers or unauthorised person left unsupervised on apron.
- (8) Fire, smoke, explosions in aerodrome facilities, vicinities and equipment which has or could have endangered the aircraft, its occupants or any other person.
- (9) Aerodrome security-related occurrences (for example: unlawful entry, sabotage, bomb threat).

2.2. Degradation or total loss of services or functions

- (1) Loss or failure of communication with aircraft, vehicle, air traffic services unit or apron management service unit.
- (2) Significant failure, malfunction or defect of aerodrome equipment or system which has or could have endangered the aircraft or its occupants.
- (3) Significant deficiencies in aerodrome lighting, marking or signs.

⁽¹⁾ Obstacle includes vehicle.

2.3. Ground handling specific occurrences

- (1) Incorrect handling or loading of passengers, baggage, mail or cargo, likely to have a significant effect on aircraft mass and/or balance (including significant errors in loadsheet calculations).
- (2) Boarding equipment removed leading to endangerment of aircraft occupants.
- (3) Incorrect stowage or securing of baggage, mail or cargo likely in any way to endanger the aircraft, its equipment or occupants or to impede emergency evacuation.
- (4) Transport, attempted transport or handling of dangerous goods which resulted or could have resulted in the safety of the operation being endangered or led to an unsafe condition (for example: dangerous goods incident or accident as defined in the ICAO Technical Instructions ⁽¹⁾).
- (5) Non-compliance on baggage or passenger reconciliation.
- (6) Non-compliance with required aircraft ground handling and servicing procedures, especially in de-icing, refuelling or loading procedures, including incorrect positioning or removal of equipment.
- (7) Significant spillage during fuelling operations.
- (8) Loading of incorrect fuel quantities likely to have a significant effect on aircraft endurance, performance, balance or structural strength.
- (9) Loading of contaminated or incorrect type of fuel or other essential fluids (including oxygen, nitrogen, oil and potable water).
- (10) Failure, malfunction or defect of ground equipment used for ground handling, resulting into damage or potential damage to the aircraft (for example: tow bar or GPU (Ground Power Unit)).
- (11) Missing, incorrect or inadequate de-icing/anti-icing treatment.
- (12) Damage to aircraft by ground handling equipment or vehicles including previously unreported damage.
- (13) Any occurrence where the human performance has directly contributed to or could have contributed to an accident or a serious incident.

⁽¹⁾ Technical Instructions For The Safe Transport of Dangerous Goods by Air (ICAO — Doc 9284).

ANNEX V

**OCCURRENCES RELATED TO AIRCRAFT OTHER THAN COMPLEX MOTOR-POWERED AIRCRAFT,
INCLUDING SAILPLANES AND LIGHTER-THAN-AIR VEHICLES**

For the purposes of this Annex:

- (a) 'Aircraft other than complex motor-powered aircraft' means any aircraft other than that defined in Article 3(j) of Regulation (EC) No 216/2008;
- (b) 'Sailplane' has the meaning assigned in Article 2(117) of Commission Implementing Regulation (EU) No 923/2012 ⁽¹⁾;
- (c) 'Lighter-than-air vehicles' has the meaning assigned in point ML10 of the section 'Definitions of terms used in this list' of the Annex to Directive 2009/43/EC of the European Parliament and of the Council ⁽²⁾.

1. AIRCRAFT OTHER THAN COMPLEX MOTOR-POWERED AIRCRAFT EXCLUDING SAILPLANES AND LIGHTER-THAN-AIR VEHICLES

Remark: This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

1.1. **Air operations**

- (1) Unintentional loss of control.
- (2) Landing outside of intended landing area.
- (3) Inability or failure to achieve required aircraft performance expected in normal conditions during take-off, climb or landing.
- (4) Runway incursion
- (5) Runway excursion.
- (6) Any flight which has been performed with an aircraft which was not airworthy, or for which flight preparation was not completed, which has or could have endangered the aircraft, its occupants or any other person.
- (7) Unintended flight into IMC (Instrument Meteorological Conditions) conditions of aircraft not IFR (Instrument flight rules) certified, or a pilot not qualified for IFR, which has or could have endangered the aircraft, its occupants or any other person.
- (8) Unintentional release of cargo ⁽³⁾.

1.2. **Technical occurrences**

- (1) Abnormal severe vibration (for example: aileron or elevator 'flutter', or of propeller).
- (2) Any flight control not functioning correctly or disconnected.
- (3) A failure or substantial deterioration of the aircraft structure.
- (4) A loss of any part of the aircraft structure or installation in flight.

⁽¹⁾ Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (OJ L 281, 13.10.2012, p. 1).

⁽²⁾ Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community (OJ L 146, 10.6.2009, p. 1).

⁽³⁾ This item applies only to commercial operations within the meaning of Article 3(i) of Regulation (EC) No 216/2008.

- (5) A failure of an engine, rotor, propeller, fuel system or other essential system.
- (6) Leakage of any fluid which resulted in a fire hazard or possible hazardous contamination of aircraft structure, systems or equipment, or risk to occupants.

1.3. Interaction with air navigation services and air traffic management

- (1) Interaction with air navigation services (for example: incorrect services provided, conflicting communications or deviation from clearance) which has or could have endangered the aircraft, its occupants or any other person.
- (2) Airspace infringement.

1.4. Emergencies and other critical situations

- (1) Any occurrence leading to an emergency call.
- (2) Fire, explosion, smoke, toxic gases or toxic fumes in the aircraft.
- (3) Incapacitation of the pilot leading to inability to perform any duty.

1.5. External environment and meteorology

- (1) A collision on the ground or in the air, with another aircraft, terrain or obstacle ⁽¹⁾.
- (2) A near collision, on the ground or in the air, with another aircraft, terrain or obstacle ⁽¹⁾ requiring an emergency avoidance manoeuvre to avoid a collision.
- (3) Wildlife strike including bird strike which resulted in damage to the aircraft or loss or malfunction of any essential service.
- (4) Interference with the aircraft by firearms, fireworks, flying kites, laser illumination, high powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (5) A lightning strike resulting in damage to or loss of functions of the aircraft.
- (6) Severe turbulence encounter which resulted in injury to aircraft occupants or in the need for a post-flight turbulence damage check of the aircraft.
- (7) Icing including carburettor icing which has or could have endangered the aircraft, its occupants or any other person.

2. SAILPLANES (GLIDERS)

Remark: This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

2.1. Air operations

- (1) Unintentional loss of control.
- (2) An occurrence where the sailplane pilot was unable to release either the winch cable or the aerotow rope and had to do so using emergency procedures.
- (3) Any release of the winch cable or the aerotow rope if the release has or could have endangered the sailplane, its occupants or any other person.
- (4) In the case of a powered sailplane, an engine failure during take-off.
- (5) Any flight which has been performed with a sailplane which was not airworthy, or for which an incomplete flight preparation has or could have endangered the sailplane, its occupants or any other person.

⁽¹⁾ Obstacle includes vehicle.

2.2. Technical occurrences

- (1) Abnormal severe vibration (for example: aileron or elevator 'flutter', or of propeller).
- (2) Any flight control not functioning correctly or disconnected.
- (3) A failure or substantial deterioration of the sailplane structure.
- (4) A loss of any part of the sailplane structure or installation in flight.

2.3. Interaction with air navigation services and air traffic management

- (1) Interaction with air navigation services (for example: incorrect services provided, conflicting communications or deviation from clearance) which has or could have endangered the sailplane, its occupants or any other person.
- (2) Airspace infringements.

2.4. Emergencies and other critical situations

- (1) Any occurrence leading to an emergency call.
- (2) Any situation where no safe landing area remains available.
- (3) Fire, explosion, smoke, or toxic gases or fumes in the sailplane.
- (4) Incapacitation of the pilot leading to inability to perform any duty.

2.5. External environment and meteorology

- (1) A collision on the ground or in the air, with an aircraft, terrain or obstacle ⁽¹⁾.
- (2) A near collision, on the ground or in the air, with an aircraft, terrain or obstacle ⁽¹⁾ requiring an emergency avoidance manoeuvre to avoid a collision.
- (3) Interference with the sailplane by firearms, fireworks, flying kites, laser illumination, high powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (4) A lightning strike resulting in damage to the sailplane.

3. LIGHTER-THAN-AIR VEHICLES (BALLOONS AND AIRSHIPS)

Remark: This Section is structured in such a way that the pertinent occurrences are linked with categories of activities during which they are normally observed, according to experience, in order to facilitate the reporting of those occurrences. However, this presentation must not be understood as meaning that occurrences must not be reported in case they take place outside the category of activities to which they are linked in the list.

3.1. Air operations

- (1) Any flight which has been performed with a lighter-than-air vehicle which was not airworthy, or for which an incomplete flight preparation has or could have endangered the lighter-than-air vehicle, its occupants or any other person.
- (2) Unintended permanent extinction of the pilot light.

3.2. Technical occurrences

- (1) Failure of any of the following parts or controls: dip tube on fuel cylinder, envelope pulley, control line, tether rope, valve seal leak on burner, valve seal leak on fuel cylinder, carabiner, damage to fuel line, lifting gas valve, envelope or ballonnet, blower, pressure relief valve (gas balloon), winch (tethered gas balloons).
- (2) Significant leakage or loss of lifting gas (for example: porosity, unseated lifting gas valves).

⁽¹⁾ Obstacle includes vehicle.

3.3. Interaction with air navigation services and air traffic management

- (1) Interaction with air navigation services (for example: incorrect services provided, conflicting communications or deviation from clearance) which has or could have endangered the lighter-than-air vehicle, its occupants or any other person.
- (2) Airspace infringement.

3.4. Emergencies and other critical situations

- (1) Any occurrence leading to an emergency call.
- (2) Fire, explosion, smoke or toxic fumes in the lighter-than-air vehicle (beyond the normal operation of the burner).
- (3) Lighter-than-air vehicle's occupants ejected from basket or gondola.
- (4) Incapacitation of the pilot leading to inability to perform any duty.
- (5) Unintended lift or drag of ground crew, leading to fatality or injury of a person.

3.5. External environment and meteorology

- (1) A collision or near collision on the ground or in the air, with an aircraft, terrain or obstacle ⁽¹⁾ which has or could have endangered the lighter-than-air vehicle, its occupants or any other person.
- (2) Interference with the lighter-than-air vehicle by firearms, fireworks, flying kites, laser illumination, high powered lights lasers, Remotely Piloted Aircraft Systems, model aircraft or by similar means.
- (3) Unexpected encounter of adverse weather conditions which has or could have endangered the lighter-than-air vehicle, its occupants or any other person.

⁽¹⁾ Obstacle includes vehicle.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1019**of 29 June 2015****amending Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India, amending Council Implementing Regulation (EU) No 861/2013 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India and repealing Commission Implementing Regulation (EU) 2015/49**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ (the 'basic Regulation'),Having regard to Council Implementing Regulation (EU) No 1106/2013 of 5 November 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India ⁽²⁾ and in particular Article 2 thereof,

Whereas:

A. MEASURES IN FORCE

- (1) By Implementing Regulation (EU) No 1106/2013, the Council imposed a definitive anti-dumping duty on imports into the Union of wire of stainless steel containing by weight:
 - 2,5 % or more of nickel, other than wire containing by weight 28 % or more but not more than 31 % of nickel and 20 % or more but not more than 22 % of chromium,
 - less than 2,5 % of nickel, other than wire containing by weight 13 % or more but not more than 25 % of chromium and 3,5 % or more but not more than 6 % of aluminium,currently falling within CN codes 7223 00 19 and 7223 00 99, and originating in India ('the product concerned').
- (2) In the investigation which led to the imposition of a definitive anti-dumping duty a large number of exporting producers from India cooperated. As a result, the European Commission ('the Commission') selected a sample of Indian exporting producers to be investigated.
- (3) The Council imposed individual duty rates on imports of the product concerned ranging from 0 % to 12,5 % for the sampled companies and the weighted average duty of 5 % for the cooperating non-sampled companies.
- (4) The Council also imposed a countrywide duty of 12,5 % on all other companies which either did not make themselves known or did not cooperate with the investigation.
- (5) Article 2 of Implementing Regulation (EU) No 1106/2013 states that where any new exporting producer from India provides sufficient evidence to the Commission that:
 - (a) it did not export the product concerned to the Union during the period on which the measures are based, that is from 1 April 2011 to 31 March 2012 ('the investigation period');
 - (b) it is not related to an exporter or producer subject to the anti-dumping measures imposed by that Regulation; and

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.⁽²⁾ OJ L 298, 8.11.2013, p. 1.

- (c) it has either actually exported the product concerned to the Union after the investigation period or has entered into an irrevocable contractual obligation to export a significant quantity of the product concerned to the Union after the investigation period,

then Article 1(2) of that Regulation may be amended by granting the new exporting producer the duty rate applicable to the cooperating companies not included in the sample, namely the weighted average duty of 5 %.

B. NEW EXPORTING PRODUCER'S REQUEST

- (6) The Indian companies Superon Schweisstechnik India Ltd ('the first applicant') and Anand ARC Ltd ('the second applicant') requested to be granted the duty rate applicable to the cooperating companies not included in the sample ('new exporting producer treatment' or 'NEPT').
- (7) An examination has been carried out in order to determine whether the applicants fulfil the criteria for being granted NEPT as set out in Article 2 of Implementing Regulation (EU) No 1106/2013.
- (8) A questionnaire was sent to the applicants asking them to supply evidence that they met all of the criteria set out above in Article 2 of Implementing Regulation (EU) No 1106/2013.
- (9) The Commission sought and verified all information it deemed necessary for the purpose of determining whether the applicants meet the three criteria to be granted NEPT. Verification visits were carried out at the premises of:
- Superon Schweisstechnik India Ltd, Gurgaon,
 - Anand ARC Ltd, Mumbai.
- (10) The first applicant has provided sufficient evidence to prove that it meets the three criteria mentioned in Article 2 of Implementing Regulation (EU) No 1106/2013. The first applicant in fact could prove that:
- (i) it did not export the product concerned to the Union during the period from 1 April 2011 to 31 March 2012;
 - (ii) it is not related to any of the exporters of producers in India which are subject to the anti-dumping measures imposed by Implementing Regulation (EU) No 1106/2013; and
 - (iii) it actually exported a significant quantity of 30 tonnes of the product concerned to the Union starting in October 2012;
- and therefore can be granted the duty rate applicable to the cooperating companies not included in the sample, i.e. 5 %, in accordance with Article 2 of Implementing Regulation (EU) No 1106/2013, and should be added to the list of Indian cooperating exporting producers not included in the sample.
- (11) The second applicant, however, failed to meet the first criterion because it exported the product concerned to the Union during the investigation period. Its request for NEPT was therefore rejected.
- (12) The Commission informed the applicants and the Union industry of the above findings and gave them the opportunity to comment. One exporting producer requested retroactive application of the decision. However, such possibility is not foreseen in the current procedure and the exporting producer was informed accordingly. No other comments were received.
- (13) A new TARIC additional code (B997) needs to be attributed to the first applicant. Purely for technical integration reasons in TARIC, this Regulation should amend Council Implementing Regulation (EU) No 861/2013⁽¹⁾ by attributing the same TARIC additional code (B997) to the first applicant.

⁽¹⁾ Council Implementing Regulation (EU) No 861/2013 of 2 September 2013 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India (OJ L 240, 7.9.2013, p. 1).

- (14) Commission Implementing Regulation (EU) 2015/49 ⁽¹⁾ has been adopted without obtaining the opinion of the Committee established by Article 15(1) of the basic Regulation. In order to ensure legal certainty and protect legitimate expectations, Implementing Regulation (EU) 2015/49 should therefore be repealed and its content readopted with effects as from the entry into force of Implementing Regulation (EU) 2015/49.
- (15) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1106/2013 is amended as follows:

- (a) the TARIC additional code 'B781' appearing in the table in Article 1(2) is replaced by the wording 'see Annex';
- (b) the Annex is replaced by the Annex to this Regulation.

Article 2

The entry 'B999' appearing in the table in Article 1(2) of Implementing Regulation (EU) No 861/2013 is replaced by: 'B999 (For Superon Schweisstechnik India Ltd, Gurgaon, Haryana, India, the TARIC additional code is B997)'.

Article 3

Implementing Regulation (EU) 2015/49 is repealed with effects as from 16 January 2015.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*. It shall have legal effects as from 16 January 2015.

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

Done at Brussels, 29 June 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) 2015/49 of 14 January 2015 amending Council Implementing Regulation (EU) No 1106/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India and amending Council Implementing Regulation (EU) No 861/2013 imposing a definitive countervailing duty and collecting definitively the provisional duty imposed on imports of certain stainless steel wires originating in India (OJ L 9, 15.1.2015, p. 17).

ANNEX

Indian cooperating exporting producers not sampled:

Company name	City	TARIC additional code
Bekaert Mukand Wire Industries	Lonand, Tal. Khandala, Satara District, Maharashtra	B781
Bhansali Bright Bars Pvt. Ltd	Mumbai, Maharashtra	B781
Bhansali Stainless Wire	Mumbai, Maharashtra	B781
Chandan Steel	Mumbai, Maharashtra	B781
Drawmet Wires	Bhiwadi, Rajasthan	B781
Jyoti Steel Industries Ltd	Mumbai, Maharashtra	B781
Mukand Ltd	Thane	B781
Panchmahal Steel Ltd	Dist. Panchmahals, Gujarat	B781
Superon Schweisstechnik India Ltd	Gurgaon, Haryana	B997

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1020**of 29 June 2015****concerning the authorisation of the preparation of *Bacillus subtilis* (ATCC PTA-6737) as a feed additive for laying hens and minor poultry species for laying (holder of the authorisation Kemin Europa NV)****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for a new use of the preparation *Bacillus subtilis* (ATCC PTA-6737). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) The application concerns the authorisation of a new use of the preparation of *Bacillus subtilis* (ATCC PTA-6737) as a feed additive for laying hens and minor poultry species for laying, to be classified in the additive category 'zootechnical additives'.
- (4) The preparation of *Bacillus subtilis* (ATCC PTA-6737), belonging to the additive category of 'zootechnical additives', was authorised for 10 years as a feed additive for chickens for fattening by Commission Regulation (EU) No 107/2010 ⁽²⁾, for chickens reared for laying, ducks for fattening, quails, pheasants, partridges, guinea fowl, pigeons, geese for fattening and ostriches by Commission Implementing Regulation (EU) No 885/2011 ⁽³⁾, for weaned piglets and weaned Suidae other than *Sus scrofa domesticus* by Commission Implementing Regulation (EU) No 306/2013 ⁽⁴⁾ and for turkeys for fattening and turkeys reared for breeding by Commission Implementing Regulation (EU) No 787/2013 ⁽⁵⁾.
- (5) The European Food Safety Authority ('the Authority') concluded in its opinion of 11 December 2014 ⁽⁶⁾ that, under the proposed conditions of use, the preparation of *Bacillus subtilis* (ATCC PTA-6737) does not have an adverse effect on animal health, human health and the environment. It also concluded that the additive has some evidence of beneficial effects on egg production in laying hens. This conclusion can be extended to minor poultry species for laying. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (6) The assessment of the preparation of *Bacillus subtilis* (ATCC PTA-6737) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EU) No 107/2010 of 8 February 2010 concerning the authorisation of *Bacillus subtilis* ATCC PTA-6737 as a feed additive for chickens for fattening (holder of authorisation Kemin Europa NV) (OJ L 36, 9.2.2010, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) No 885/2011 of 5 September 2011 concerning the authorisation of *Bacillus subtilis* (ATCC PTA-6737) as a feed additive for chickens reared for laying, ducks for fattening, quails, pheasants, partridges, guinea fowl, pigeons, geese for fattening and ostriches (holder of authorisation Kemin Europa N.V.) (OJ L 229, 6.9.2011, p. 3).

⁽⁴⁾ Commission Implementing Regulation (EU) No 306/2013 of 2 April 2013 concerning the authorisation of a preparation of *Bacillus subtilis* (ATCC PTA-6737) for weaned piglets and weaned Suidae other than *Sus scrofa domesticus* (holder of authorisation Kemin Europa N.V.) (OJ L 91, 3.4.2013, p. 5).

⁽⁵⁾ Commission Implementing Regulation (EU) No 787/2013 of 16 August 2013 concerning the authorisation of a preparation of *Bacillus subtilis* (ATCC PTA-6737) as a feed additive for turkeys for fattening and turkeys reared for breeding (holder of authorisation Kemin Europa N.V.) (OJ L 220, 17.8.2013, p. 15).

⁽⁶⁾ EFSA Journal 2015; 13(1):3970.

- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition subject to the conditions laid down in that Annex.

Article 2

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

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

Done at Brussels, 29 June 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers.									
4b1823	Kemin Europa NV.	<i>Bacillus subtilis</i> ATCC PTA-6737	<p><i>Additive composition:</i></p> <p>Preparation of <i>Bacillus subtilis</i> (ATCC PTA-6737) containing a minimum of 1×10^{10} CFU/g additive</p> <p>Solid form</p> <p><i>Characterisation of the active substance:</i></p> <p>Viable spores of <i>Bacillus subtilis</i> (ATCC PTA-6737)</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Enumeration: spread plate method using tryptone soya agar with pre heat-treatment of feed samples.</p> <p>Identification: pulsed-field gel electrophoresis (PFGE) method.</p>	Laying hens Minor poultry species for laying	—	1×10^8	—	In the directions for use of the additive and premixture indicate the storage conditions and stability to pelleting.	20.7.2025

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1021**of 29 June 2015****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 29 June 2015.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	AL	32,3
	MA	145,9
	MK	33,7
	ZZ	70,6
0707 00 05	MK	20,6
	TR	106,1
	ZZ	63,4
0709 93 10	TR	122,9
	ZZ	122,9
0805 50 10	AR	124,3
	BO	143,4
	TR	102,0
	ZA	160,8
	ZZ	132,6
0808 10 80	AR	169,6
	BR	101,4
	CL	129,4
	NZ	141,7
	US	148,6
	ZA	120,0
	ZZ	135,1
	ZZ	135,1
0809 10 00	TR	263,1
	ZZ	263,1
0809 29 00	TR	340,5
	US	581,4
	ZZ	461,0

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1022**of 29 June 2015****establishing the allocation coefficient to be applied to the quantities covered by import rights applications lodged from 1 July 2015 to 30 June 2016 under the tariff quota opened by Regulation (EC) No 431/2008 for frozen meat of bovine animals**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 431/2008 ⁽²⁾ opened an annual import tariff quota for products in the beef and veal sector.
- (2) The quantities for which import rights applications have been lodged for the period 1 July 2015 to 30 June 2016 exceed those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (3) In order to ensure the efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The quantities for which import rights applications have been lodged under Regulation (EC) No 431/2008 for the period 1 July 2015 to 30 June 2016 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.

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

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

Done at Brussels, 29 June 2015.

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

Jerzy PLEWA

Director-General for Agriculture and Rural Development⁽¹⁾ OJ L 347, 20.12.2013, p. 671.⁽²⁾ Commission Regulation (EC) No 431/2008 of 19 May 2008 opening and providing for the administration of an import tariff quota for frozen meat of bovine animals covered by CN code 0202 and products covered by CN code 0206 29 91 (OJ L 130, 20.5.2008, p. 3).⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

ANNEX

Order No	Allocation coefficient — applications lodged for the period 1 July 2015 to 30 June 2016 (%)
09.4003	27,836632

DECISIONS

COUNCIL DECISION (EU) 2015/1023

of 15 June 2015

authorising certain Member States to accept, in the interest of the European Union, the accession of Andorra to the 1980 Hague Convention on the Civil Aspects of International Child Abduction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(3) in conjunction with Article 218 thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) The European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.
- (2) The Union has adopted Council Regulation (EC) No 2201/2003 ⁽²⁾ ('Brussels IIa Regulation'), which aims to protect children from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure the protection of rights of access and rights of custody.
- (3) Regulation (EC) No 2201/2003 complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') which establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.
- (4) All Member States of the Union are party to the 1980 Hague Convention.
- (5) The Union encourages third states to accede to the 1980 Hague Convention and supports the correct implementation of the 1980 Hague Convention by participating, along with the Member States, inter alia, in the special commissions organised on a regular basis by the Hague Conference on private international law.
- (6) A common legal framework applicable between Member States of the Union and third states may be considered to offer the best solution to sensitive cases of international child abduction.
- (7) The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.
- (8) The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to that Convention, nor can it deposit a declaration of acceptance of an acceding state.

⁽¹⁾ Opinion of 11 February 2015 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

- (9) Pursuant to Opinion 1/13 of the Court of Justice of the European Union, declarations of acceptance under the 1980 Hague Convention fall within the exclusive external competence of the Union.
- (10) Andorra deposited its instrument of accession to the 1980 Hague Convention on 6 April 2011. That Convention entered into force for Andorra on 1 July 2011.
- (11) Several Member States have already accepted the accession of Andorra to the 1980 Hague Convention. An assessment of the situation in Andorra has led to the conclusion that those Member States that have not yet accepted the accession of Andorra, are in a position to accept, in the interest of the Union, the accession of Andorra under the terms of the 1980 Hague Convention.
- (12) The Member States that have not yet accepted the accession of Andorra should therefore be authorised to deposit their declarations of acceptance of accession of Andorra in the interest of the Union in accordance with the terms set out in this Decision. The Kingdom of Belgium, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Slovak Republic and the Republic of Finland which have already accepted the accession of Andorra to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations remain valid under public international law.
- (13) The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and are taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States that have not yet done so are hereby authorised to accept the accession of Andorra to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') in the interest of the Union.
2. Those Member States shall, no later than 16 June 2016, deposit a declaration of acceptance of the accession of Andorra to the 1980 Hague Convention in the interest of the Union worded as follows:

'[Full name of MEMBER STATE] declares that it accepts the accession of Andorra to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in accordance with Council Decision (EU) 2015/1023'.
3. Each Member State shall inform the Council and the Commission of the deposit of its declaration of acceptance of the accession of Andorra and communicate to the Commission the text of the declaration within two months of its deposit.

Article 2

Those Member States which deposited their declarations of acceptance of the accession of Andorra to the 1980 Hague Convention prior to the date of adoption of this Decision, shall make no new declarations.

Article 3

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

Article 4

This Decision is addressed to all Member States with the exception of the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Latvia, the Republic of Lithuania, the Slovak Republic and the Republic of Finland.

Done at Luxembourg, 15 June 2015.

For the Council

The President

Dz. RASNAČS

COUNCIL DECISION (EU) 2015/1024**of 15 June 2015****authorising certain Member States to accept, in the interest of the European Union, the accession of Singapore to the 1980 Hague Convention on the Civil Aspects of International Child Abduction**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(3) in conjunction with Article 218 thereof,

Having regard to the proposal from the European Commission,

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

Whereas:

- (1) The European Union has set as one of its aims the promotion of the protection of the rights of the child, as stated in Article 3 of the Treaty on European Union. Measures for the protection of children against wrongful removal or retention are an essential part of that policy.
- (2) The Union has adopted Council Regulation (EC) No 2201/2003 ⁽²⁾ ('Brussels IIa Regulation'), which aims to protect children from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure the protection of rights of access and rights of custody.
- (3) Regulation (EC) No 2201/2003 complements and reinforces the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') which establishes, at international level, a system of obligations and cooperation among contracting states and between central authorities and aims to ensure the prompt return of wrongfully removed or retained children.
- (4) All Member States of the Union are party to the 1980 Hague Convention.
- (5) The Union encourages third states to accede to the 1980 Hague Convention and supports the correct implementation of the 1980 Hague Convention by participating, along with the Member States, inter alia, in the special commissions organised on a regular basis by the Hague Conference on private international law.
- (6) A common legal framework applicable between Member States of the Union and third states may be considered to offer the best solution to sensitive cases of international child abduction.
- (7) The 1980 Hague Convention stipulates that it applies between the acceding state and such contracting states as have declared their acceptance of the accession.
- (8) The 1980 Hague Convention does not allow regional economic integration organisations such as the Union to become party to it. Therefore, the Union cannot accede to the Convention, nor can it deposit a declaration of acceptance of an acceding state.

⁽¹⁾ Opinion of 11 February 2015 (not yet published in the Official Journal).

⁽²⁾ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (OJ L 338, 23.12.2003, p. 1).

- (9) Pursuant to Opinion 1/13 of the Court of Justice of the European Union declarations of acceptance under the 1980 Hague Convention fall within the exclusive external competence of the Union.
- (10) Singapore has deposited its instrument of accession to the 1980 Hague Convention on 28 December 2010. That Convention entered into force for Singapore on 1 March 2011.
- (11) Several Member States have already accepted the accession of Singapore to the 1980 Hague Convention. An assessment of the situation in Singapore has led to the conclusion that those Member States that have not yet accepted the accession of Singapore, are in a position to accept, in the interest of the Union, the accession of Singapore under the terms of the 1980 Hague Convention.
- (12) The Member States that have not yet accepted the accession of Singapore should therefore be authorised to deposit their declarations of acceptance of accession of Singapore in the interest of the Union in accordance with the terms set out in this Decision. The Kingdom of Belgium, the Czech Republic, 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 Latvia, the Republic of Lithuania, the Republic of Malta, the Slovak Republic and the Kingdom of Sweden which have already accepted the accession of Singapore to the 1980 Hague Convention should not deposit new declarations of acceptance as the existing declarations remain valid under public international law.
- (13) The United Kingdom and Ireland are bound by Regulation (EC) No 2201/2003 and are taking part in the adoption and application of this Decision.
- (14) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States that have not yet done so are hereby authorised to accept the accession of Singapore to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction ('the 1980 Hague Convention') in the interest of the Union.
2. Those Member States shall, no later than 16 June 2016, deposit a declaration of acceptance the accession of Singapore to the 1980 Hague Convention in the interest of the Union worded as follows:

'[Full name of MEMBER STATE] declares that it accepts the accession of Singapore to the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, in accordance with Council Decision (EU) 2015/1024'.
3. Each Member State shall inform the Council and the Commission of the deposit of its declaration of acceptance of the accession of Singapore and communicate to the Commission the text of the declaration within two months of its deposit.

Article 2

Those Member States which deposited their declarations of acceptance of the accession of Singapore to the 1980 Hague Convention prior to the date of adoption of this Decision, shall make no new declarations.

Article 3

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

Article 4

This Decision is addressed to all Member States, with the exception of the Kingdom of Belgium, 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 Latvia, the Republic of Lithuania, the Republic of Malta, the Slovak Republic and the Kingdom of Sweden.

Done at Luxembourg, 15 June 2015.

For the Council

The President

Dz. RASNAČS

COUNCIL DECISION (EU) 2015/1025
of 19 June 2015
abrogating Decision 2013/319/EU on the existence of an excessive deficit in Malta

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) By Decision 2013/319/EU ⁽¹⁾, on the basis of a recommendation from the Commission, the Council decided that an excessive deficit existed in Malta. The Council noted that the general government deficit in Malta had reached 3,3 % of GDP in 2012, thus exceeding the 3 % of GDP Treaty reference value, while general government gross debt was above the 60 % of GDP Treaty reference value. The Council also noted that Malta had not made sufficient progress towards compliance with the debt reduction benchmark and therefore did not fulfil the requirements of the transition period ⁽²⁾ following the correction of its excessive deficit in 2012 ⁽³⁾.
- (2) On 21 June 2013, in accordance with Article 126(7) of the Treaty on the Functioning of the European Union (TFEU) and Article 3(4) of Regulation (EC) No 1467/97, the Council, upon the recommendation from the Commission, addressed a recommendation to Malta with a view to bringing the excessive deficit situation to an end by 2014 at the latest. The recommendation was made public.
- (3) In accordance with Article 4 of the Protocol (No 12) on the excessive deficit procedure annexed to the Treaty on European Union and the TFEU, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 ⁽⁴⁾.
- (4) The Council is to take a decision to abrogate a decision on the existence of an excessive deficit on the basis of notified data. Moreover, decisions on the existence of an excessive deficit are to be abrogated only if the Commission's forecasts indicate that the deficit will not exceed the 3 % of GDP threshold over the forecast horizon ⁽⁵⁾; and the debt ratio fulfils the forward-looking element of the debt benchmark.
- (5) On the basis of the data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the April 2015 notification by Malta, the 2015 Stability Programme and the Commission's 2015 spring forecast, the following conclusions are justified:

— After peaking at 3,6 % of GDP in 2012, the general government deficit was reduced to 2,6 % of GDP in 2013 and reached 2,1 % of GDP in 2014. The deficit reduction in 2014 was mainly driven by an improvement in the cyclical conditions and budget measures which led to a significant increase in current revenues (by 2,5 % of GDP) which more than offset the increase in current expenditure (by 0,8 % of GDP) and by net capital expenditure (by 0,1 % of GDP) that is explained by a higher absorption rate of EU funds.

⁽¹⁾ Council Decision 2013/319/EU of 21 June 2013 on the existence of an excessive deficit in Malta (OJ L 173, 26.6.2013, p. 52).

⁽²⁾ Following the abrogation of the EDP in December 2012, in line with the Stability and Growth Pact, Malta benefited from a three-year transition period to comply with the debt reduction benchmark, starting in 2012. The requirements during the transition period are laid down in the second subparagraph of Article 2(1a) of Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6) and further detailed in the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes' of 3 September 2012 (See: http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf). The Minimum Linear Structural Adjustment (MLSA) required for 2012 was equal to 0,4 pps of GDP, while the structural deficit worsened by 0,5 pp. of GDP in 2012.

⁽³⁾ The general government deficit and debt for 2012 were subsequently revised to currently 3,6 % of GDP and 67,4 % of GDP, respectively.

⁽⁴⁾ Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

⁽⁵⁾ In line with the Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes.

- The stability programme for 2015-2018, submitted by the Maltese government on 30 April 2015, plans the deficit to decline to 1,6 % of GDP in 2015 and to 1,1 % of GDP in 2016. The Commission's 2015 spring forecast projects a deficit of 1,8 % of GDP in 2015 and 1,5 % of GDP in 2016. Thus, the deficit is set to remain below the Treaty reference value of 3 % of GDP over the forecast horizon.
 - The structural balance, which is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, improved by 1,3 % of GDP over the period 2013-2014.
 - The debt-to-GDP ratio increased to 69,2 % of GDP in 2013, from 67,4 % of GDP in 2012, on account of a temporary debt-increasing stock-flow adjustment. It then decreased to 68,0 % of GDP in 2014. The gross government debt is forecast to continue decreasing to 65,4 % of GDP in 2016 also due to the favourable macroeconomic scenario. In addition, compliance with the forward looking debt rule is ensured in 2014.
- (6) As from 2015, which is the year following the correction of the excessive deficit, Malta is subject to the preventive arm of the Stability and Growth Pact and should progress towards its medium-term budgetary objective at an appropriate pace, including respecting the expenditure benchmark, and comply with the debt criterion in accordance with Article 2(1a) of Regulation (EC) No 1467/97. In this context, there appears to be a risk of some deviation from the required adjustment of 0,6 % of GDP towards the medium-term budgetary objective in both 2015 and 2016. In 2015, the improvement in the structural balance is forecast to be 0,1 % of GDP below the requirement. While the adjustment projected for 2016 is in line with the requirement, there is a risk of some deviation over 2015 and 2016 taken together. Therefore, further measures will be needed in 2015 and 2016.
- (7) In accordance with Article 126(12) of the TFEU, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (8) In the view of the Council, the excessive deficit in Malta has been corrected and Decision 2013/319/EU should therefore be abrogated,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that the excessive deficit situation in Malta has been corrected.

Article 2

Decision 2013/319/EU is hereby abrogated.

Article 3

This Decision is addressed to Malta.

Done at Luxembourg, 19 June 2015.

For the Council
The President
J. REIRS

COUNCIL DECISION (EU) 2015/1026
of 19 June 2015
abrogating Decision 2009/589/EC on the existence of an excessive deficit in Poland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(12) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) On 7 July 2009, by Council Decision 2009/589/EC ⁽¹⁾ on the basis of a recommendation from the Commission, the Council decided, in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), that an excessive deficit existed in Poland.
- (2) On the same date, in accordance with Article 104(7) of the TEC and Article 3(4) of Council Regulation (EC) No 1467/97 ⁽²⁾, the Council, on the basis of a recommendation from the Commission, addressed a recommendation to Poland with a view to bringing the excessive deficit situation to an end by 2012.
- (3) On 21 June 2013, the Council concluded that Poland had taken effective action, but that adverse economic events with major implications on public finances had occurred after the adoption of the original recommendation. Therefore, the Council, on the basis of a recommendation from the Commission, considered that the conditions foreseen in Article 3(5) of Regulation (EC) No 1467/97 were fulfilled and adopted a new Recommendation concerning Poland under Article 126(7) of the Treaty on the Functioning of the European Union (TFEU), with a view to bringing the excessive deficit situation to an end by 2014 ⁽³⁾.
- (4) On 10 December 2013, pursuant to Article 126(8) of the TFEU, the Council decided that Poland had not taken effective action in response to the Council Recommendation of 21 June 2013 to correct its excessive deficit by 2014 ⁽⁴⁾ and adopted a new recommendation under Article 126(7) of the TFEU, recommending Poland put an end to the excessive deficit situation by 2015 ⁽⁵⁾. In that recommendation, the Council recommended Poland reach a headline deficit of 4,8 % of GDP in 2013, 3,9 % of GDP in 2014 and of 2,8 % of GDP in 2015 (excluding the impact of the asset transfers from the second pillar pension system). Based on the macroeconomic forecast underlying the Council recommendation, this was consistent with an improvement of the structural balance of 1 % of GDP in 2014 and 1,2 % of GDP for 2015. Poland was also recommended to implement rigorously the measures it had already announced and adopted, while complementing them with additional measures to achieve a sustainable correction of the excessive deficit by 2015. Poland was given a deadline of 15 April 2014 to report on the measures taken to comply with this recommendation.
- (5) On 2 June 2014, the Commission concluded that no further steps in the excessive deficit procedure were needed at that moment.
- (6) In accordance with Article 4 of the Protocol (No 12) on the excessive deficit procedure annexed to the Treaty on European Union and to the TFEU, the Commission provides the data for the implementation of the procedure. As part of the application of that Protocol, Member States are to notify data on government deficits and debt and other associated variables twice a year, namely before 1 April and before 1 October, in accordance with Article 3 of Council Regulation (EC) No 479/2009 ⁽⁶⁾.

⁽¹⁾ Council Decision 2009/589/EC of 7 July 2009 on the existence of an excessive deficit in Poland (OJ L 202, 4.8.2009, p. 46).

⁽²⁾ Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

⁽³⁾ Council Recommendation of 21 June 2013 with a view to bringing an end to the situation of an excessive government deficit in Poland.

⁽⁴⁾ Council Decision 2013/758/EU of 10 December 2013 establishing that no effective action has been taken by Poland in response to the Council Recommendation of 21 June 2013 (OJ L 335, 14.12.2013, p. 46).

⁽⁵⁾ Council Recommendation of 2 December 2013 with a view to bringing an end to the situation of an excessive government deficit in Poland.

⁽⁶⁾ Council Regulation (EC) No 479/2009 of 25 May 2009 on the application of the Protocol on the excessive deficit procedure annexed to the Treaty establishing the European Community (OJ L 145, 10.6.2009, p. 1).

- (7) The Council is to take a decision to abrogate a decision on the existence of an excessive deficit on the basis of notified data. Moreover, a decision on the existence of an excessive deficit should be abrogated only if the Commission's forecasts indicate that the deficit will not exceed the 3 % of GDP threshold over the forecast horizon ⁽¹⁾; and the debt ratio fulfils the forward-looking element of the debt benchmark.
- (8) Moreover, in accordance with the Stability and Growth Pact, due consideration should be given to systemic pension reforms introducing a multi-pillar system that includes a mandatory, fully funded pillar.
- (9) Based on data provided by the Commission (Eurostat) in accordance with Article 14 of Regulation (EC) No 479/2009, following the notification by Poland in April 2015, the 2015 Convergence Programme and the Commission's 2015 spring forecast, the following conclusions are justified:
- In 2014, the general government deficit amounted to 3,2 % of GDP. Since this number can be considered to be close to the reference value and Poland's debt-to-GDP ratio is below the 60 % of GDP reference value in a sustained manner, Poland is eligible to the provisions regarding systemic pension reforms of Article 2(7) of Regulation (EC) No 1467/97. The Polish systemic pension reform from 1999 has been reversed by a law adopted in December 2013. Based on this reversal, part of the assets accumulated in the private, fully funded pension funds (forming the second pillar of the Polish pension system) were transferred to the public social security scheme (first pillar of the Polish pension system). Moreover, the second pillar of the pension system lost its universal coverage, in the sense that participation stopped being compulsory. As a result, the 2013 reversal put to an end the systemic nature of the 1999 reform. However, until end-July 2014 social contributions of all participants still went to the second pillar. These contributions are net costs of the systemic pension reform of 1999 and are to be taken into account when assessing the correction of the excessive deficit. Total direct net costs for the period January-July 2014 are estimated at 0,4 % of GDP, and are thus sufficient to explain the excess of the general government deficit over the Treaty reference value of 3 % of GDP in 2014.
 - The convergence programme, submitted by the Polish government on 30 April 2015, targets a deficit of 2,7 % of GDP in 2015 and of 2,3 % of GDP in 2016. The Commission's 2015 spring forecast projects a deficit of 2,8 % of GDP in 2015, and, based on a no-policy-change assumption, of 2,6 % of GDP in 2016. Thus, the deficit is set to remain below the Treaty reference value of 3 % of GDP over the forecast horizon.
 - The Commission estimates the structural balance, which is the general government balance adjusted for the economic cycle and net of one-off and other temporary measures, to have improved by 0,9 % of GDP in 2014.
 - The general government gross debt amounted to 50,1 % in 2014. The Commission's 2015 spring forecast projects the general government gross debt to amount to 50,9 % of GDP in 2015 and 50,8 % of GDP in 2016, i.e. below the 60 % of GDP reference value.
- (10) As from 2015, which is the year following the correction of the excessive deficit, Poland is subject to the preventive arm of the Stability and Growth Pact and should progress towards its medium-term budgetary objective at an appropriate pace, including respecting the expenditure benchmark. The Commission's 2015 spring forecast projects the structural balance to improve by 0,2 % of GDP both in 2015 and 2016, based on the no-policy-change assumption. On the basis of an overall assessment, Poland is projected to be compliant with the required adjustment towards the medium-term budgetary objective in 2015 based on a net expenditure growth below the benchmark, whereas there is a risk of some deviation from the required adjustment in 2016 as the structural adjustment falls short of the requirement in 2016 so that further measures will be needed in that year.
- (11) In accordance with Article 126(12) of the TFEU, a Council Decision on the existence of an excessive deficit is to be abrogated when the excessive deficit in the Member State concerned has, in the view of the Council, been corrected.
- (12) In the view of the Council, the excessive deficit in Poland has been corrected and Decision 2009/589/EC should therefore be abrogated.

⁽¹⁾ In line with the 'Specifications on the implementation of the Stability and Growth Pact and Guidelines on the format and content of Stability and Convergence Programmes' of 3 September 2012. See: http://ec.europa.eu/economy_finance/economic_governance/sgp/pdf/coc/code_of_conduct_en.pdf

- (13) The Council recalls that the systemic pension reform of 1999 replaced a defined-benefit public pension scheme, with a three-pillar system based on defined contributions. The main objective of the reform was to improve the sustainability of the Polish pension system especially in light of the very challenging demographic outlook Poland is facing. The reversal of the systemic reform at the end of 2013, increased again the role of the first, public pillar, which, contrary to the second pillar, is not fully funded, but a notional defined-contribution system. While producing some budgetary relief in the short term, the reversal of the systemic reform of 1999 does not improve the long-term sustainability of public finances, as the short-term benefits from higher social contributions and lower interest payments will be offset by higher future pension payments from the public pension pillar. Overall, the reversal of the systemic pension reform of 1999 carries some risks for Polish public finances in the long run,

HAS ADOPTED THIS DECISION:

Article 1

From an overall assessment it follows that the excessive deficit situation in Poland has been corrected.

Article 2

Decision 2009/589/EC is hereby abrogated.

Article 3

This Decision is addressed to the Republic of Poland.

Done at Luxembourg, 19 June 2015.

For the Council
The President
J. REIRS

COUNCIL DECISION (EU) 2015/1027**of 23 June 2015****concerning the rules applicable to experts on secondment to the General Secretariat of the Council and repealing Decision 2007/829/EC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(2) thereof,

Whereas:

- (1) The secondment of experts can be useful to the General Secretariat of the Council (the 'GSC') in its mission of assisting the European Council and the Council pursuant to Articles 235(4) and 240(2) Treaty on the Functioning of the European Union ('TFEU'), respectively, by enabling the GSC to benefit from the high level of knowledge and professional experience of those experts, in particular in areas where such expertise is not readily available within the GSC itself.
- (2) The exchange of professional experience and knowledge of European policies should be supported through the temporary assignment of experts from Member States' public sectors (seconded national experts — 'SNEs') or from public intergovernmental organisations ('IGOs').
- (3) It is envisaged that SNEs will acquire knowledge during their secondment to the GSC that will help them in the performance of their tasks in future Council presidencies.
- (4) The rights and obligations of experts should ensure that they carry out their duties solely in the interests of the GSC.
- (5) In view of the temporary nature of their work and their particular status, experts should not take responsibility on behalf of the GSC for the exercise of its public law prerogatives, as defined by the Treaties, except where derogations are laid down in this Decision.
- (6) The conditions of employment of experts should be established and should be applicable regardless of the origin of the budgetary appropriations used to cover the expenditure.
- (7) Since the rules established by this Decision should replace those laid down in Council Decision 2007/829/EC ⁽¹⁾, that Decision should be repealed without prejudice to its continuing application to all secondments which are ongoing at the time of entry into force of this Decision.
- (8) Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council ⁽²⁾ amended the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (the 'Staff Regulations'), and in particular working conditions, leaves as well as the calculation of allowances defined in Annex VII thereto,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS*Article 1***Scope**

1. The rules established by this Decision apply to experts, who fulfil the conditions set out in Article 2, seconded to the GSC in the interest of the European Council and of the Council and who are either:

- (a) seconded national experts ('SNEs'), which includes experts who are seconded:

⁽¹⁾ Council Decision 2007/829/EC of 5 December 2007 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council and repealing Decision 2003/479/EC (OJ L 327, 13.12.2007, p. 10).

⁽²⁾ Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (OJ L 287, 29.10.2013, p. 15).

- (i) by Member States' public administrations, at national or regional level;
- (ii) subject to authorisation by the GSC on a case-by-case basis, by an employer other than a Member State public administration, at national or regional level if the interests of the GSC warrant bringing in specific expertise as a temporary measure, provided that the employer:
 - is an independent university or research organisation which does not set out to make profits for redistribution, or
 - is part of the public sector as defined in the national law of that employer.

SNEs can be seconded on cost-free secondment ('CFS');

- (b) experts on CFS from a public intergovernmental organisation ('IGO') (with the exception of Union bodies within the meaning of Article 1a(2) of the Staff Regulations), in cases where a transfer of specific knowledge or expertise is required.
2. Articles 18, 19 and 20 are not applicable to any experts on CFS.

Article 2

Conditions for secondment

To qualify for secondment to the GSC, experts shall:

- (1) have worked for their employer on a permanent or contract basis for at least 12 months before their secondment;
- (2) remain in the service of their employer throughout the period of secondment;
- (3) have at least three years' full-time experience of administrative, scientific, technical, advisory or supervisory functions relevant to the performance of the duties assigned to them. Before the secondment, the employer shall supply the GSC with a statement of the expert's employment covering the previous 12 months;
- (4) be nationals of a Member State.

By way of derogation from the first subparagraph of this point, experts who are non-Member State nationals may be seconded from an IGO; in such exceptional cases, the GSC shall ensure that there is no conflict of interest and that the independence and coherence of the GSC policies and activities is safeguarded;

- (5) have a thorough knowledge of one official language of the Union and a satisfactory knowledge of a second language for the performance of their duties.

Article 3

Selection procedure

1. Experts shall be selected according to an open and transparent procedure, the practical details of which shall be decided in accordance with Article 32.

Without prejudice to Article 2(4), experts shall be seconded on as wide a geographical basis as possible from among the nationals of the Member States. The Member States and the GSC shall cooperate to ensure, as far as possible, a balance between men and women and observe the principle of equal opportunities.

2. A call for the expression of interest shall be sent to the Permanent Representations of the Member States or the IGO, as appropriate. The call shall indicate the descriptions of the posts, the selection criteria and the deadline for the submission of applications.

3. All applications shall be transmitted to the GSC via the Permanent Representation of the Member States or through the human resources department of the IGO.

4. In duly justified and exceptional circumstances in the interests of the European Council, the GSC may decide that an expert shall be selected without following the selection procedures set out in paragraphs 1, 2 and 3.

5. The secondment of experts shall be subject to the specific requirements and budgetary capacity of the GSC.
6. The GSC shall create an individual file for the expert. That file shall contain relevant administrative information.

Article 4

Administrative procedure for secondment

1. Secondment shall be implemented by an Exchange of Letters between the Director-General for Administration of the GSC and the Permanent Representation of the Member State concerned or the IGO, as appropriate. The Permanent Representation shall also be notified of any secondment of own Member State nationals from IGOs. The place of secondment and the function group to which the expert will belong (AD or AST, as defined in the Staff Regulations) shall be indicated in the Exchange of Letters. The Exchange of Letters shall also mention the expert's superior within the Directorate-General, directorate, unit or department to which the expert is seconded, and a detailed description of the tasks the expert is to carry out. A copy of the rules applicable to the expert shall be attached to the Exchange of Letters.
2. Cost-free short-term secondment ('CFSS') of experts, as referred to in Chapter IV, may be authorised on a case-by-case basis. That authorisation shall take into consideration the expert's place of recruitment, the Directorate-General to which the expert shall be seconded, the geographical balance referred to in the second subparagraph of Article 3(1) and the duties proposed.

Article 5

Period of secondment

1. The period of secondment shall be a minimum of six months and a maximum of two years. It may be renewed successively up to a total period not exceeding four years.

However, in exceptional cases, at the request of the relevant Director-General of the GSC and after prior agreement of the employer, the Director-General of Administration of the GSC may authorise one or more extensions of the secondment beyond the four-year maximum referred to in the first subparagraph, up to an additional two years.

2. The period of secondment shall be fixed at the outset in the Exchange of Letters provided for in Article 4(1). The same procedure shall apply in the case of any renewal or extension of the period of secondment.
3. An expert who has previously been seconded to the GSC may be seconded again, subject to the following conditions:
 - (a) the expert continues to meet the conditions for secondment referred to in Article 2;
 - (b) a period of at least six years has elapsed since the end of the previous period of secondment, including any renewal and extensions, or any subsequent employment contract with the GSC.

This provision shall not prevent the GSC from accepting the secondment, less than six years after the end of the previous period of secondment, of an expert whose previous secondment, including any renewals and extensions, lasted for less than six years, but in that case the new secondment shall not exceed the unexpired part of the latter six-year period.

Article 6

Obligations of the employer

Throughout the period of secondment, the expert's employer shall continue to:

- (1) pay the expert's salary;
- (2) be responsible for all the expert's social rights, in particular those concerning social security, insurance and pension;
and
- (3) subject to point (d) of Article 10(2), maintain the expert's administrative status as either a permanent official or a contract staff member and inform the Directorate-General for Administration of the GSC of any change in the expert's administrative status as either a permanent official or a contract staff member.

*Article 7***Duties**

1. Experts shall assist GSC officials and other staff and carry out the tasks assigned to them.

The duties to be carried out by an expert shall be defined by mutual agreement between the GSC and the employer:

- (a) in the interest of the GSC department to which the expert is seconded; and
- (b) taking into account the expert's qualifications.

2. Tasks to be assigned to an expert may include among others analyses, studies, exchanges of knowledge between administrations, project management, and assistance to the GSC's groups and preparatory committees.

Notwithstanding the first subparagraph of paragraph 1 and the first subparagraph of this paragraph, the Secretary-General may, on a proposal from the Director-General of the department to which an expert is assigned, entrust the expert with specific duties and charge the expert with the conduct of one or more specific missions after verifying that there is no conflict of interest.

3. An expert shall take part in missions and meetings only:

- (a) if accompanying a GSC official or other staff member; or
- (b) if alone, as an observer or solely for information purposes.

Unless an expert has received a special mandate, in accordance with the arrangements for implementing this Decision, by the Director-General of the GSC department concerned, the expert shall not be able to commit the GSC externally.

4. The GSC shall retain sole responsibility for approving the results of tasks performed by the expert.

5. The GSC departments concerned, the expert's employer and the expert shall make every effort to avoid any actual or potential conflict of interest in relation to the expert's duties during secondment. To that end, the GSC shall, in good time, inform the expert and the employer of the intended duties and shall ask each of them to confirm in writing that they know of no reason why the expert should not be assigned to those duties.

The expert shall be asked in particular to declare any potential conflict between the expert's family circumstances (in particular the professional activities of close or extended family members, or any important financial interests of their own or of family members) and the proposed duties while on secondment.

The employer and the expert shall undertake to notify the GSC of any change of circumstances during the secondment which could give rise to any conflict of interest.

6. Where the GSC considers that the nature of the tasks entrusted to the expert requires particular security precautions, security clearance shall be obtained before the expert is seconded.

7. In the event of failure to comply with the provisions of paragraphs 2, 3 and 5 of this Article, the GSC may terminate the secondment of the expert under the terms of point (c) of Article 10(2).

*Article 8***Rights and obligations of experts**

1. During the period of secondment an expert shall act with integrity. In particular:

- (a) the expert shall perform the duties assigned and otherwise behave with the interests solely of the European Council and the Council in mind.

In particular, the expert shall, in the exercise of their duties, not accept any instructions from, nor undertake any activities for, their employer, any government, or any other person, private company or public body;

- (b) the expert shall abstain from any action, and in particular any public expression of opinion, which may reflect on their position at the GSC;

- (c) any expert shall inform their superior where the expert, in the performance of their duties, is called upon to give a decision on the handling or outcome of a matter in which the expert has a personal interest that could impair their independence;
- (d) the expert shall not, whether alone or together with others, publish or cause to be published any text dealing with the work of the Union without obtaining permission in accordance with the conditions and rules in force at the GSC. Permission shall be refused only where the intended publication is liable to prejudice the interests of the Union;
- (e) all rights in any work done by an expert in the performance of the expert's duties shall be the property of the GSC;
- (f) the expert shall reside at the place of secondment or at no greater distance from that place than is compatible with the proper performance of the duties assigned;
- (g) the expert shall assist and tender advice to the superior to whom they are assigned and shall be responsible to their superior for the performance of the duties entrusted to them.

2. Both during and after the period of secondment, the expert shall exercise the greatest discretion with regard to all facts and information of which the expert becomes aware in the course of, or in connection with, the performance of their duties. The expert shall not in any form whatsoever disclose to any unauthorised person any document or information not already lawfully made public, nor shall the expert use it for personal gain.

3. At the end of the secondment, the expert shall continue to be bound by the obligations to act with integrity and discretion in the exercise of new duties and in accepting certain posts or advantages.

To that end, in the three years following the period of secondment the expert shall immediately inform the GSC of any duties or tasks which are likely to give rise to a conflict of interest in relation to the tasks carried out by the expert during the period of secondment.

4. The expert shall be subject to the security rules in force in the GSC, including data protection rules and GSC network protection rules. The expert shall also be subject to the rules governing the protection of the Union's financial interests.

5. Failure to comply with the provisions of paragraphs 1, 2 and 4 of this Article during the period of secondment shall entitle the GSC to terminate the secondment of an expert in accordance with point (c) of Article 10(2).

6. The expert shall immediately notify the expert's superior in writing if in the course of the secondment the expert becomes aware of facts which give rise to a presumption of the existence of:

- (a) possible illegal activity, including fraud or corruption, detrimental to the interests of the Union; or
- (b) conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Union or of experts.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a Member of an institution or any other person in the service of, or carrying out work for, an institution.

7. Where the superior receives notification as referred to in paragraph 6 of this Article, the superior shall take the measures provided for in Article 22a(2) of the Staff Regulations. Articles 22a, 22b and 22c of the Staff Regulations shall apply to the superior under the terms of Article 4(1) of this Decision. Those provisions shall also apply *mutatis mutandis* to the expert concerned, to ensure that the expert's rights are respected.

Article 9

Suspension of secondment

1. At the written request of the expert or the employer, and with the latter's agreement, the GSC may authorise suspensions of secondment and specify the terms applicable. During a suspension:

- (a) the allowances referred to in Article 19 shall not be payable;
- (b) the expenses referred to in Article 20 shall be payable only if the suspension is at the GSC's request.

2. The GSC shall inform the employer and the Permanent Representation of the Member State concerned.

*Article 10***Termination of periods of secondment**

1. Subject to paragraph 2, secondment may be terminated at the request of the GSC or of the employer, provided three months' notice is given. It may also be terminated at the expert's request provided the same notice is given and subject to the employer's and the GSC's agreement.
2. In certain exceptional circumstances the secondment may be terminated without notice:
 - (a) by the employer, if the employer's essential interests so require;
 - (b) by mutual agreement between the GSC and the employer, at the request of the expert to both parties, if the expert's essential personal or professional interests so require;
 - (c) by the GSC in the event of failure by the expert to comply with the obligations set out in this Decision. The expert shall first be given an opportunity to submit observations;
 - (d) by the GSC in the event of the termination of, or change in, the expert's administrative status as either a permanent official or a contract staff member of the employer. The expert shall first be given an opportunity to submit observations.
3. In the event of termination under point (c) of paragraph 2, the GSC shall immediately inform the employer and the Permanent Representation of the Member State concerned.

CHAPTER II

WORKING CONDITIONS*Article 11***Social security**

1. Before the period of secondment begins, the employer shall certify to the GSC that, throughout the period of secondment, the expert will remain subject to the social security legislation applicable to the Member State public administration or the IGO, which employs the expert. To this end, the Member State public administration shall supply the GSC with the attestation referred to in Article 19(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council⁽¹⁾ ('Portable document A1'). The IGO shall supply the GSC with a certificate equivalent to the Portable document A1 and it shall prove that the social security legislation applicable provides for the defrayal of healthcare cost incurred abroad.
2. From the commencement of their secondment, the expert shall be covered by the GSC against the risk of accident. The GSC shall provide the expert with a copy of the terms of this cover on the day on which the expert reports to the relevant department of the Directorate-General for Administration to complete the administrative formalities related to the secondment.
3. When, in the context of a mission in which the expert is participating under the terms of Articles 7(3) and 29, additional or specific insurance is required, the relevant costs shall be borne by the GSC.

*Article 12***Working hours**

1. The expert shall be subject to the rules in force in the GSC as regards working hours and flexitime arrangements, depending on the requirements of the post to which the expert is assigned within the GSC.
2. The expert shall serve on a full-time basis throughout the period of secondment. Following a duly justified request from a Directorate-General and subject to compatibility with the interests of the GSC, the GSC may authorise an expert to work part-time, after agreement from the employer.

⁽¹⁾ Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).

3. Where part-time working is authorised, the expert shall work at least half of the normal working time.
4. The allowances applicable within the GSC for shift work or standby duty may be paid to experts.

Article 13

Absence for reasons of sickness or accident

1. In the event of absence due to sickness or accident, an expert shall notify the superior as soon as possible, stating the expert's present address. The expert shall produce a medical certificate if absent for more than three consecutive days and may be required to undergo a medical examination arranged by the GSC.
2. Where absence due to sickness or accident of not more than three days exceeds a total of 12 days over a period of 12 months, an expert shall be required to produce a medical certificate for any further absence due to sickness or accident.
3. Where an absence due to sickness or accident exceeds one month or the period of service performed by the expert, whichever is the longer, the allowances referred to in Article 19(1) and (2) shall be automatically suspended. This paragraph shall not apply in the event of illness linked to pregnancy. Absence due to sickness or accident may not extend beyond the duration of the secondment of the person concerned.
4. However, if the expert is the victim of a work-related injury which occurs during the secondment the expert shall continue to receive, in full, the allowances provided for in Article 19(1) and (2) throughout the period during which that expert is unfit for work up to the end of the period of secondment.

Article 14

Annual leave, special leave and holidays

1. Without prejudice to specific provisions set out in this Decision, the expert shall be subject to the rules in force in the GSC as regards annual leave, special leave and holidays.
2. Leave is subject to prior authorisation by the department to which the expert is assigned.
3. Upon a duly substantiated application by the employer, up to two days of additional special leave in a 12-month period may be granted by the GSC. Requests are examined on a case-by-case basis.
4. Days of annual leave not taken by the end of the period of secondment shall be forfeited.
5. An expert whose period of secondment is less than six months may be granted special leave, on the basis of a reasoned application and subject to a decision by the Director-General of the department to which the expert is assigned. That special leave may not exceed three days for the whole period of secondment. Before granting such leave, the Director-General of the department shall hold a prior consultation with the Director-General of Administration.

Article 15

Special leave for training

This Article applies to experts whose period of secondment is six months or more.

Notwithstanding Article 14(3), additional special leave may be granted by the GSC for the training of the expert by the employer, subject to a duly reasoned application by the employer with a view to the expert's reintegration. The allowances referred to in Article 19 shall not be paid during that additional special leave.

*Article 16***Maternity and paternity leave**

1. An expert shall be subject to the rules in force in the GSC as regards maternity and paternity leave.
2. Where the national legislation of the employer grants longer maternity leave, at the expert's request and after prior agreement of the employer, the secondment shall be suspended for the period exceeding that granted by the GSC. In that case, a period equivalent to the suspension shall be added at the end of the secondment if the interests of the GSC warrant it.
3. Notwithstanding paragraph 1, the expert may apply for a suspension of the secondment to cover the whole of the period allowed for maternity, after prior agreement of the employer. In that case, a period equivalent to the suspension shall be added at the end of the secondment if the interests of the GSC warrant it.
4. Paragraphs 2 and 3 shall also apply to the cases of adoption.

*Article 17***Management and control**

The management and control of working time and absences shall be the task of the Directorate-General for Administration of the GSC and the Directorate-General or department to which the expert is assigned, in accordance with the rules and procedures in force within the GSC.

CHAPTER III

ALLOWANCES AND EXPENSES*Article 18***Calculation of allowances and travel expenses**

1. For the purposes of this Decision, the places of recruitment, secondment and return of an SNE shall be determined by the GSC in terms of the geographical position of those places based on their latitude and longitude, established in an appropriate database by the GSC Appointing Authority.
2. The geographical distance, referred to in Articles 19 and 20 of this Decision, between the place of secondment, on the one hand, and the place of recruitment or return, on the other, is determined by the great circle distance between the two points according to their latitude and longitude, based on the WGS 84 coordinate system (World Geodetic System 1984).
3. For the purposes of this Decision:
 - (a) the place of recruitment shall be the place where the SNE performed their duties for the employer prior to secondment;
 - (b) the place of secondment shall be Brussels;
 - (c) the place of return shall be the place where the SNE will perform their main activity after the secondment is terminated.

The place of recruitment shall be determined in the Exchange of Letters referred to in Article 4(1). The place of return shall be determined on the basis of a declaration by the employer.

4. For the purposes of this Article, circumstances arising from work done by SNEs for a Member State other than that of the place of secondment or for an IGO shall not be taken into account.

Article 19

Allowances

1. The SNE shall be entitled to a daily subsistence allowance throughout the period of secondment according to the same criteria as the expatriation allowance for officials referred to in Article 4 of Annex VII to the Staff Regulations. If those criteria are met, the daily subsistence allowance shall be EUR 128,67. Otherwise, it shall be EUR 32,18.
2. The SNE shall be entitled, throughout the period of secondment, to an additional monthly allowance paid as shown in the table below:

Geographical distance between place of recruitment and place of secondment (in km)	Amount in EUR
0-150	0,00
> 150	82,70
> 300	147,03
> 500	238,95
> 800	385,98
> 1 300	606,55
> 2 000	726,04

3. The allowances referred to in paragraphs 1 and 2 of this Article are intended to cover also incurred costs of removal of SNEs and any annual travel expenses incurred during secondment. They shall be payable for periods of mission, annual leave, maternity, paternity or adoption leave, special leave and holidays granted by the GSC, without prejudice to Articles 14, 15 and 16. Where part-time working is authorised, the SNE shall be entitled to reduced allowances on a pro-rata basis.
4. When the SNE starts the secondment, the SNE shall receive an advance amount equivalent to 75 days of the subsistence allowance, whereupon entitlement to any further such allowances shall cease during the corresponding period. If the secondment to the GSC is ended before the expiry of the period taken into account to calculate the advance, the SNE shall be obliged to return the amount corresponding to the remaining part of that period.
5. At the time of the Exchange of Letters provided for in Article 4(1), the employer shall inform the GSC of any payment received by the SNE similar to those mentioned in paragraphs 1 and 2 of this Article. Any such amounts shall be deducted from the corresponding allowances paid by the GSC to the SNE.
6. The update to remuneration and allowances adopted by application of Article 65 of and Annex XI to the Staff Regulations shall apply automatically to the monthly and subsistence allowances in the month following their adoption without retroactive effect. Following adaptation, the new amounts will be published in series C of the *Official Journal of the European Union*.

Article 20

Travel expenses

1. The SNE shall be entitled to a flat-rate reimbursement for themselves of travel expenses at the beginning of the secondment.
2. The flat-rate reimbursement shall be based on an allowance per kilometre of geographical distance between the place of recruitment and the place of secondment. The kilometric allowance shall be determined in accordance with Article 7 of Annex VII to the Staff Regulations.

3. The SNE shall be entitled to reimbursement for themselves of travel expenses to the place of return at the end of the secondment. The reimbursement may not be for a sum higher than that to which the SNE would have been entitled if the SNE had returned to their place of recruitment.
4. The travel expenses for SNE's family members are not reimbursed.

Article 21

Missions and mission expenses

1. The expert may be sent on mission subject to Article 7(2) and (3).
2. Mission expenses shall be reimbursed in accordance with the provisions in force at the GSC.

Article 22

Training

The expert shall be entitled to attend training courses organised by the GSC, if the interests of the GSC warrant it. The reasonable interests of the expert, having regard in particular to their professional career after the secondment, shall be considered when a decision on permission to attend courses is taken.

Article 23

Administrative provisions

1. The expert shall report to the relevant department of the Directorate-General for Administration on the first day of secondment to complete the requisite administrative formalities. The expert shall take up their duties on either the first or the 16th of the month.
2. Payments shall be made by the GSC in euro into a bank account opened at a banking institution in the Union.

CHAPTER IV

EXPERTS ON COST-FREE SHORT-TERM SECONDMENT

Article 24

Experts on cost-free short-term secondment

1. A highly specialised expert may be seconded to the GSC on CFSS to perform specific duties for a maximum period of six months which may be extended in accordance with Article 25(1).

Without prejudice to any contrary agreement between the GSC and the administration which secondes the expert on CFSS, such secondment shall not entail the payment of any allowances or expenses for the GSC except, where appropriate, those provided for in Article 29.

2. Subject to Articles 25 to 29, the rules laid down in Articles 1 to 17, 21 to 23 and 30 to 32 shall also apply to experts on CFSS.
3. Without prejudice to Article 8, conduct of an expert on CFSS shall always reflect the fact that the expert on CFSS is seconded to the GSC and shall never reflect adversely on their position at the GSC.

*Article 25***Renewal and extension of cost-free short-term secondment**

1. The period referred to in Article 24(1) may be extended once for a maximum period of six months. In exceptional cases, the GSC may, however, decide to grant an extension of more than six months.
2. The expert on CFSS may be seconded again to the GSC in accordance with the rules laid down in this Decision, provided that a period of at least one year has elapsed between the end of the previous period of secondment and the new secondment.
3. In exceptional cases, the one-year period referred to in paragraph 2 may be shortened.

*Article 26***Description of duties**

1. In the Exchange of Letters provided for in Article 4(1) reference shall be made to the person in charge within the Directorate-General or directorate, unit, or other department to which the expert on CFSS will be seconded and the duties to be performed by the latter shall be described in detail.
2. The expert on CFSS shall receive instructions from the person in charge referred to in paragraph 1 on the specific duties to be performed.

*Article 27***Insurance**

Without prejudice to Article 29 and notwithstanding Article 11(2) and (3), an expert on CFSS shall be covered by the GSC against risks of accident, in cases where the expert on CFSS is not covered by the insurance of the employer against the same risk.

*Article 28***Working conditions**

1. Notwithstanding the second sentence of Article 12(2), an expert on CFSS shall work only on a full-time basis during the secondment.
2. Article 12(4) shall not apply to an expert on CFSS.
3. Article 14(3) and (5) shall not apply to an expert on CFSS. However, on the basis of a reasoned application submitted by the expert on CFSS, the expert on CFSS may be granted special leave by decision of the Director-General of the department to which the expert on CFSS is seconded. Such leave may not exceed three days over the entire period of secondment. The Director-General of the department shall hold a prior consultation with the Director-General of Administration.

*Article 29***Missions**

1. If an expert on CFSS takes part in missions in a place other than the place of secondment, the expert on CFSS shall be reimbursed in accordance with the rules in force for the reimbursement of missions involving officials, except where another arrangement has been agreed between the GSC and the employer.
2. If, in connection with a mission, special 'high risk' insurance is provided by the GSC for officials, this facility shall also apply to an expert on CFSS who takes part in the same mission.

3. An expert on CFSS who takes part in a mission outside the territory of the EU shall be subject to the security arrangements in force in the GSC for such missions.

CHAPTER V

COMPLAINTS

Article 30

Complaints

Without prejudice to the possibilities for instituting proceedings after taking up a position, under the conditions and time limits laid down in Article 263 TFEU, any expert may submit a complaint to the unit of the Directorate-General for Administration responsible for complaints and requests under the Staff Regulations about an act by the Secretary-General of the Council under this Decision which adversely affects the expert, with the exception of acts which follow directly from decisions taken by the employer.

The complaint must be lodged within two months. The period shall run from the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification. The Director-General of Administration shall notify the person concerned of a reasoned decision within four months from the date on which the complaint was lodged. If at the end of that period the expert has not received a reply to the complaint, the complaint shall be deemed to have been implicitly rejected.

CHAPTER VI

FINAL PROVISIONS

Article 31

Provision of information

The Permanent Representations of all Member States shall be kept informed on a yearly basis about the number of experts in the GSC. This information shall include also:

- (a) the nationalities of experts seconded from an IGO as set out in the second subparagraph of Article 2(4);
- (b) any exceptions to the selection procedure in accordance with Article 3(4);
- (c) the assignment of all experts;
- (d) any suspension and early termination of experts' secondment set out in Articles 9 and 10;
- (e) the annual update of SNEs' allowances in accordance with Article 19.

Article 32

Delegation of powers

All powers conferred to the GSC under this Decision shall be exercised by the Secretary-General of the Council. The Secretary-General of the Council is authorised to delegate any or all of those powers to the Director-General for Administration of the GSC.

Article 33

Repeal

Council Decision 2007/829/EC is hereby repealed. However, Article 2(1) and Articles 15 to 19 thereof shall remain applicable to all secondments which are ongoing at the time of entry into force of this Decision, without prejudice to Article 34.

*Article 34***Entry into force and application**

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

It shall apply from the first day of the month following its entry into force to each new secondment or renewal or extension of secondment.

Done at Luxembourg, 23 June 2015.

For the Council
The President
E. RINKĒVIČS

COMMISSION IMPLEMENTING DECISION (EU) 2015/1028**of 26 June 2015****amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') as regards its period of application***(notified under document C(2015) 4187)***(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 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(i) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/88/EU ⁽²⁾ was adopted following a high number of notifications issued to the Rapid Alert System for Food and Feed (RASFF) due to the presence of a wide range of *salmonella* strains, including *salmonella typhimurium*, found in foodstuffs. That strain is the second most reported serotype in human cases and high prevalences have been found in foodstuffs containing or consisting of betel leaves ('Piper betle', commonly known as 'Paan leaf' or 'Betel quid') from Bangladesh. Since 2011, the United Kingdom has reported several outbreaks of *salmonella* poisoning from betel leaves. In addition, it is likely that the number of cases are underreported in the Union.
- (2) Accordingly, Implementing Decision 2014/88/EU prohibits the importation into the Union of foodstuffs containing or consisting of betel leaves from Bangladesh until 31 July 2014.
- (3) Commission Implementing Decision 2014/510/EU ⁽³⁾ extended the period of application of Implementing Decision 2014/88/EU until 30 June 2015.
- (4) The action plan submitted by Bangladesh in May 2015 is incomplete and there are no guarantees on its effective application and enforcement. The self-imposed export ban on betel leaves introduced by Bangladesh in May 2013 remains in place. However, it has not proved to be fully effective and since its adoption, 25 cases of attempted imports of betel leaves into the Union have been reported in the RASFF. Therefore, it cannot be concluded that the guarantees provided by Bangladesh are sufficient to address the serious risks to human health. The emergency measures established by Implementing Decision 2014/88/EU should therefore remain in place.
- (5) The period of application of Implementing Decision 2014/88/EU should therefore be further extended.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Implementing Decision 2014/88/EU is replaced by the following:

'Article 4

This Decision shall apply until 30 June 2016.'

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.⁽²⁾ Commission Implementing Decision 2014/88/EU of 13 February 2014 suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') (OJ L 45, 15.2.2014, p. 34).⁽³⁾ Commission Implementing Decision 2014/510/EU of 29 July 2014 amending Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') as regards its period of application (OJ L 228, 31.7.2014, p. 33).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 June 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

RECOMMENDATIONS

COUNCIL RECOMMENDATION (EU) 2015/1029

of 19 June 2015

with a view to bringing an end to the situation of an excessive government deficit in the United Kingdom

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 126(7) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) According to Article 126 of the Treaty on the Functioning of the European Union (TFEU) Member States are to avoid excessive government deficits.
- (2) Pursuant to paragraph 4 of the Protocol (No 15) on certain provisions relating to the United Kingdom of Great Britain and Northern Ireland annexed to the Treaty on European Union and to the TFEU, the obligation in Article 126(1) of the TFEU to avoid excessive general government deficits does not apply to the UK unless it adopts the euro. Paragraph 5 of that Protocol provides that the UK is to endeavour to avoid an excessive government deficit.
- (3) The Stability and Growth Pact is based on the objective of sound government finances as a means of strengthening the conditions for price stability and for strong sustainable growth conducive to employment creation.
- (4) On 8 July 2008 the Council decided, in accordance with Article 104(6) of the Treaty establishing the European Community (TEC), that an excessive deficit existed in the UK and issued a recommendation to correct the excessive deficit by financial year 2009-2010 at the latest, in accordance with Article 104(7) of the TEC and Article 3 of Council Regulation (EC) No 1467/97 ⁽¹⁾ ⁽²⁾.
- (5) In accordance with Article 104(8) of the TEC, the Council decided on 27 April 2009 that the UK had not taken action in response to the Council recommendation of 8 July 2008 ⁽³⁾. On 2 December 2009, the Council issued a revised recommendation under Article 126(7) of the TFEU recommending that the UK put an end to the excessive deficit situation by 2014-2015. On 6 July 2010, the Commission concluded that based on the Commission's 2010 spring forecast, the UK had taken effective action in compliance with the Council recommendation of 2 December 2009 and considered that no additional step in the excessive deficit procedure was therefore necessary at that point in time.
- (6) On 19 June 2015, in accordance with Article 126(8) of the TFEU, the Council established that the UK had not taken effective action in the period 2010-2011 to 2014-2015 in response to the Council recommendation of 2 December 2009.
- (7) In accordance with Article 126(7) of the TFEU and Article 3 of Regulation (EC) No 1467/97, the Council is required to make recommendations to the Member State concerned with a view to bringing the situation of an excessive deficit to an end within a given period. The recommendation is to establish a maximum deadline of six months for effective action to be taken by the Member State concerned to correct the excessive deficit.

⁽¹⁾ Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

⁽²⁾ All documents related to the excessive deficit procedure of the United Kingdom can be found at: http://ec.europa.eu/economy_finance/economic_governance/sgp/deficit/countries/uk_en.htm

⁽³⁾ Council Decision 2009/409/EC of 27 April 2009 establishing, in accordance with Article 104(8) of the Treaty, whether effective action has been taken by the United Kingdom in response to the Council Recommendation of 8 July 2008 pursuant to Article 104(7) (OJ L 132, 29.5.2009, p. 11).

Furthermore, in a recommendation to correct an excessive deficit, the Council is to request the achievement of annual budgetary targets which, on the basis of the forecast underpinning the recommendation, are consistent with a minimum annual improvement in the structural balance, i.e. the cyclically adjusted balance excluding one-off and other temporary measures, of at least 0,5 % of GDP as a benchmark.

- (8) The Commission's updated 2015 spring forecast ⁽¹⁾ projects an increase in real GDP of 2,4 % in 2015-2016 and 2,1 % in 2016-2017, following growth of 2,8 % in 2014-2015 ⁽²⁾. The main contributions to growth in both years stem from domestic demand. Private consumption is expected to pick up gradually over the forecast horizon as nominal wage growth accelerates and inflation remains low. Inflation has been declining rapidly from its peak of 5,2 % in September 2011 to reach 0,1 % in the first quarter of 2015. It is expected to increase to 1,1 % in the final quarter of 2015 with an annual estimate of 0,4 %, and further to 1,6 % in 2016. Investment is projected to decline somewhat from 2014, but should remain relatively strong based on favourable credit conditions, healthy corporate profits and strong demand. The external sector is foreseen to continue to contribute negatively to growth, but to a lesser degree as the outlook for the euro area, the UK's largest trading partner, improves. Employment has been strong and the unemployment rate is expected to fall to 5,4 % in 2015 and further to 5,3 % in 2016.
- (9) The general government deficit has fallen from a peak of 10,9 % of GDP in 2009-2010 to 5,2 % of GDP in 2014-2015. The structural balance was reduced from 8,0 % of GDP to 4,7 % of GDP over the same period. The average annual improvement in the structural effort amounted to 0,7 % between 2010-2011 and 2014-2015. When adjusted for the impact of revisions in potential output growth between the current forecast and that underlying the Council recommendation of 2 December 2009 as well as for the impact of revenue developments as compared to standard elasticities to GDP growth, the average annual adjusted structural effort over the period is estimated at 1,1 % of GDP. The vast majority of measures for the consolidation plan were set out in the emergency budget in June 2010 amounting to 2,5 % of GDP over the period 2010-2011 to 2014-2015. Just over one quarter of these were taxation measures with spending cuts accounting for the remaining three quarters. The remaining fiscal consolidation, of around 1 % of GDP, was implemented via the two fiscal announcements prior to the June 2010 budget and the subsequent budgets and Autumn Statements until November 2014. There were some shifts between current and capital spending and the period of consolidation was extended to 2018-2019.
- (10) General government gross debt increased from 42,7 % of GDP in 2007-2008 to 88,4 % in 2014-2015; continuously above the Treaty reference value since 2009-2010. The dynamics of the primary deficit and financial sector interventions, which effectively nationalised two banks, have contributed to this debt increase. Based on the Commission's 2015 spring forecast, the debt-to-GDP ratio is projected to further increase marginally. At the same time off-balance sheet items related to the financial sector interventions could have a positive effect on the future debt development.
- (11) As the headline deficit in 2014-2015 amounted to 5,2 % of GDP, the UK did not correct the excessive deficit by the deadline set in the Council Recommendation of 2 December 2009. This was due to the lack of sufficient action, together with a much more unfavourable starting growth position where revisions downgraded GDP growth by 1,0 pps in 2008-2009 to - 2,3 %. A revised recommendation for the UK under Article 126(7) of the TFEU, setting a new deadline for the correction of the excessive deficit is justified, in line with the rules of the Stability and Growth Pact.
- (12) Against the background of uncertainties regarding economic and budgetary developments, the budgetary target recommended for the final year of the correction period should be set at a level somewhat below the Treaty reference value in order to guarantee an effective and lasting achievement of the correction with the requested deadline.
- (13) Granting the UK one additional year, which is the general rule according to Regulation (EC) No 1467/97, would be overly demanding in the case of the UK, as it would imply an adjustment in the headline deficit of 2,2 % of GDP. Such an adjustment in 2015-2016 could significantly affect the recent pick-up of real wage growth and thereby have negative implications for growth. It would also require the implementation of additional measures within a very tight timetable. On the basis of the Commission's updated 2015 spring forecast, such adjustment would have a significantly negative impact on economic growth. Therefore, it appears appropriate to extend the deadline of the UK to bring an end to its excessive deficit situation by two years.

⁽¹⁾ GDP growth for the first quarter of 2015 was published after the finalisation of the Commission's 2015 spring forecast, hence the current assessment of the effective action is based on an updated forecast.

⁽²⁾ The published spring forecast presents only calendar-year figures. The values for financial years are calculated from the quarterly profile of the published forecast.

- (14) Granting two additional years for the correction of the excessive deficit would imply intermediate headline deficit targets of 4,1 % of GDP in 2015-2016 and 2,7 % of GDP in 2016-2017. The underlying improvement in the structural budget balance implied by these targets is 0,5 % of GDP and 1,1 % of GDP, respectively. The baseline scenario in the Commission's updated 2015 spring forecast includes previously announced discretionary measures of 1,4 % of GDP in 2015-2016 and 2016-2017, around three quarters of which are expenditure cuts. This adjustment path provides a sufficient safety margin against the 3 % of GDP deficit benchmark and is assumed to be the least detrimental to growth, while also allowing for the adherence to the minimum required annual structural improvement of 0,5 % of GDP. To reach these targets, the UK needs to fully implement, in a timely manner, the measures announced up to and including the 2015 budget, with any modifications in relation to the current plans being fiscally-neutral; in that case, no further measures on top of those already announced will be needed.

HAS ADOPTED THIS RECOMMENDATION:

- (1) The United Kingdom should put an end to the present excessive deficit situation by 2016-2017 at the latest.
- (2) The United Kingdom should reach a headline deficit of 4,1 % of GDP in 2015-2016 and 2,7 % of GDP in 2016-2017, which should be consistent with delivering an improvement in the structural balance of 0,5 % of GDP in 2015-2016 and 1,1 % of GDP in 2016-2017, based on the Commission's updated 2015 spring forecast.
- (3) The United Kingdom should fully implement the consolidation measures incorporated into all budgets and autumn statements up to and including the 2015 budget to achieve the recommended structural effort, with any modifications being fiscally-neutral in relation to the current plans. The United Kingdom should further detail the expenditure cuts in the upcoming Spending Review. These are necessary to ensure the correction of the excessive deficit by 2016-2017.
- (4) The United Kingdom should accelerate the reduction of the headline deficit in 2015-2016 and 2016-2017 if economic, financial or budgetary conditions turn out better than currently expected. Budgetary consolidation measures should secure a lasting improvement in the general government structural balance in a growth-friendly manner. In particular, further cuts in capital expenditure should be avoided.
- (5) The Council sets the deadline of 15 October 2015 for the United Kingdom to (i) take effective action; and (ii) in accordance with Article 3(4a) of Regulation (EC) No 1467/97 to report in detail the consolidation strategy that is envisaged to achieve the targets.

Furthermore, the UK authorities should (i) comply with the obligation to set out a medium-term budgetary objective as laid down in the Stability and Growth Pact; and (ii) implement the planned reforms of increasing the state pension age in order to contribute towards strengthening the long-term sustainability of the public finances.

Finally, to ensure the success of the fiscal consolidation strategy, it will also be important to back the fiscal consolidation by comprehensive structural reforms, in line with the Council Recommendations addressed to the United Kingdom in the context of the European Semester and in particular those related to the preventive arm of the Macroeconomic Imbalances Procedure.

This Recommendation is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Luxembourg, 19 June 2015.

For the Council
The President
J. REIRS

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