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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1939

of 9 October 2015

entering a name in the register of protected designations of origin and protected geographical indications (Latvijas lielie pelēkie zirņi (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Latvia's application to register the name 'Latvijas lielie pelēkie zirņi' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Latvijas lielie pelēkie zirņi' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Latvijas lielie pelēkie zirņi' (PDO) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. — Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

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*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 189, 6.6.2015, p. 11.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 9 October 2015.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

COMMISSION REGULATION (EU) 2015/1940**of 28 October 2015****amending Regulation (EC) No 1881/2006 as regards maximum levels of ergot sclerotia in certain unprocessed cereals and the provisions on monitoring and reporting****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for certain contaminants in foodstuffs.
- (2) The Scientific Panel on Contaminants in the Food Chain ('Contam') of the European Food Safety Authority ('EFSA') adopted an opinion on ergot alkaloids in food and feed ⁽³⁾. The Contam Panel established a group acute reference dose of 1 µg/kg body weight ('b.w.') and a group tolerable daily intake of 0,6 µg/kg b.w.
- (3) The presence of ergot alkaloids in cereal grains is to a certain extent related to the presence of ergot sclerotia in cereal grains. This relationship is not absolute, as ergot alkaloids can also be present in the dust from ergot sclerotia adsorbed to the cereal grains. It is therefore important to set maximum levels for ergot sclerotia as a first step while gathering further data on the presence of ergot alkaloids in cereals and cereal products. However it is acknowledged that compliance with the maximum level for ergot sclerotia does not necessarily guarantee the safety of food as regards the presence of ergot alkaloids. Therefore, competent authorities may take appropriate measures, in accordance with Article 14(8) of Regulation (EC) No 178/2002 of the European Parliament and of the Council ⁽⁴⁾, to impose restrictions on the placing of food on the market or to require withdrawal of such food from the market, where the food is found unsafe because of the level of ergot alkaloids, despite its compliance with the maximum level on ergot sclerotia.
- (4) It is necessary to specify at which stage of marketing the maximum levels for ergot sclerotia should apply as cleaning and sorting operations can reduce the presence of ergot sclerotia. It is appropriate to apply the maximum levels for ergot sclerotia on cereal grains at the same stages of marketing as those for other mycotoxins.
- (5) Experience with the application of Regulation (EC) No 1881/2006 indicates that it is appropriate to clarify the term 'first-stage processing' in particular as regards integrated production and processing systems and as regards scouring.
- (6) It is important to gather data on the presence of ergot alkaloids in cereals and cereal products in order to establish the relationship between the presence of ergot alkaloids and the presence of ergot sclerotia. The findings on ergot alkaloids should be reported by 30 September 2016 in order to allow setting appropriate and achievable maximum levels of ergot alkaloids, providing a high level of human health protection.
- (7) Although it is important to continue to apply prevention measures to avoid and reduce ochratoxin A contamination, it is not necessary to report each year on the findings, the outcome of the investigations and the progress in application of the prevention measures. It is appropriate to update the provisions on monitoring and reporting as provided for in Article 9 of Regulation (EC) No 1881/2006.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽³⁾ EFSA Panel on Contaminants in the Food Chain (Contam); Scientific Opinion on Ergot alkaloids in food and feed. *EFSA Journal* 2012;10(7):2798. [158 pp.] doi:10.2903/j.efsa.2012.2798. Available online: www.efsa.europa.eu/efsajournal

⁽⁴⁾ 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 (OJ L 31, 1.2.2002, p. 1).

- (8) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (9) 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

Regulation (EC) No 1881/2006 is amended as follows:

- (1) Article 9 is replaced by the following:

Article 9

Monitoring and reporting

1. Member States shall monitor nitrate levels in vegetables which may contain significant levels, in particular green leafy vegetables, and communicate the results to EFSA on a regular basis.
2. Member States shall communicate to the Commission a summary of the findings on aflatoxins obtained in accordance with Commission Implementing Regulation (EU) No 884/2014 (*) and the individual occurrence data shall be reported to EFSA by the Member States.
3. Member States and professional stakeholder organisations shall communicate each year to the Commission the results of investigations undertaken and the progress with regard to the application of prevention measures to avoid contamination by deoxynivalenol, zearalenone, fumonisin B₁ and B₂, T-2 and HT-2 toxin. The Commission shall make the results available to the Member States. The related occurrence data shall be reported to EFSA.
4. Member States and professional stakeholder organisations are strongly recommended to monitor the presence of ergot alkaloids in cereals and cereal products.

Member States and professional stakeholder organisations are strongly recommended to report to EFSA their findings on ergot alkaloids by 30 September 2016. Those findings shall include occurrence data and specific information on the relationship between the presence of ergot sclerotia and the level of individual ergot alkaloids.

The Commission shall make those findings available to the Member States.

5. Occurrence data on other contaminants than those referred to in paragraphs 1 to 4 collected by Member States and professional stakeholder organisations may be reported to EFSA.
6. Occurrence data shall be provided to EFSA in the EFSA data submission format in accordance with the requirements of EFSA's Guidance on Standard Sample Description (SSD) for Food and Feed (**) and the additional EFSA's specific reporting requirements for specific contaminants. The occurrence data from professional stakeholder organisations may be provided to EFSA, if appropriate, in a simplified data submission format, defined by EFSA.

(*) Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242, 14.8.2014, p. 4).

(**) <http://www.efsa.europa.eu/en/datex/datexsubmitdata.htm>

- (2) The Annex is amended in accordance with the Annex 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*.

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

Done at Brussels, 28 October 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

The Annex to Regulation (EC) No 1881/2006 is amended as follows:

(1) In Section 2, the following entry 2.9 is added:

2.9	Ergot sclerotia and ergot alkaloids	
2.9.1.	Ergot sclerotia	
2.9.1.1.	Unprocessed cereals ⁽¹⁸⁾ with the exception of corn and rice	0,5 g/kg (*)
2.9.2.	Ergot alkaloids (**)	
2.9.2.1.	Unprocessed cereals ⁽¹⁸⁾ with the exception of corn and rice	— (***)
2.9.2.2.	Cereal milling products excluding corn and rice milling products	— (***)
2.9.2.3.	Bread (including small bakery wares), pastries, biscuits, cereal snacks, breakfast cereals and pasta	— (***)
2.9.2.4.	Cereal-based food for infants and young children	— (***)

(*) The sampling shall be performed in accordance with point B of Annex I to Commission Regulation (EC) No 401/2006 (OJ L 70, 9.3.2006, p. 12).

The analysis shall be performed by microscopic examination.

(**) Sum of 12 ergot alkaloids: ergocristine/ergocristinine; ergotamine/ergotaminine; ergocryptine/ergocryptinine; ergometrine/ergometrinine; ergosine/ergosinine; ergocornine/ergocorninine.

(***) Appropriate and achievable maximum levels, providing a high level of human health protection, shall be considered for these relevant food categories before 1 July 2017.'

(2) Footnote 18 replaced by the following:

⁽¹⁸⁾ The maximum level applies to unprocessed cereals placed on the market for first-stage processing.

“First-stage processing” means any physical or thermal treatment, other than drying, of or on the grain. Cleaning, including scouring, sorting and drying procedures are not considered to be “first-stage processing” in so far as the whole grain remains intact after cleaning and sorting.

Scouring is cleaning cereals by brushing and/or scrubbing it vigorously.

In case scouring is applied in the presence of ergot sclerotia, the cereals need to undergo a first cleaning step before scouring. The scouring, performed in combination with a dust aspirator, is followed by a colour sorting before milling.

Integrated production and processing systems means systems whereby all incoming lots of cereals are cleaned, sorted and processed in the same establishment. In such integrated production and processing systems, the maximum level applies to the unprocessed cereals after cleaning and sorting but before first-stage processing.

Food business operators shall ensure compliance through their HACCP procedure whereby an effective monitoring procedure is established and implemented at this critical control point.'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1941**of 28 October 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, 28 October 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	44,1
	MA	94,4
	MK	57,3
	TR	107,9
	ZZ	75,9
0707 00 05	AL	50,7
	TR	112,1
	ZZ	81,4
0709 93 10	MA	124,7
	TR	146,0
	ZZ	135,4
0805 50 10	AR	130,2
	TR	108,6
	UY	83,2
	ZA	133,8
	ZZ	114,0
0806 10 10	BR	281,6
	EG	210,3
	LB	234,5
	MK	68,5
	PE	75,0
	TR	176,1
	ZZ	174,3
	ZZ	174,3
0808 10 80	AL	23,1
	AR	137,9
	CL	106,3
	NZ	139,1
	ZA	147,2
	ZZ	110,7
0808 30 90	TR	135,5
	ZZ	135,5

⁽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'.

DECISIONS

COUNCIL DECISION (EU) 2015/1942

of 26 October 2015

establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organisation on the United States' request for a WTO waiver to extend the AGOA programme

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Paragraphs 3 and 4 of Article IX of the Marrakesh Agreement establishing the World Trade Organisation ('WTO Agreement') set out the procedures for the granting of waivers concerning the Multilateral Trade Agreements in Annex 1A or 1B or 1C to the WTO Agreement and their annexes.
- (2) The United States was granted a waiver of obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the General Agreement on Tariffs and Trade 1994 ('GATT 1994') on 27 May 2009 covering the period to 30 September 2015.
- (3) Pursuant to paragraph 3 of Article IX of the WTO Agreement, the United States submitted a request to waive its obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the GATT 1994 until 30 September 2025, to the extent necessary to permit the United States to continue to provide duty-free treatment to eligible products originating in beneficiary sub-Saharan African countries designated pursuant to the African Growth and Opportunity Act (AGOA).
- (4) The granting of the United States request for a WTO waiver would not negatively affect either the economy of the European Union or trade relations with the beneficiaries of the waiver. Moreover, the Union generally supports actions to alleviate poverty and promote stability and sustainable economic development in the beneficiaries' countries.
- (5) It is appropriate, therefore, to establish the position to be taken on behalf of the Union within the WTO General Council to support the waiver request by the United States,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the General Council of the World Trade Organisation shall be to support the United States' request to waive its obligations under paragraph 1 of Article I and paragraphs 1 and 2 of Article XIII of the General Agreement on Tariffs and Trade 1994 until 30 September 2025 in accordance with the terms of the United States' waiver request.

This position shall be expressed by the Commission.

Article 2

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

Done at Luxembourg, 26 October 2015.

For the Council
The President
C. DIESCHBOURG

COMMISSION IMPLEMENTING DECISION (EU) 2015/1943**of 27 October 2015****amending Implementing Decision 2014/909/EU by extending the period of application of the protective measures in relation to the small hive beetle in Italy***(notified under document C(2015) 7330)***(Only the Italian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/909/EU ⁽³⁾ established certain protective measures following notifications by Italy of the occurrence of the small hive beetle (*Aethina tumida*) in the regions of Calabria and Sicily. It is applicable until 30 November 2015.
- (2) Italy notified on 16 September 2015 the Commission that the inspections and epidemiological investigations carried out in accordance with Implementing Decision 2014/909/EU as well as the active surveillance as regards the occurrence of the small hive beetle in the concerned Italian regions found new infestations in Calabria.
- (3) International standards laid down by the World Organisation for Animal Health (OIE) recommend annual surveys to be carried out before an area can regain its free status. It is difficult to establish the exact epidemiological developments of small hive beetle infestations as symptoms may go unnoticed and such infestations can also affect feral bee colonies. The infestations previously reported in Italy in 2014 were detected during the autumn, between September and December. Therefore the ongoing and future annual survey should cover the entire autumn period of 2015 and 2016, respectively.
- (4) Bearing in mind that the epidemiological situation in these regions of Italy has not been established yet and further information on the ongoing and future survey is lacking, it is even necessary to prolong the application of the measures provided for in Implementing Decision 2014/909/EU with some more months after the expected end of the next beekeeping season at the end of November 2016.
- (5) The period of applicability and the measures in place should be reviewed at any time in the light of new information on the epidemiological situation in the affected Italian regions.
- (6) Implementing Decision 2014/909/EU should be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision 2014/909/EU of 12 December 2014 concerning certain protective measures with regard to confirmed occurrences of the small hive beetle in Italy (OJ L 359, 16.12.2014, p. 161).

HAS ADOPTED THIS DECISION:

Article 1

Article 4 of Implementing Decision 2014/909/EU is replaced by the following:

'Article 4

This Decision shall apply until 31 March 2017.'

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 27 October 2015.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2015/1944**of 28 October 2015****amending Implementing Decision 2012/807/EU establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 95 thereof,

Whereas:

- (1) Commission Implementing Decision 2012/807/EU ⁽²⁾ establishes a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ establishes a landing obligation for pelagic fisheries in order to reduce the current high levels of unwanted catches and to gradually eliminate discards. Details for the implementation of the landing obligation are laid down in Commission Delegated Regulation (EU) No 1393/2014 ⁽⁴⁾ establishing a discard plan for certain pelagic fisheries in north-western waters and in Commission Delegated Regulation (EU) No 1394/2014 ⁽⁵⁾ establishing a discard plan for certain pelagic fisheries in south-western waters. Compliance with the landing obligation should be controlled and inspected. The small pelagic species named in Article 15(1)(a) of Regulation (EU) No 1380/2013 should therefore be included in the specific control and inspection programme in order to enable Member States concerned to undertake efficiently and effectively joint inspection and surveillance activities.
- (3) Mackerel and herring are widely distributed migratory species. In order to harmonise the control and inspection procedures for mackerel and herring fisheries in the waters adjacent to Western Waters, it is appropriate to include ICES division IVa as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council ⁽⁶⁾ in the specific control and inspection programme.
- (4) It is appropriate to maintain the specific control and inspection programme till 31 December 2018 to ensure a level playing field during the introduction of the landing obligation.
- (5) Council Regulation (EC) No 850/98 ⁽⁷⁾ and in particular Title IIIa thereof establishes measures to reduce discarding. The specific control and inspection programme should ensure compliance with the prohibition of highgrading, the moving-on provisions and the prohibition on slipping.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Commission Implementing Decision 2012/807/EU of 19 December 2012 establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic (OJ L 350, 20.12.2012, p. 99).

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ Commission Delegated Regulation (EU) No 1393/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in north-western waters (OJ L 370, 30.12.2014, p. 25).

⁽⁵⁾ Commission Delegated Regulation (EU) No 1394/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in south-western waters (OJ L 370, 30.12.2014, p. 31).

⁽⁶⁾ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

⁽⁷⁾ Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

- (6) Pursuant to Commission Implementing Decisions 2013/305/EU ⁽¹⁾ and 2013/328/EU ⁽²⁾ establishing a specific control and inspection programme for the Baltic Sea and the North Sea respectively Member States inform the Commission on an annual basis. The reporting concerning the specific control and inspection programme for pelagic fisheries in Western Waters should be done with the same frequency.
- (7) During the Consultations between Norway, the Union and the Faroe Islands on the Management of Mackerel for 2015, the benchmarks for the inspection of landings of herring, mackerel and horse mackerel have been reduced significantly because from now on this is based on risk assessment, and their application has been extended to landings of blue whiting. The target benchmarks in Annex II of Implementing Decision 2012/807/EU should therefore be amended accordingly.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2012/807/EU is amended as follows:

- (1) The Title is replaced by the following:

‘Commission Implementing Decision 2012/807/EU of 19 December 2012 establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic and in the Northern North Sea’

- (2) Article 1 is replaced by the following:

‘Article 1

Subject matter

This Decision establishes a specific control and inspection programme applicable to the stocks of mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat in EU waters of ICES sub-areas V, VI, VII, VIII and IX and in EU waters of CECAF 34.1.11 (hereafter referred to as “Western Waters”), as well as to mackerel and herring in EU waters of ICES division IVa (hereafter referred to as “the Northern North Sea”).’

- (3) In Article 2, paragraph 2 is replaced by the following:

‘2. The specific control and inspection programme shall apply until 31 December 2018.’

- (4) In Article 3(2) point (b) is replaced by the following:

‘(b) reporting obligations applicable to fishing activities in Western Waters and in the Northern North Sea, in particular the reliability of the information recorded and reported;’

- (5) In Article 3(2), point (c) is replaced by the following:

‘(c) the obligation to land all catches of species subject to the landing obligation pursuant to Regulation (EU) No 1380/2013 of the European Parliament and of the Council (*), and the measures to reduce discarding provided for in Title IIIa of Council Regulation (EC) No 850/98 (**)

(*) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

(**) Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1);’

⁽¹⁾ Commission Implementing Decision 2013/305/EU of 21 June 2013 establishing a specific control and inspection programme for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea (OJ L 170, 22.6.2013, p. 66).

⁽²⁾ Commission Implementing Decision 2013/328/EU of 25 June 2013 establishing a specific control and inspection programme for fisheries exploiting cod, plaice and sole in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea (OJ L 175, 27.6.2013, p. 61).

(6) In Article 12, the following paragraph is added:

‘3. As from 2016 onwards, Member States shall communicate the information referred to in paragraph 1 on an annual basis, by the 31 January after each calendar year.’

(7) Annex II is replaced by the text in the Annex to this Decision.

Article 2

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

Done at Brussels, 28 October 2015.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Annex II to Implementing Decision 2012/807/EU is replaced by the following:

'ANNEX II

TARGET BENCHMARKS

1. Level of inspections at sea (including aerial surveillance, where applicable)

On a yearly basis, the following target benchmarks ⁽¹⁾ shall be reached for the inspections at sea of fishing vessels engaged in the fishery of herring, mackerel, horse mackerel, anchovy and blue whiting in the area, in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Fishery No 1 Herring, mackerel and horse mackerel	Inspection at sea of at least 5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 7,5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question
Fishery No 2 Anchovy	Inspection at sea of at least 2,5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question
Fishery No 3 Blue whiting	Inspection at sea of at least 5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 7,5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question

(*) expressed in a % of fishing trips in the area (when fishing with gears with mesh sizes for which the species is a target species) by high/very high risk fishing vessels/per year

2. Level of inspections ashore (including document based controls and inspections in ports or at first sale)

On a yearly basis, the following target benchmarks ⁽²⁾ shall be reached for the inspections ashore (including document based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fishery of herring, mackerel, horse mackerel, anchovy and blue whiting in the area, in the case that inspections ashore are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery No 1 Herring, mackerel and horse mackerel	Inspection in port of at least 7,5 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 7,5 % of overall landed quantities by "very high risk" level fishing vessels
Fishery No 2 Anchovy	Inspection in port of at least 2,5 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 5 % of overall landed quantities by "very high risk" level fishing vessels

⁽¹⁾ For vessels spending less than 24 hours at sea per fishing trip, and according to the risk management strategy, the target benchmarks may be reduced by half.

⁽²⁾ For vessels landing less than 10 tons per landing, and according to the risk management strategy, the target benchmarks may be reduced by half.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery No 3 Blue whiting	Inspection in port of at least 7,5 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 7,5 % of overall landed quantities by "very high risk" level fishing vessels

(*) expressed in a % of quantities landed by high/very high risk fishing vessels/per year

Inspections made after landing or transshipment shall in particular be used as a complementary cross-checking mechanism to verify the reliability of the information recorded and reported on catches and landings.'

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 303/14/COL

of 15 July 2014

authorising Norway to derogate from certain common aviation safety rules pursuant to Article 14(6) of the Act referred to at point 66n of Annex XIII to the Agreement on the European Economic Area (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, as amended) [2015/1945]

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to Article 14(6) and (7) of the Act referred to at point 66n of Annex XIII to the EEA Agreement, as adapted by EEA Joint Committee Decision No 163/2011 of 19 December 2011,

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, as amended;

and to point FCL.740.A of Annex I to the Act referred to at point 66ne of Annex XIII to the EEA Agreement, as adapted by EEA Joint Committee Decision No 146/2013 of 15 July 2013,

Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council as amended;

both as adapted to the EEA Agreement by Protocol 1 thereto,

Having regard to the opinion of the EFTA Transport Committee delivered on 28 March 2014.

Whereas:

- (1) Norway has requested to apply a certain derogation from the common aviation safety rules contained in the rules implementing Regulation (EC) No 216/2008.
- (2) Pursuant to Article 14(7) of that Regulation, as adapted, the EFTA Surveillance Authority has assessed the need for, and the level of protection emerging from, the derogation requested, based on a recommendation from the European Aviation Safety Agency. The Authority concludes that the variation will provide for a level of protection equivalent to the one attained by the application of the common aviation safety rules, provided that certain conditions are met. The assessment of the derogation, and the conditions attached to its application, are described in the Annex to this decision authorising the derogation.
- (3) Pursuant to Article 14(7) of Regulation (EC) No 216/2008 as adapted, a derogation granted to one Member State shall be notified to all Member States, which shall also be entitled to apply that derogation.

- (4) Pursuant to Article 1 of EEA Joint Committee Decision No 163/2011 of 19 December 2011 and point 3 letters (a) and (e) of its Annex, the term 'Member State(s)' is to be understood to include, in addition to its meaning in the Regulation, the EFTA States; and the European Commission shall communicate the information on such decision received from the EFTA Surveillance Authority to the EU Member States.
- (5) This decision should therefore be notified to all EFTA States, and to the European Commission for communication to the EU Member States.
- (6) The description of the derogation, as well as the conditions attached to it, should be such as to enable other Member States within the meaning of Regulation (EC) No 216/2008, as adapted, to apply that measure when they are in the same situation, without requiring further approval from the EFTA Surveillance Authority, or the Commission, as the case may be. Nevertheless, Member States within the meaning of Regulation (EC) No 216/2008, as adapted, should notify the application of derogations, as they may have effects outside that State.
- (7) The measures provided for in this Decision are in accordance with the opinion of the EFTA Transport Committee,

HAS ADOPTED THIS DECISION:

Article 1

Norway may derogate from the requirements in point FCL.740.A of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 as amended, as specified in the Annex to this Decision.

Article 2

All Member States within the meaning of Regulation (EC) No 216/2008, as adapted, shall be entitled to apply the same measures referred to in Article 1, as specified in the Annex to this Decision, and subject to the notification obligation set out in Article 14(6) of Regulation (EC) No 216/2008, as adapted.

Article 3

The Decision is addressed to Norway. It is authentic in the English language.

Article 4

This Decision shall be notified to Iceland, Liechtenstein, Norway and to the European Commission.

Done at Brussels, 15 July 2014.

For the EFTA Surveillance Authority

Helga JÓNSDÓTTIR
College Member

Xavier LEWIS
Director

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ANNEX

**DEROGATION BY THE KINGDOM OF NORWAY FROM COMMISSION REGULATION (EU) No 1178/2011 ⁽¹⁾
WITH RESPECT TO SPECIFIED FLIGHT HOURS FOR CERTAIN CLASS RATINGS**

1. DESCRIPTION OF THE REQUEST

Point FCL.740.A(b) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 reads:

‘(b) Revalidation of single-pilot single-engine class ratings.

- (1) Single-engine piston aeroplane class ratings and TMG ratings. For revalidation of single-pilot single-engine piston aeroplane class ratings or TMG class ratings the applicant shall:
 - (i) within the 3 months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner; or
 - (ii) within the 12 months preceding the expiry date of the rating, complete 12 hours of flight time in the relevant class, including:
 - 6 hours as PIC,
 - 12 take-offs and 12 landings, and
 - a training flight of at least 1 hour with a flight instructor (FI) or a class rating instructor (CRI). Applicants shall be exempted from this flight if they have passed a class or type rating proficiency check or skill test in any other class or type of aeroplane.
- (2) When applicants hold both a single-engine piston aeroplane-land class rating and a TMG rating, they may complete the requirements of (1) in either class, and achieve revalidation of both ratings.
- (3) Single-pilot single-engine turbo-prop aeroplanes. For revalidation of single-engine turbo-prop class ratings applicants shall pass a proficiency check on the relevant class in accordance with Appendix 9 to this Part with an examiner, within the 3 months preceding the expiry date of the rating.’

By letter dated 6 December 2013, the Government of the Kingdom of Norway (‘Norway’) notified the EFTA Surveillance Authority (‘the Authority’) and the European Aviation Safety Agency (‘the Agency’) of its intention to derogate from this provision of Regulation (EU) No 1178/2011 on the basis of Article 14(6) of Regulation (EC) No 216/2008 as amended ⁽²⁾.

2. ASSESSMENT OF THE REQUEST

2.1. Need

The Authority considers it appropriate to allow cross crediting of some of the specified flight time in aeroplanes that fall under single-engine piston aeroplane (‘SEP’) land and sea class ratings toward revalidating both ratings ‘by experience’. Regulation (EU) No 1178/2011 does not address this situation nor does it provide clarity for pilots of amphibious aeroplanes, which creates an unnecessary burden on the license holders.

2.2. Equivalence of the level of protection

Norway gave the following reasons to demonstrate the need to derogate from the rule concerned: Flying an aeroplane that is powered by a single-piston engine requires pilots to have a valid (SEP) class rating included in their Part-FCL license. Part-FCL makes provisions for two SEP class ratings. The SEP (land) rating for landplanes (with wheeled or ski under carriage) and SEP (sea) rating for seaplanes (with a hull or floats). Part-FCL makes no

⁽¹⁾ The Act mentioned at point 66ne of Annex XIII to the EEA Agreement (Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council as amended) as adapted to the EEA Agreement by Protocol 1 thereto.

⁽²⁾ The Act referred to at point 66n of Annex XIII to the EEA Agreement (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, as amended) as adapted to the EEA Agreement by Protocol 1 thereto.

specific provision for amphibious aeroplanes (which can change configuration in flight to operate from land or water). Furthermore, a pilot who wishes to revalidate the privileges of any of the SEP class ratings must comply with FCL.740.A(b) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011.

In addition, Norway submitted that it is already accepted that an amphibious aeroplane may be used to revalidate both of the ratings by operating it as a landplane and as a seaplane to satisfy the requirements. For an amphibian the characteristics of the aeroplane for the en-route flying hours will be identical. It is only the taxiing, take-off and landing/aligning phases that are different. The provisions of FCL.740.A(b)(2) already recognize that experience gained in aeroplanes in either SEP(land) or TMG classes may be used to revalidate both the SEP and TMG class ratings. The requirements should reflect what is common and what is different between the classes.

The Agency, having reviewed the derogation request, concurred that to require a pilot with both of the class ratings to complete all of the flying experience requirements set out in FCL.740.A(b) in both landplanes and seaplanes is not necessary and places an unreasonable burden on the license holder.

The Agency furthermore noted that on-going rulemaking task FCL.002 has already proposed to amend the provision of FCL.740A(b) to include provisions for the revalidation by experience in case of pilots holding both SEP (land) and SEP (sea).

Accordingly, the Agency concluded in its recommendation for the application of Article 14(6) of Regulation (EC) No 216/2008 that the level of protection will be maintained with the Norwegian proposal.

3. DESCRIPTION OF THE DEROGATION

The proposed derogation from the provisions of point FCL.740.A(b) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011, is intended to allow pilots in command hours in one class to be credited with five of the six hours to the other.

Thus, the provisions of FCL.740.A(b)(3) of Annex I (Part-FCL) to Regulation (EU) No 1178/2011 shall apply with the following subparagraph:

- ‘(3) When an applicant holds both a single-engine piston aeroplane land class rating and a single engine piston aeroplane sea class rating, they may comply with the requirements of FCL.740(b)(1)(ii) to revalidate both ratings by completing, within the 12 months preceding the expiry date of the rating, 12 hours of flight time in a single engine piston aeroplanes, including:
- 6 hours as pilot in command in single engine piston aeroplanes of which at least 1 hour shall be in a landplane or in an amphibian operated as a landplane and at least 1 hour shall be in a seaplane or in an amphibian operated as a seaplane; and
 - 12 take-offs and landings on land and 12 take-offs and landings on water; and
 - a training flight of at least 1 hour with a flight instructor (FI) or a class rating instructor (CRI). This training flight may be completed in a single engine piston aeroplane, seaplane or amphibian. Applicants shall be exempted from this flight if they have passed a class or type rating proficiency check or skill test or assessment of competence in any other class or type of aeroplane.’

4. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

This derogation applies to holders of licenses issued in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011.

5. GENERAL APPLICABILITY OF THE DEROGATION

All EFTA States may apply this derogation provided that the conditions described in point 4 are met.

EFTA SURVEILLANCE AUTHORITY DECISION**No 545/14/COL****of 8 December 2014**

authorising Iceland to derogate from certain common aviation safety rules pursuant to Article 14(6) of the Act referred to at point 66n of Annex XIII to the Agreement on the European Economic Area (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, as amended) and repealing College Decision 362/14/COL of 14 September 2014 [2015/1946]

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to Article 14(6) and (7) of the Act referred to at point 66n of Annex XIII to the EEA Agreement, as adapted by EEA Joint Committee Decision No 163/2011 of 19 December 2011,

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, as amended;

and to Article CAT.POL.A.210(b)(2), (b)(4) and (b)(5) of Annex IV of the Act referred to at point 66nf of Annex XIII to the EEA Agreement as adapted by EEA Joint Committee Decision No 147/2013 of 15 July 2013,

Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as amended;

both as adapted to the EEA Agreement by Protocol 1 thereto,

Having regard to the opinion of the EFTA Transport Committee delivered on 3 September 2014,

Whereas:

- (1) Iceland has requested to apply a certain derogation from the common aviation safety rules contained in the rules implementing Regulation (EC) No 216/2008.
- (2) Pursuant to Article 14(7) of that Regulation, as adapted, the EFTA Surveillance Authority has assessed the need for, and the level of protection emerging from, the derogation requested, based on recommendations from the European Aviation Safety Agency, issued on 17 June 2011, 31 July 2014 and 12 November 2014. The Authority concludes that the variation will provide for a level of protection equivalent to the one attained by the application of the common aviation safety rules, provided that certain conditions are met.
- (3) Pursuant to Article 14(7) of Regulation (EC) No 216/2008, as adapted, the EFTA Surveillance Authority shall notify its decision to all EFTA States, which shall also be entitled to apply that derogation.
- (4) Pursuant to Article 14(7) of Regulation (EC) No 216/2008, as adapted, when the European Commission and the EFTA Surveillance Authority exchange information on a decision taken pursuant to Article 14(7), the European Commission shall communicate the information received from the EFTA Surveillance Authority to the EU Member States and the EFTA Surveillance Authority shall communicate the information received from the European Commission to the EFTA States.
- (5) The description of the derogation, as well as the conditions attached to it, should be such as to enable other EFTA States to apply that measure when they are in the same situation, without requiring further approval from the EFTA Surveillance Authority. Nevertheless, EFTA States should notify the application of derogations, as they may have effects outside that state.

- (6) The measures provided for in this Decision are in accordance with the opinion of the EFTA Transport Committee,

HAS ADOPTED THIS DECISION:

Article 1

By this Decision, Decision No 362/14/COL is repealed.

Article 2

Iceland may derogate from the requirements of Article CAT.POL.A.210(b)(2), (b)(4) and (b)(5) of Annex IV of Regulation (EU) No 965/2012, as specified in the Annex to this Decision, provided that conditions specified in Section 2 of the Annex to this Decision are complied with.

Article 3

All EFTA States shall be entitled to apply the same measures referred to in Article 2, as specified in the Annex to this Decision, and subject to the notification obligation set out in Article 14(6) Regulation (EC) No 216/2008, as adapted.

Article 4

The Decision is addressed to Iceland. It is authentic in the English language.

Article 5

This Decision shall be notified to Iceland, Liechtenstein, Norway and to the European Commission.

Done at Brussels, 8 December 2014.

For the EFTA Surveillance Authority

Helga JÓNSDÓTTIR

College Member

Xavier LEWIS

Director

ANNEX

DEROGATION BY ICELAND FROM COMMISSION REGULATION (EU) No 965/2012 WITH RESPECT TO TAKE-OFF OBSTACLE CLEARANCE AT ÍSAFJÖRÐUR AIRPORT, ICELAND (BIIS)

1. DESCRIPTION OF THE DEROGATION

Iceland may, by derogation from Article CAT.POLA.210(b)(2), (b)(4) and (b)(5) Take-off obstacle clearance of Annex IV (Part CAT) to Regulation (EU) No 965/2012 ⁽¹⁾, as amended, allow the air operator Air Iceland (*Flugfélag Íslands*), to use 25 degrees bank angle at 100 ft for their F50 and Dash 8 aeroplanes at Ísafjörður airport, Iceland (BIIS), to comply with take-off obstacle clearance requirements specified in Article CAT.POLA.210 of Annex IV to Regulation (EU) No 965/2012.

2. CONDITIONS ATTACHED TO THE APPLICATION OF THE DEROGATION

The derogation is restricted as regards operational conditions at Ísafjörður airport, Iceland (BIIS), as regards the weather minima ceiling and visibility criteria, wind and runway contamination criteria as described in the European Aviation Safety Agency's Operational Evaluation Report, dated 17 June 2011.

This derogation applies to air operator Air Iceland (*Flugfélag Íslands*) on the basis of the additional measures implemented by the air operator to achieve a safety level equivalent to that attained by the application of the common technical requirements and administrative procedures set out in Regulation (EU) No 965/2012 as amended. The additional measures relate to aircraft performance, crew selection and training, crew qualification and competence validity period, aircraft MEL restrictions, the air operator's quality system and safety management system, additional operating procedures and electronic crew briefing for the operation to BIIS and are described in the European Aviation Safety Agency's Operational Evaluation Report referred to above.

⁽¹⁾ The Act referred to at point 66nf of Annex XIII to the EEA Agreement, as adapted by EEA Joint Committee Decision No 147/2013 of 15 July 2013 (Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council) as amended by Regulation (EU) No 800/2013 of 14 August 2013 and Regulation (EU) No 83/2014 of 29 January 2014, as adapted to the EEA Agreement by Protocol I thereto (Regulation (EU) No 965/2012).

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